

THE PONTIFICAL
ACADEMY OF
SOCIAL SCIENCES

Miscellanea

5

DEMOCRACY IN DEBATE

*The Contribution
of the Pontifical Academy
of Social Sciences*

Edited by PROF. HANS F. ZACHER



*Reports, Final Proceedings
and Final Document*



VATICAN CITY
2005

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Editor: Prof. Hans F. Zacher

with the cooperation of
Prof. Mary Ann Glendon
Prof. Edmond Malinvaud
Archbishop Roland Minnerath

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John Paul II



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The Participants of the Eighth Plenary Session of 8-13 April 2002



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INTRODUCTION

In his 1994 Apostolic Letter establishing the Pontifical Academy of Social Sciences,¹ Pope John Paul II celebrated the remarkable flourishing of Catholic social thought in the century following Pope Leo XIII's path-breaking 1891 Encyclical on labor questions, *Rerum Novarum*. He wrote that,

Over the last century the Church has strengthened her 'citizenship status' by perfecting her social doctrine ... [in] close collaboration, on the one hand, with Catholic social movements, and on the other, with experts in the social sciences.

He recalled how Pope John XXIII had stressed, in *Pacem in Terris* and *Mater et Magistra*,

that the social doctrine must always strive to take into account 'the true state of affairs' by maintaining a constant dialogue with the social sciences.

Then, citing 'the great tasks the future has in store', John Paul II said the time had now come to give 'new expression' to this long-standing interdisciplinary dialogue. Accordingly, he founded the Pontifical Academy of Social Sciences, alongside the four-hundred-year-old Pontifical Academy of Sciences.

The new Academy was charged with a double task. In the first place, it is committed to the pursuit of knowledge, with the duty 'of promoting the study and progress of the social sciences, primarily economics, sociology, law and political science'.² In addition, its statutes provide that

the Academy, through an appropriate dialogue, thus offers the Church the elements which she can use in the development of her social doctrine, and reflects on the application of that doctrine in contemporary society.³

¹ Motu proprio *Socialium Scientiarum*, Acta Apostolicae Sedis 86 (1994), Apostolic Letter given *motu proprio* establishing the Pontifical Academy of Social Sciences.

² Statutes of the Academy, Article 1 (1).

³ Statutes of the Academy, Article 1 (2).

In accordance with its obligation to provide the Church with useful material for the development of her social doctrine, the Academy has concentrated in its first ten years on areas where new developments are posing particularly complex challenges for policy makers, for the social sciences, and for Catholic social thought. The subjects selected were: 'The Study of the Tension Between Human Equality and Social Inequalities from the Perspective of the Various Social Sciences',⁴ 'The Future of Labour',⁵ 'Democracy',⁶ 'Globalization'⁷ and 'Intergenerational Solidarity'.⁸

The Academy's initial Democracy project, carried out from its inception under the leadership of Professor Dr. Hans F. Zacher, has now reached its final phase. As in each of the other areas under study, the Academy commenced its work on democracy by holding workshops and plenary meetings where papers by members and invited experts were presented and discussed. As this process went forward, it became evident that in order to meet its responsibility of providing the Church with the best possible information and the most promising ideas, the Academy could not limit itself to conducting and publishing academic lectures and debates. Thus, upon the completion of several meetings devoted to various aspects of democracy, the entire harvest of material was submitted for evaluation and review to external experts who were requested to

⁴ *The Study of the Tension Between Human Equality and Social Inequalities from the Perspective of the Various Social Sciences*, Pontificiae Academiae Scientiarum Socialium Acta, Vol. 1, Vatican City 1996.

⁵ *The Future of Labour and Labour in the Future*, Pontificiae Academiae Scientiarum Socialium Acta, Vol. 2, Vatican City 1998; *The Right to Work: Towards Full Employment*, Pontificiae Academiae Scientiarum Socialium Acta, Vol. 3, Vatican City 1998; *Towards Reducing Unemployment*, Pontificiae Academiae Scientiarum Socialium Acta, Vol. 5, Vatican City 1999.

⁶ *Proceedings of the Workshop on Democracy*, Pontificiae Academiae Scientiarum Socialium Miscellanea, Vol. 1, Vatican City 1998; *Democracy – Some Acute Questions*, Pontificiae Academiae Scientiarum Socialium Acta, Vol. 4, Vatican City 1999; *Democracy – Reality and Responsibility*, Pontificiae Academiae Scientiarum Socialium Acta, Vol. 6, Vatican City 2001.

⁷ *The Social Dimensions of Globalisation*, Pontificiae Academiae Scientiarum Socialium Acta, Vol. 2, Vatican City 2000; *Globalisation – Ethical and Institutional Concerns*, The Pontifical Academy of Social Sciences Acta, Vol. 7, Vatican City 2001; *Globalisation and Inequalities*, The Pontifical Academy of Social Sciences Miscellanea, Vol. 3, Vatican City 2002.

⁸ *Intergenerational Solidarity*, The Pontifical Academy of Social Sciences Acta, Vol. 8, Vatican City 2002.

report to the Academy⁹ and to discuss their findings with the members of the Academy.¹⁰ Once that review was completed, the final step was the preparation of a report, summarizing what could be regarded as results, that is, the elements of knowledge which the Academy could establish by means of the social sciences and which might be useful to the Church in the development of her social teaching. That document was submitted by Professor Zacher to the Academicians for comment, and received final approval at the Academy's May 2004 Plenary Meeting.

With the publication of this Report, together with all the preceding reports and discussions on democracy, the Academy's initial democracy project is complete.

Mary Ann Glendon
President
October 2004

⁹ The External Reports are published below at pp. 27-139.

¹⁰ See below at pp. 140-237.

PREVIOUS PROCEEDINGS, SHORT TITLES AND ABBREVIATIONS

BOOKS

The Study of the Tension Between Human Equality and Social Inequalities from the Perspective of the Various Social Sciences. The Proceedings of the First Plenary Session of the Pontifical Academy of Social Sciences 24-26 November 1994. Edited by Edmond Malinvaud/Margaret Archer. Pontificiae Academiae Scientiarum Socialium Acta 1. Vatican City 1996.

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– *Unemployment*

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Globalisation and Inequalities. The Proceedings of the Colloquium 8-9 April 2002. Edited by Louis Sabourin. The Pontifical Academy of Social Sciences Miscellanea 3. Vatican City 2002.

– *Globalisation and Inequalities*

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– *Governance*

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– *Bernal Restrepo: Report*

Michael Novak, 'Democracy and Catholic Social Thought'. See below pp. 58-118.

– *Novak: Report*

Rudolf Weiler, 'Democracy and the Church'. See below pp. 119-139.

– *Weiler: Report*

The reports are quoted by the marginal numbers.

CONTRIBUTIONS TO THE FINAL DISCUSSION

The contributions to the final discussion (see below pp. 140-237) are quoted by the names of the participants who contributed, the reference to the 'Final discussion', and pages.

ABBREVIATIONS

Catholic Social Teaching

– *CST*

DEMOCRACY AND CHRISTIAN DISCERNMENT

SERGIO BERNAL RESTREPO

Introduction

- 1 The work done by the Academy deserves admiration and respect and it can be of great value for anyone interested in the topic of democracy. I find that in most of the interventions there is a critical attitude, which is proper of the Christian perspective. After a conscientious reading of the texts I ask myself if it is possible to add anything to what has already been published. Nevertheless, even accepting the risk of doing a poor repetition of some of the contributions of the Academicians, I shall offer some points that might help the debate with the scope in mind of seeking new ways for the service that the Church wants to offer to the world today.

One of the main difficulties in making an assessment of this particular political system is the fact that many are carried by an ideology-laden concept of democracy which is being identified with the only model that is proposed (imposed) to the whole world. It is a model of political organisation that easily becomes an end in itself and which is linked in such a way to the free market ideology that one could not exist apart from the other. We seem to forget that history has not come to an end and that the journey of democracy has been a long and difficult one. Radical supporters of this system have been overcome by excessive enthusiasm to the point of losing the required critical attitude. It is necessary, for instance, to carefully assess certain presuppositions whose roots are to be found in the Enlightenment and which have influenced the concept of democracy from birth. In their origins as well as in their further evolution those beliefs have shown their incompatibility with a Christian anthropological conception.¹

¹ It helps at this point to remember what Paul VI said in his Apostolic Letter commemorating the 80th Anniversary of *Rerum Novarum*: 'do not Christians who take this

In his first Encyclical Letter Pope John Paul II made a reflection on the formidable progress attained by humanity in recent times. In his words we find the right attitude that should guide Christians in the presence of any historical reality. In fact, there is the danger of letting oneself be carried by the enthusiasm towards certain historical human achievements to the point of losing the necessary critical attitude to assess the situation of men and women and their possible future developments.

Do all the conquests attained until now and those projected for the future for technology accord with man's moral and spiritual progress? In this context is man, as man, developing and progressing or is he regressing and being degraded in his humanity? In men and 'in man's world', which in itself is a world of moral good and evil, does good prevail over evil? In men and among men is there a growth of social love, of respect for the rights of others – for every man, nation and people – or on the contrary is there an increase of various degrees of selfishness, exaggerated nationalism instead of authentic love of country, and also the propensity to dominate others beyond the limits of one's legitimate rights and merits and the propensity to exploit the whole of material progress and that in the technology of production for the exclusive purpose of dominating others or of favoring this or that imperialism? (*Redemptor Hominis*, 15).

The scope of this presentation is that of making a reflection from the perspective of Catholic Social Doctrine and only from that perspective I dare suggest some thoughts that might be useful for discernment. After all, this is what CST is about.² There are two basic tenets that should guide the Christian discernment of reality: the truth about man and

path tend to idealize liberalism in their turn, making it a proclamation in favor of freedom? They would like a new model, more adapted to present-day conditions, while easily forgetting that at the very root of philosophical liberalism is an erroneous affirmation of the autonomy of the individual in his activity, his motivation and the exercise of his liberty. Hence, the liberal ideology likewise calls for careful discernment on their part' (Paul VI, *Octogesima Adveniens*, 35).

² It builds up gradually, as the Church, in the fullness of the word revealed by Christ Jesus and with the assistance of the Holy Spirit (cf. *Jn* 14:16, 26; 16:13-15), reads events as they unfold in the course of history. She thus seeks to lead people to respond, with the support also of rational reflection and of the human sciences, to their vocation as responsible builders of earthly society' (John Paul II, *Sollicitudo Rei Socialis*, 1).

woman and the preferential option for the poor as an expression of the virtue of solidarity. From this perspective I intend to point out some topics that, in my opinion, deserve a particular attention.

The point of departure has to be Christian revelation which, as the Council tells us:

greatly fosters the establishment of such fellowship and at the same time proposes deeper understanding of the laws of social living with which the creator has endowed man's spiritual and moral nature (*Gaudium et Spes*, 23c).

- 2 The first question that comes to mind has to do with the search for a model of democracy that can inspire the political processes of mankind in our days. Some think that we have found it. However, the state of the world today does not seem to confirm this hypothesis. What is the percentage of the world population that enjoys the democratic system? Statistics offer a rather comforting view. In fact, great progress has been made in the last decade to the point that we can speak today of two thirds of mankind that live in countries with democratic regimes or that are in a process of democratization. Yet, there seems to be an exaggerated optimism regarding democratization as one of the greatest conquests of modern times. This optimism should be more realistic because quite often those numbers hide situations that are far from what we could describe as democratic.

It is true that democracy has made some progress in many countries of the world. However, the matter cannot be reduced to a few indicators, such as free elections, the division of powers, free circulation of persons and so on. Democracy has to be seen as a system that, through the real active participation of people, allows every single member of society to attain his/her full realization. With this in mind, can we speak of true democracy in a world where more than 80% of the total product of human labor ends up in the hands of 20% of the world population? This does not mean reducing democracy to the distribution of human resources. It means that when these resources are so unequally distributed it is not possible to speak of freedom and much less of the respect for human rights. Political freedom is measured in terms of, at least, five indicators: personal security, the rule of law, freedom of expression, political participation and equal opportunity for all. Are these indicators possible in societies where poverty is the condition of the majority? A realistic reading of the world today leads to the conclusion that democracy is yet to be invented.

- 3 For this reason a second question regards the very concept of democracy. What do we understand by it? This is, probably, the key question and the

reason why the Church's Magisterium maintains a critical attitude in the face of political systems of any type. It is necessary to do the correct reading of the documents that are often manipulated in order to validate a given position. The reason for this critical attitude is the fact that the Church conceives history as tending towards a fulfillment that transcends temporal categories on the one hand, and on the other the awareness of the reality of sin which hinders the realization of any perfect model on earth, social, political or economic. The conclusion to this awareness is not pessimism or dismay, but rather the continuous effort to overcome the limits of all historical models in the exclusive search for the well-being of men and women who are the way of the Church.

From its origins humanity has searched for solutions to the challenges posed by social life. Once the solution that is considered appropriate has been found, there is a tendency to institutionalize it, sometimes forgetting the goals of life in common. John Paul II reminded the European Parliament that, after Christ, it is not possible to make an idol of society. No project of society could possibly become a substitute to God's Kingdom on earth. Messianic political dreams end up in some form of tyranny. Societal structures are not definitive and none of them can fully satisfy the deepest aspirations of humanity, and much less can they become a substitute for the search for the truth and the absolute.³

1. POLITICS AND THE COMMON GOOD

- 4 The scope of politics is the pursuit of the common good that Pius XII describes as those conditions (today we would speak of structures) which are necessary to all citizens for the development of their qualities and of their livelihood, of their material, intellectual and religious life. The need to pursue the common good derives from the fact that families and other institutions which exist before the State are imperfect and cannot attain their goals on their own. Therefore the common good is the task of the

³ 'Après le Christ, il n'est plus possible d'idolâtrer la société comme grandeur collective dévoratrice de la personne humaine et de son destin irréductible. La société, l'Etat, le pouvoir politique appartiennent au cadre changeant et toujours perfectible de ce monde. Nul projet de société ne pourra jamais établir le Royaume de Dieu, c'est-à-dire la perfection eschatologique, sur la terre' (John Paul II, *Address to the European Parliament* Strasbourg, 11 October, 1988. *Insegnamenti*, 1988/III, 1176).

whole of society and it implies the need for some form of authority.⁴ There is an implicit reference to the relationship between social order and the defence of the rights of the person. These rights derive from human nature and must be protected by the State. Human rights and the political order on their part, imply a necessary reference to God.⁵

Vatican II continued the reflection on the common good and enriched the concept including the universal dimension. This was the result of the awareness of the growing interdependence both at national level with the creation of intermediate bodies, and at international level in a world in which the autonomy of the State was no longer a goal to be reached. *Gaudium et Spes* took the concept of the common good from *Mater et Magistra*, but adding the communitarian dimension and making it once again clear that this is the scope of the political community which

exists for that common good in which the community finds its full justification and meaning, and from which it derives its basic, proper and lawful arrangement. The common good embraces the sum total of all those conditions of social life by which individuals, families, and organisations can achieve more thoroughly their own fulfilment (*Gaudium et Spes*, 74b).

Interdependence was a sign of the times that the Council could not ignore. The universal dimension of the common good implies that every group or nation has the obligation to care for the well-being of others because rights and duties are a concern of all humanity.⁶ This is an impor-

⁴ 'quelle condizioni, le quali sono necessarie all'insieme dei cittadini per lo sviluppo delle loro qualità e dei loro uffici, della loro vita materiale, intellettuale e religiosa, in quanto, da un lato, le forze e le energie della famiglia e degli altri organismi, a cui spetta una naturale precedenza non bastano, e, dall'altra, la volontà salvifica di Dio non abbia determinato nella Chiesa un'altra universale società a servizio della persona umana e dell'attuazione dei suoi fini religiosi' (Pius XII, *Radiomessaggio di Natale*, 1942).

⁵ 'To overlook this truth is to forget that the real common good ultimately takes its measure from man's nature, which balances personal rights and social obligations, and from the purpose of society, established for the benefit of human nature. Society, was intended by the Creator for the full development of individual possibilities, and for the social benefits, which by a give and take process, everyone can claim for his own sake and that of others. Higher and more general values, which collectivity alone can provide, also derive from the Creator for the good of man, and for the full development, natural and supernatural, and the realization of his perfection. To neglect this order is to shake the pillars on which society rests, and to compromise social tranquility, security and existence' (Pius XI, *Mit Brennender Sorge*, 30).

⁶ 'Every group must take into account the needs and legitimate aspirations of every other group, and still more of the human family as a whole' (*Gaudium et Spes*, 26).

tant concept, first of all because it helps prevent the risk of individualism that pervades social relations and because it introduces the concept of solidarity, a basic Christian principle that John Paul II has used as the pivotal concept of his rich Magisterium.

1.1. *The Phenomenon of Interdependence*

- 5 Solidarity has received particular attention in *Sollicitudo Rei Socialis* where it is presented as a Christian virtue that responds to interdependence. The Pope continues the reflection started by the Council and goes much deeper showing an extraordinary fidelity to the spirit of Vatican II, and particularly to *Gaudium et Spes*. This fidelity constitutes a peculiarity of almost all his great documents. Well beyond the sociological and political consideration of the need for social cohesion as a condition for a peaceful and organized life in the human community, the Church applies the basic principles received from revelation and proposes solidarity as the means to achieve the necessary conditions upon which to build a true democracy.⁷

⁷ 'Solidarity is undoubtedly a Christian virtue. In what has been said so far it has been possible to identify many points of contact between solidarity and charity, which is the distinguishing mark of Christ's disciples (cf. *Jn* 13:35). In the light of faith, solidarity seeks to go beyond itself, to take on the specifically Christian dimension of total gratuity, forgiveness and reconciliation. One's neighbor is then not only a human being with his or her own rights and a fundamental equality with everyone else, but becomes the living image of God the Father, redeemed by the blood of Jesus Christ and placed under the permanent action of the Holy Spirit. One's neighbor must therefore be loved, even if an enemy, with the same love with which the Lord loves him or her; and for that person's sake one must be ready for sacrifice, even the ultimate one: to lay down one's life for the brethren' (cf. 1 *Jn* 3:16).

'At that point, awareness of the common fatherhood of God, of the brotherhood of all in Christ – "children in the Son" – and of the presence and life-giving action of the Holy Spirit will bring to our vision of the world a new criterion for interpreting it. Beyond human and natural bonds, already so close and strong, there is discerned in the light of faith a new model of the unity of the human race, which must ultimately inspire our solidarity. This supreme model of unity, which is a reflection of the intimate life of God, one God in three Persons, is what we Christians mean by the word "communion". This specifically Christian communion, jealously preserved, extended and enriched with the Lord's help, is the soul of the Church's vocation to be a 'sacrament', in the sense already indicated.

Solidarity therefore must play its part in the realization of this divine plan, both on the level of individuals and on the level of national and international society. The "evil mechanisms" and "structures of sin" of which we have spoken can be overcome only

The Council had not simply accepted interdependence as a historical fact, but it also disclosed its theological roots. It is the will of God that all men and women may become one family and treat each other as brothers and sisters. We all have the same origin and are called to reach the ultimate goal of salvation. Trinitarian relations illuminate the right understanding of human nature as social. "This likeness reveals that man, who is the only creature on earth which God willed for itself, cannot fully find himself except through a sincere gift of himself" (*Gaudium et Spes*, 24d).⁸ Interdependence includes the relationship between individuals and society. The person, who is at the center of all social institutions, needs others for his/her full realization.⁹

It is in this sense that we understand that the obligation to pursue the common good does not regard the State alone. In fact it belongs to civil society as well, to the point that today we can ask the question about the meaning of solidarity: who is the primary subject of this obligation to pursue the common good, civil society or the State?

The theological conception of interdependence assumes a special relevance today within the framework of globalization. It is necessary to think of the common good of the whole of humanity, not only of a privi-

through the exercise of the human and Christian solidarity to which the Church calls us and which she tirelessly promotes. Only in this way can such positive energies be fully released for the benefit of development and peace. Many of the Church's canonized saints offer a wonderful witness of such solidarity and can serve as examples in the present difficult circumstances. Among them I wish to recall St Peter Claver and his service to the slaves at Cartagena de Indias, and St Maximilian Maria Kolbe who offered his life in place of a prisoner unknown to him in the concentration camp at Auschwitz' (John Paul II, *Sollicitudo Rei Socialis*, 40).

⁸ John Paul II goes into a deeper theological insight in *Dominum et Vivificantem*, 59: 'Man's intimate relationship with God in the Holy Spirit also enables him to understand himself, his own humanity, in a new way. Thus that image and likeness of God which man is from his very beginning is fully realized. (255) This intimate truth of the human being has to be continually rediscovered in the light of Christ who is the prototype of the relationship with God. There also has to be rediscovered in Christ the reason for "full self-discovery through a sincere gift of himself" to others, as the Second Vatican Council writes'.

⁹ 'Man's social nature makes it evident that the progress of the human person and the advance of society itself hinge on one another. For the beginning, the subject and the goal of all social institutions is and must be the human person, which for its part and by its very nature stands completely in need of social life. Since this social life is not something added on to man, through his dealings with others, through reciprocal duties, and through fraternal dialogue he develops all his gifts and is able to rise to his destiny' (*Gaudium et Spes*, 25a).

leged few that use power to their own benefit. We think of the good of all men and women considered in the complete truth about their origins, their existence and their fundamental destiny.¹⁰

1.2. *The Person for Others*

- 6 Returning to the sources of inspiration in order to explain the social dimension of the person, John Paul II offers us the key for the right interpretation of the concept of the common good. Traditionally Catholic Social Thought was dominated by a vision that was much closer to Sociology than to Theology and heavily contaminated by individualism. It was usual to speak of the social dimension of the person in the sense that man and woman need others in order to attain their full realization. Not denying this fact, the Christian vision has been enriched by a more comprehensive perception. Going back to the Gospel the Pope reminds us that the person attains his/her fulfillment through self-gift: 'The human person has an inherent social dimension which calls a person from the innermost depths of self to *communion* with others and to the *giving* of self to others' (CL 40). From this perspective society is called to become community, even more, a *communion of persons* that understand that their mission on earth is that of pursuing the well-being of others through the gift of self, thus creating a new form of communication that implies the full acceptance of the other person at a spiritual level. Of course, this conception is possible only through faith and this is, precisely, what the Church offers to the world: her own conception of man and of humanity.

*To rediscover and make others rediscover the inviolable dignity of every human person makes up an essential task, in a certain sense, the central and unifying task of the service which the Church, and the lay faithful in her, are called to render to the human family (John Paul II, *Christifideles Laici*, 37).¹¹*

¹⁰ 'The inviolable dignity of every individual and of all peoples in the full reality of their origin, existence and destiny is central to the issue of world peace' (Giovanni Paolo II, *Discorso al Collegio di Difesa della NATO*, Città del Vaticano, 8 febbraio 1979. *Insegnamenti*, 1979/II, 365).

¹¹ Pius XII had expressed the same idea: 'The Church has the mission to announce to the world, which is looking for better and more perfect forms of democracy, the highest and most needed message that there can be: the dignity of man, the call to be sons of God' (*Christmas Message*, 1944).

But, perhaps one of the best descriptions of this peculiarity of the person, and of the absolute need to exercise it is found in *Centesimus Annus* in the context of a reflection on the market. The Pope indicates its limits inasmuch as it cannot satisfy the most intimate and fundamental needs of the person. There are certain values (the Pope speaks of goods) that cannot be reduced to merchandise and thus cannot enter the logic of the market. The fall of real socialism has not meant an end to alienation, which in various forms is present in societies today. Pope John Paul II who experienced the hardships of Socialism, offers a valuable insight about this phenomenon whose presence is real but hardly acknowledged in Western societies. The text deserves to be presented in its integrity.

The concept of alienation needs to be led back to the Christian vision of reality, by recognizing in alienation a reversal of means and ends. When man does not recognize in himself and in others the value and grandeur of the human person, he effectively deprives himself of the possibility of benefiting from his humanity and of entering into that relationship of solidarity and communion with others for which God created him. Indeed, it is through the free gift of self that man truly finds himself. This gift is made possible by the human person's essential 'capacity for transcendence'. Man cannot give himself to a purely human plan for reality, to an abstract ideal or to a false utopia. As a person, he can give himself to another person or to other persons, and ultimately to God, who is the author of his being and who alone can fully accept his gift. A man is alienated if he refuses to transcend himself and to live the experience of self-giving and of the formation of an authentic human community oriented towards his final destiny, which is God. A society is alienated if its forms of social organization, production and consumption make it more difficult to offer this gift of self and to establish this solidarity between people (John Paul II, *Centesimus Annus*, 41).

John Paul II has not invented Catholic Social Teaching, but we must give him credit for having declared with accurate precision that this teaching belongs to the domain of Theology. The Pope has thus given back to CST a character that was always there even though it did not appear explicitly in the documents of his predecessors. There is no doubt that his greatest contribution regards the right conception of man and woman within the framework of the mysteries of Creation, Incarnation and Redemption. Despite the fact that the Pope intends to address the

whole of humanity, his discourse is frankly Christian. I can see in this attitude a valid witness that all Christians should offer of their faith that has to be proclaimed without impositions but with great courage. Another great example was given by Pope John who, for the first time in the history of CST, addressed an Encyclical Letter not only to Catholics, but to all men of good will. And yet it is surprising to see that from the opening lines God is at the centre of his discourse.

The reason for this attitude is that dialogue does not suppose to hide one's identity. In fact, unless each partner has a clear perception of self, dialogue becomes unrealistic. The point of the matter is deep respect for the other person's identity and beliefs. This elementary principle should be the thumb rule both in our search for true democracy and in our desire to share it with persons and groups with a different world-view.

In his discourse on the social dimension of the person the Pope introduces in original fashion the reflection on the human dimension of the mystery of Redemption and presents man and woman as those beings that cannot live without love. Without love, indeed, their life is senseless.

This is the human dimension of the mystery of the Redemption. In this dimension man finds again the greatness, dignity and value that belong to his humanity (John Paul II, *Redemptor Hominis*, 10).

- 7 In the light of this Christian vision offered by CST some questions become evident in order to treat the subject of democracy. Who is man? What is his call? Is the political system under scrutiny in line with this anthropological conception? Does it respond to the demands of the moral order, of justice and solidarity? This is the issue and at the same time, the criterion that should guide our task. This has to be the starting point and the necessary frame of reference. It is also the source of the values that should characterise a true democracy. The Church makes an effort to work together with mankind towards the creation of a fraternal world and in this sense real democracy seems to be the ideal system.

This sacred Synod, in proclaiming the noble destiny of man and affirming an element of the divine in him, offers to co-operate unreservedly with mankind in fostering a sense of brotherhood to correspond to this destiny of theirs (*Gaudium et Spes*, 3c).

Rather than a theoretical exercise CST is a practical discourse that offers those criteria, which are useful to evaluate systems and models in historical contexts, not only in their doctrinal components nor in their ideal forms, but particularly according to the effects such systems produce on people. The United States' Bishops in their reflection on the dominant eco-

conomic system offer some criteria to evaluate it: what does it do for people, what effects does it produce on people and to what extent can people participate in economic processes. As Minnerath observes correctly,

[c]e que qualifie moralement une forme du gouvernement c'est sa capacité réelle, dans une situation concrète à procurer le bien commun de l'ensemble de la société.¹²

According to Therborn,

looking at the ideal and the reality of democracy, then, has to mean going beyond procedures and manners of civility and enquiring into the human outcomes of democracy. In other words, examining questions of democracy and human rights, democracy and social justice and injustice.¹³

This is precisely the Church's main concern and only from this standpoint can this great task of the elaboration of Catholic Social Thought be properly understood. John Paul II has made a very valuable contribution to the understanding of the Church's mission. However we must bear in mind that, as he has often repeated, the Pope has not invented CST but rather makes an effort to draw out of it those principles that require a continuous renewal in the light of a world and a society in continuous evolution (cf. *Centesimus Annus*, 3). For this reason, even accepting that what constitutes the expression of CST today is contained in the Magisterium of the present Pope, the right interpretation of it requires a thorough knowledge of the whole CST and of its evolution in time.

Regarding democracy, Catholic Social Thought is centred on two key principles received through Revelation: Truth and freedom.

Thus, in every sphere of personal, family, social and political life, morality – founded upon truth and open in truth to authentic freedom – renders a primordial, indispensable and immensely valuable service not only for the individual person and his growth in the good, but also for society and its genuine development (John Paul II, *Veritatis Splendor*, 101).

1.3. *The Centrality of the Person*

- 8 Truth about man and woman means the discovery of his/her call to freedom. Democracy could appear, then, as the best way so far found to

¹² Minnerath: *Le Développement de la Démocratie*, 410.

¹³ Therborn: *Ambiguous Ideals*, 148.

accomplish this vocation. However we must accept that the reality in which we live is far from the proposed ideal. This is no surprise to the Christian person that must maintain a critical approach about any system. Only thus is it possible to liberate oneself from the alienating risk of commitments with proposals that ignore the ephemeral condition of human history. It is often forgotten that the scope of the political community is the service to the person so that he/she may reach the full realisation of his/her social call to pursue the common good.

It would be a great mistake, therefore, and a poor contribution to the future development of CST to orient all our efforts in the direction of the defence of a political system, even if it may appear as the best one so far developed. CST is an ongoing process of discernment of human affairs in the light of the revealed Word always in the search for truth.¹⁴ Such process requires the contribution of human sciences bearing always in mind, however, that the full comprehension of man and woman is possible only in the light of faith in God Creator and Redeemer.¹⁵

Only upon this truth is it possible to construct a renewed society and to solve the complex and weighty problems affecting it, above all the problem of overcoming the various forms of totalitarianism, so as to make way for the authentic *freedom* of the person (John Paul II, *Veritatis Splendor*, 99).

¹⁴ 'The Church's social doctrine is not a 'third way' between liberal capitalism and Marxist collectivism, nor even a possible alternative to other solutions less radically opposed to one another: rather, it constitutes a category of its own. Nor is it an ideology, but rather the accurate formulation of the results of a careful reflection on the complex realities of human existence, in society and in the international order, in the light of faith and of the Church's tradition. Its main aim is to interpret these realities, determining their conformity with or divergence from the lines of the Gospel teaching on man and his vocation, a vocation which is at once earthly and transcendent; its aim is thus to guide Christian behavior. It therefore belongs to the field, not of ideology, but of theology and particularly of moral theology' (John Paul II, *Sollicitudo Rei Socialis*, 41).

¹⁵ 'Today, the Church's social doctrine focuses especially *on man* as he is involved in a complex network of relationships within modern societies. The human sciences and philosophy are helpful for interpreting *man's central place within society* and for enabling him to understand himself better as a "social being". However, man's true identity is only fully revealed to him through faith, and it is precisely from faith that the Church's social teaching begins. While drawing upon all the contributions made by the sciences and philosophy, her social teaching is aimed at helping man on the path of salvation' (John Paul II, *Centesimus Annus*, 54).

It is precisely because the Church has received this truth about man and woman that she can define herself as expert in humanity according to the words of Paul VI. This knowledge about man and woman comes from revelation:

Christ the Lord, Christ the new Adam, in the very revelation of the mystery of the Father and of his love, fully reveals man to himself and brings to light his most high calling (*Gaudium et Spes*, 22).

The problem with democracy today consists in the fact that it has lost its orientation of service to the human person. Even worse, it is undergoing a continuous evolutionary process that assumes new expressions especially at the level of the global system inspired by an anthropological perspective that is incompatible with the Christian vision of man and woman. This is precisely the point of incidence of the message of the Catholic Church that offers the only criteria that can guide political processes giving them a human character. John Paul II has understood in depth the challenge posed by this evolution and thus he has centred his apostolic mission around the proposition of a correct anthropological conception as the criterion that should inspire the whole of social life in all its manifestations.

1.4. *A Critical Acceptance of Democracy*

- 9 My thesis is that the basic criterion that must guide our evaluation of a political system is the respect for human dignity that requires active participation, real participation of the citizen, of every citizen in the decision-making process that affects the accomplishment of their vocation. Participation is a right that emanates from human nature as a means to safeguard all other rights and to secure all those conditions that are necessary for the full realization of the person as the image of the Creator.

John Paul II, following the inspiration of Vatican II in the Pastoral Constitution *Gaudium et Spes* (75) clearly states that the Church does not identify herself with any given system. With this in mind he makes an assessment of democracy.¹⁶ During his visit to Paraguay the Pope said that

¹⁶ 'La vigencia simultánea y solidaria de valores como la paz, la libertad, la justicia y la participación, son requisitos esenciales para poder hablar de una sociedad auténticamente democrática, basada en el libre consenso de los ciudadanos. No será posible, por tanto, hablar de verdadera libertad, y menos aún de democracia, donde no exista la participación real de todos los ciudadanos en poder tomar las grandes decisiones que

the Church does not propose technical solutions to problems. The Pope claims that the Church

does not propose economic and political systems or programmes, nor does she show preference for one or the other, provided that human dignity is properly respected and promoted, and provided she herself is allowed the room she needs to exercise her ministry in the world (John Paul II, *Sollicitudo Rei Socialis*, 41).

Again, in *Centesimus Annus* Pope John Paul tells us that

The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate (46).

The rule of law and the necessary control in the exercise of power, together with a legislation that guarantees the freedom of all citizens is the required framework that renders participation possible. The Christian conception of participation requires at least two conditions: subsidiarity that renders it possible, and solidarity that makes it compatible with the correct conception of man and woman and of society.¹⁷

afectan a la vida y al futuro de la nación. *En actitud de concordia y de diálogo*, hay que buscar las formas de participación más conformes a la expresión de las aspiraciones profundas de todos los ciudadanos. El orden y la paz son un empeño común y suponen el respeto efectivo de los derechos inalienables de la persona.

La paz no es compaginable con una forma de organización social en la que solamente algunos individuos instauran, a su exclusivo provecho, un principio de discriminación, según el cual los derechos y la misma existencia de los otros vienen a depender del arbitrio de los más fuertes.

No puede perderse de vista, por consiguiente, el impulso ético hacia los valores absolutos que no dependen del orden jurídico o del consenso popular. Por ello, una verdadera democracia no puede atentar en manera alguna contra los valores que se manifiestan bajo forma de derechos fundamentales, especialmente el derecho a la vida en todas las fases de la existencia; los derechos de la familia, como comunidad básica o célula de la sociedad; la justicia en las relaciones laborales; los derechos concernientes a la vida de la comunidad política en cuanto tal, así como los basados en la vocación trascendente del ser humano, empezando por el derecho a la libertad de profesar y practicar el propio credo religioso' (John Paul II, *L'incontro con i "Costruttori della società" presso il Palacio Nacional de Deportes - Asunción [Paraguay], 17 maggio 1988*).

¹⁷ 'The Church respects the legitimate autonomy of the democratic order and is not entitled to express preferences for this or that institutional or constitutional solution. Her contribution to the political order is precisely her vision of the dignity of the person revealed in all its fullness in the mystery of the Incarnate Word' (John Paul II, *Centesimus Annus*, 47).

- 10 The democratic model, which is presented today as an ideal that should be imposed on the whole of humanity, certainly does not meet those requirements and, consequently, requires deep reforms. This is a difficult task that the Church must assume in her evangelising mission with the necessary contribution of all those who share her concern for the well being of humanity. This is a domain that offers the Academy an opportunity to make a contribution to the further elaboration of social doctrine.

This task requires an effort of liberation from previous commitments with systems or ideologies, as well as the overcoming of the search for personal gain, in order to be in a position to search for more human ways of living in society. We can easily be carried to accept all the elements and forms assumed by the present democratic model as compatible with the Christian vision.¹⁸ In so doing we can be motivated by sentiment rather than by reason, and especially by reason enlightened by the Truth. I found a good example of this freedom in a sentence by M.A. Glendon:

We seem to be in the presence of a paradox that deserves more attention from political theorists: The maintenance of a healthy democratic political regime may depend upon nurturing 'seedbeds' of civil virtues (such as the family) that are constituted on non-liberal, non-democratic principles.¹⁹

We should avoid the use of Christian principles to legitimise democracy as it exists today, using them, instead, to respond to the question whether or not, it is possible for a Christian to commit oneself with such system.

There are three main areas of concern which, in my opinion, require a conscientious study of CST aiming at helping Christians to live their commitments as responsible members of society, as builders of society: The concept of democracy, the problem of participation and, closely linked to it, the challenge of the majority rule.

¹⁸ Paul VI cautions about the danger of accepting systems and models that would require an attitude of discernment. 'It is true that man; people, in the midst of modern structures and conditioning circumstances, are determined by their habits of thought and their functions, even apart from the safeguarding of material interests. Others feel so deeply the solidarity of classes and cultures that they reach the point of sharing without reserve all the judgments and options of their surroundings. Each one will take great care to examine himself and to bring about that true freedom according to Christ which makes one receptive to the universal in the very midst of the most particular conditions' (*Octogesima Adveniens*, 50).

¹⁹ Glendon: *The Ever-Changing Interplay*, 224.

2. THE CONCEPT OF DEMOCRACY

- 11 Rather than trying to offer a concept of democracy it seems more relevant to reflect upon the elements that should be found in any form of political organization compatible with the Christian vision of person and society offered by Catholic Social Thought. Once again it should be remembered that no political regime could claim the monopoly of the Christian conception nor present itself as the definitive accomplishment nor claim universal validity.

The concrete forms of structure and organization of public authority adopted in any political community may vary according to the character of various peoples and their historical development (*Gaudium et Spes*, 74h).

The same principle is affirmed by John Paul II:

Since it is not an ideology, the Christian faith does not presume to imprison changing socio-political realities in a rigid schema, and it recognizes that human life is realized in history in conditions that are diverse and imperfect. Furthermore, in constantly reaffirming the transcendent dignity of the person, the Church's method is always that of respect for freedom (*Centesimus Annus*, 46).

For these reasons the Pope claims that the relationship between democracy and Christianity has to be reassessed by each generation.

The point of departure in our search must be the human person whose dignity constitutes the foundations upon which the whole social discourse of the Church is built. Ever since the times of Pius XII it has been clearly stated that the person is the foundation, the scope and the subject of all institutions of society. This idea is taken again by Pope John XXIII and the Council (cf. *Mater et Magistra*, 228; *Gaudium et Spes*, 25a).

2.1. *Democracy as a Value*

- 12 From this perspective we can ask ourselves whether or not we can see democracy as a value. Can we say that democracy is considered a value by CST? The answer, as we have already said, is 'yes, but', which means that the Church today accepts this form of government but only under certain conditions.²⁰

²⁰ 'Even in countries with democratic forms of government, these rights are not always fully respected. Here we are referring not only to the scandal of abortion, but also

2.2. Participation as a Right and a Duty

- 13 In what sense does it consider it a value? The answer given by John Paul II is rather simple. He says that the Church appreciates the democratic system inasmuch as it guarantees the participation of citizens in political choices and offers them the possibility to elect and remove their rulers. Participation, in turn, assures the respect of human rights. It should be noted that John Paul takes inspiration from the famous Christmas message of Pius XII in 1944. The historical context at the time was that of the end of totalitarian regimes. The fear of their return explains the Pope's emphasis on democracy. But, again, Pius XII is quite careful in recognizing it as a possible form of political organization.²¹ It is the people themselves, who must create efficient means of control. History had demonstrated that it was the impossibility of citizens to intervene in decision making that led Europe into a horrendous war.

The Pope maintains the basic principles offered by Leo XIII in his well-known Encyclical letter *Libertas*. At that point the necessary condition in order to make a form of government acceptable is its capacity to develop the common good. Here, again, the criterion to judge a political system is not its structure, but the human person. In fact, as we have seen, the person is the subject, founding principle and scope of political organisation.

Already in 1944 Pius XII anticipated, in a way, the concept of civil society when he spoke of the contrast between two concepts: mass and

to different aspects of a crisis within democracies themselves, which seem at times to have lost the ability to make decisions aimed at the common good. Certain demands, which arise within society are sometimes not examined in accordance with criteria of justice and morality, but rather on the basis of the electoral or financial power of the groups promoting them. With time, such distortions of political conduct create distrust and apathy, with a subsequent decline in the political participation and civic spirit of the general population, which feels abused and disillusioned. As a result, there is a growing inability to situate particular interests within the framework of a coherent vision of the common good. The latter is not simply the sum total of particular interests; rather it involves an assessment and integration of those interests on the basis of a balanced hierarchy of values; ultimately, it demands a correct understanding of the dignity and the rights of the person' (John Paul II, *Centesimus Annus*, 47).

²¹ 'It is scarcely necessary to recall that, according to the teaching of the Church, "it is not forbidden to prefer temperate, popular forms of government, without prejudice, however, to Catholic teaching on the origin and use of authority", and that "the Church does not disapprove of any of the various forms of government, provided they be per se capable of securing the good of the citizens" (Leo XIII, Encyclical *Libertas*, June 20, 1888)' (Pius XII, *Christmas Message*, 1944).

people. People are subjects aware of being persons, of their responsibilities and inalienable rights and have the sense of the common good. The right concept of people, as opposed to the mass, is a reunion of autonomous persons who are the foundation of social life. In a political system in line with the Christian conception, authority is limited by the people who are the true subjects of it and by the necessary reference to a higher principle which is at the origin of any social reality, that is, divine law. True freedom and the respect for the dignity of every person are the ideals to be attained by democracy.

John Paul II has developed this doctrine, insisting on the characteristics of an acceptable democratic regime. As we have seen earlier, the Pope has built his rich Magisterium on two pillars: truth and freedom, understood as concepts received from Revelation. Two concepts which are of utmost importance when speaking of democracy. The expression of truth in this context is the proper conception of the person and of authority, both referred to the ultimate truth.

It must be observed in this regard that if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism. If there is no transcendent truth, in obedience to which man achieves his full identity, then there is no sure principle for guaranteeing just relations between people. Their self-interest as a class, group or nation would inevitably set them in opposition to one another (*Centesimus Annus*, 46).

Both Pius XII and John Paul II are concerned about the return of totalitarian forms of government. And both of them present truth as the only effective deterrent. When transcendent truth is dismissed nothing can guarantee just human relations.

If one does not acknowledge transcendent truth, then the force of power takes over, and each person tends to make full use of the means at his disposal in order to impose his own interests or his own opinion, with no regard for the rights of others. People are then respected only to the extent that they can be exploited for selfish ends. Thus, the root of modern totalitarianism is to be found in the denial of the transcendent dignity of the human person who, as the visible image of the invisible God, is therefore by his very nature the subject of rights which no one may violate – no individual, group, class, nation or State. Not even the majority of

a social body may violate these rights, by going against the minority, by isolating, oppressing, or exploiting it, or by attempting to annihilate it (*Centesimus Annus*, 44).

- 14 A true democracy should allow its members to participate in a spirit of service and this constitutes a value.

The spirit of service is a fundamental element in the exercise of political power. This spirit of service, together with the necessary competence and efficiency, can make 'virtuous' or 'above criticism' the activity of persons in public life which is justly demanded by the rest of the people (John Paul II, Christifideles Laici, 42).

Of course, this service requires a serious effort on the part of citizens and public officials, an effort that becomes more difficult every day in a world in which material gain is the value at the top of the scale. The temptation is always there to use illicit means to attain one's ends and this is part of the game in our days, with practically no exceptions to the point that in some democracies this practice has been raised to the level of legal political procedure.

It is quite evident, then, that, according to John Paul II, a true democracy is built upon the right conception of the human person, on the rule of law, on the prosecution of the common good and the respect for the subjectivity of society, through the creation of structures of responsible participation.²² But it must be stressed that the fundamental value to be prosecuted and defended is the human person. The other elements constitute a value only inasmuch as they serve the person.²³

²² 'The two aspirations, to equality and to participation, seek to promote a democratic type of society. Various models are proposed, some are tried out, none of them gives complete satisfaction, and the search goes on between ideological and pragmatic tendencies. The Christian has the duty to take part in this search and in the organization and life of political society. As a social being, man builds his destiny within a series of particular groupings which demand, as their completion and as a necessary condition for their development, a vaster society, one of a universal character, the political society. All particular activity must be placed within that wider society, and thereby it takes on the dimension of the common good' (Paul VI, *Octogesima Adveniens*, 24).

²³ 'In the political sphere, it must be noted that truthfulness in the relations between those governing and those governed, openness in public administration, impartiality in the service of the body politic, respect for the rights of political adversaries, safeguarding the rights of the accused against summary trials and convictions, the just and honest use of public funds, the rejection of equivocal or illicit means in order to gain, preserve or increase power at any cost – all these are principles which are primarily rooted in, and in fact derive their singular urgency from, the transcendent value of the person and the objective moral demands of the functioning of States' (John Paul II, *Veritatis Splendor*, 101).

Such form of government can be seen as a value for it represents a guarantee for the development of human persons and the respect of their inalienable rights.

2.3. *The Moral Risks of Democracy*

- 15 Despite this recognition of democracy as a value, the paradox is that it can constitute a threat to Christian values as is the case today. The majority rule has the risk of leading to some sort of moral relativism to the point that

[t]hose who are convinced that they know the truth and firmly adhere to it are considered unreliable from a democratic point of view, since they do not accept that truth is determined by the majority, or that it is subject to variation according to different political trends (*Centesimus Annus*, 46).

Reading the words of the Pope in today's context one might say that he is describing what in the most developed democracy has been branded as 'political incorrectness'.

Today, when many countries have seen the fall of ideologies, which bound politics to a totalitarian conception of the world – Marxism being the foremost of these – there is no less grave a danger that the fundamental rights of the human person will be denied and that the religious yearnings which arise in the heart of every human being will be absorbed once again into politics. This is *the risk of an alliance between democracy and ethical relativism*, which would remove any sure moral reference point from political and social life, and on a deeper level make the acknowledgement of truth impossible (John Paul II, *Veritatis Splendor*, 101).

And the risk of moral relativism is great, indeed, for there is a growing trend to abandon Christian principles in social life. Even democratic values, when taken as absolutes can constitute a threat. Freedom, for instance, which is both a necessary condition and a goal of democratic systems, can easily become license. The Christian conception of freedom derives from Christian anthropology. It is, precisely, a wrong concept of person that leads to link democracy to a form of freedom, which is incompatible with Christian principles.

A *notion of freedom* which exalts the isolated individual in an absolute way, and gives no place to solidarity, to openness to others and service of them (John Paul II, *Evangelium Vitae*, 19).

What could appear as an exaggerated fear of freedom in the times of Leo XIII is becoming today a sad reality. M.A. Glendon says that in the United States the youth are affirming 'freedom and license almost to the complete exclusion of service and participation' that correspond to the correct Christian concept of democracy. As a matter of fact, participation is a right, but it is, above all, a duty of every single citizen as responsible for the common good. The appeal made by Pope John to the citizens of the world to assume their duties has not been taken seriously, not even by many Christians dominated by a liberal, individualistic and utilitarian attitude.

The risk is there that the majority rule may become the only source of values. Paradoxically,

la démocratie repose sur l'égalité de tous, sur la liberté de pensée, d'expression, d'association, etc. Mais, absolutisée, la règle de la majorité fait en sorte que les valeurs de la démocratie dérivent de la prépondérance de certaines voix.²⁴

Along these lines, Zulu notes that representative democracy can easily become the rule of the elite,²⁵ a reality that Malik describes as 'the heresy of numerical democracy which is nothing more than the tyranny of the majority'.²⁶

Even accepting that there is no better way of reaching an agreement than the will of the majority, the risk still remains of making it an absolute ignoring its dangers and possible negative effects. Theoretically democracy is built upon the principle of the fundamental equality of all citizens. In fact we find the acceptance of this basic principle in almost all political constitutions of democratic States, but we know that reality is far from the ideal.

3. DEMOCRACY AND CIVIL SOCIETY

- 16 This is an interesting issue which, however, raises some perplexity. If democracy is the ideal system of government, why is the issue of civil society so important today? After all, isn't democracy the government of the people, by the people and for the people? I would dare to hypothesize that

²⁴ *Schooyans: Droits de l'Homme*, 48.

²⁵ *Zulu: Education*, 161.

²⁶ *Malik: Religious Communities*, 367.

the reason behind the importance given today to civil society is the fact that the way democracies are functioning is far from what the ideal concept of it is. In fact, even in countries with a long democratic tradition the phenomenon of exclusion from different forms of participation is a reality.

Speaking of civil society it is important to bear in mind the distinction between mega-structures such as large corporations, foundations, interest organizations, and smaller communities, as Glendon recalls.²⁷ Not ignoring the role that large organizations might play on behalf of the common good, I am referring mostly to smaller types of organizations and communities which in most cases suffer the negative effects of the excessive power larger groups exert on society. In fact 'non-representative special interest groups and lobbies often play the decisive role in shaping legislation and administrative action'.²⁸

What has been said in the previous pages is a demonstration of the validity of Christian thought in order to evaluate a political system. It is not enough to use the traditional indicators such as the division of powers, the freedom to cast a vote, the election of those who supposedly represent the people, the rule of law, etc. The question remains: are persons respected as such and their rights protected, that is, can every member of society achieve his or her own fulfillment? The Christian conception aims at the defense of the person based on that property which is the foundation of all human rights:

The dignity of the person is the indestructible property of *every human being*. The force of this affirmation is based on the *uniqueness and irrepeatability of every person*. From it flows that the individual can never be reduced by all that seeks to crush and to annihilate the person into the anonymity that comes from collectivity, institutions, structures and systems. As an individual, a person is not a number or simply a link in a chain, nor even less, an impersonal element in some system. The most radical and elevating affirmation of the value of every human being was made by the Son of God in his becoming man in the womb of a woman, as we continue to be reminded each Christmas (John Paul II, *Christifideles Laici*, 37).

- 17 It is a fact that the State is losing power under different types of pressure both internal and external as a result of the globalization process to the point that it can no longer meet the demands of individuals and groups. Glendon

²⁷ Glendon: *The Ever-Changing Interplay*, 97.

²⁸ Glendon: *The Ever-Changing Interplay*, 111.

describes this process as 'the atrophy of the democratic elements in modern republics'.²⁹ Therefore, national States have to find new ways to allow citizens to fully participate in the public domain and to have a greater influence on those choices that affect their lives. Otherwise, as the *United Nations Development Program* warns, there is the danger of anarchy and chaos. The Seattle people could be an example of the lack of appropriate channels that allow discontent to be manifested and listened to. This institutional void could explain, at least partially, the fact that demonstrations end up in violent expression and repression. The *United Nations Development Program* suggests the need to decentralize the administration granting greater autonomy to local governments and stimulating the creation of popular organizations (*Non Governmental Organizations*, NGOs) in order for them to become instruments of participation.

The centralization of government has drained decision-making power away from local governments that once served as 'schools of citizenship' and afforded the average citizen opportunities to participate. Globalization has drained power from the nation State.³⁰

Decentralization could be the way to give more power to the people. This would mean, not only greater participation, but it has also been demonstrated that other benefits result from it, such as greater efficiency, savings in administration and transparency. Another positive result of decentralization is the fact that the people exert pressure on governments so that these may give priority to the solution of basic human needs such as education and health.

The Human Development Report 1993 has studied the impact of NGOs on various domains especially in favor of disadvantaged groups such as women and aborigines in the field of human rights, the reduction of poverty, the empowerment of marginal groups of the population, alleviation of emergencies, reaching that 20% of the population which, almost everywhere cannot be reached by governmental institutions, thus remaining in a situation of total abandonment.

Of course, the efficiency of these organizations and their contribution to truly democratic participation, requires deep reforms in political institutions, which often is not done. In these cases popular organizations never attain their scopes and often clash with the institutions. According to the UNDP real participation means that people are deeply involved in

²⁹ Glendon: *The Ever-Changing Interplay*, 110.

³⁰ Glendon: *The Ever-Changing Interplay*, 110.

economic, social, cultural and political processes that have an impact on their lives. Sometimes people can control those processes, some other times they have some indirect and partial control. The important thing is that they may dispose of some form of empowerment.

It should be noted that it is not right to identify civil society with NGOs which are only one part of it. There is an ongoing debate about the meaning of civil society. It is not our scope to enter into the discussion. What I understand by it in the context of a contribution from the perspective of CST is what the Pope has called the 'subjectivity of society'. According to *Rerum Novarum* and the whole social doctrine of the Church, the social nature of man is not completely fulfilled in the State, but is realized in various intermediary groups, beginning with the family and including economic, social, political and cultural groups which stem from human nature itself and have their own autonomy, always with a view to the common good. This is what I have called the 'subjectivity' of society which, together with the subjectivity of the individual, was canceled out by 'Real Socialism' (John Paul II, *Centesimus Annus*, 13).

Citizens have always participated to some degree in democratic systems. However, the novelty seems to be that in recent times associative participation has proved to be a more efficient way of protecting the rights of people and of making public institutions an instrument of service to the people.

There is a growing demand for greater participation even recognizing that full participation is almost utopian. However people want to have the initiative in economic enterprise, they want to be able to participate in all forms of social life regardless of race, religion or gender and they want to attain or maintain the power to change the political system. Obviously, participation without real power is fantasy.

The practical question is, of course, what is the real power of persons and groups on the political or social domain if they have no access to economic resources. This is one of the great criticisms that has to be made to present day democracies. This form of participation is closely linked to self respect and to the enjoyment of social dignity, which are both the basic requirements for participation in all dimensions of life.

In 1968 the Latin American Bishops recognized the importance of the empowerment of people and committed themselves to sponsor grassroots organizations and to offer their support to the struggles of the people for justice.

3.1. *Subsidiarity*

- 18 The Church has shown her concern for the problem of people's participation particularly since the times of Pius XI who introduced the concept of subsidiarity already in 1931, a time when some countries were developing political regimes that concentrated all power in the hands of the State. The main concern of the Pope was the protection of the family as the basic cell of society, as well of the people's rights which, at the time, were threatened by totalitarian regimes that had absorbed the functions of what we call today civil society. It was clear right from the beginning that the Pope had in mind real democracy, not identified with any existing model. Democracy seen as the system that guarantees and respects the realization of individuals and groups according to their respective entity. Subsidiarity means that a superior entity should not assume the functions which are proper of an inferior one when the latter is in a position to carry out its proper functions.

... one should not withdraw from individuals and commit to the community what they can accomplish by their own enterprise and industry. So, too, it is an injustice and at the same time a grave evil and a disturbance of right order to transfer to the larger and higher collectivity functions which can be performed and provided for by lesser and subordinate bodies. Inasmuch as every social activity should by its very nature, prove a help to members of the body social, it should never destroy or absorb them (Pius XI, *Quadragesimo Anno*, 80).

It should be noted, however, that individuals and communities, especially the family, which is the basic community in society, have the right to develop their own activities necessary for their fulfillment. It is not a matter of delegated functions or power, for persons and families exist prior to the creation of the State.

The principle of subsidiarity acquires a special meaning in our days when globalization is leading towards the concentration of power – political, economic, social – in a few hands. It cannot be expected that the State will assume the defense of citizens' rights. It is the duty of citizens to organize themselves, to develop new forms of association that become an expression of solidarity in the pursuit of the common good. It should be clear that participation is not only a right. It is the duty of every citizen as a means to fulfill his/her obligation in the pursuit of the common good.

In order to achieve their task directed to the Christian animation of the temporal order, in the sense of serving persons and society,

the lay faithful *are never to relinquish their participation in 'public life'*, that is, in the many different economic, social, legislative, administrative and cultural areas, which are intended to promote organically and institutionally the *common good*. The Synod Fathers have repeatedly affirmed that every person has a right and duty to participate in public life, albeit in a diversity and complementarity of forms, levels, tasks and responsibilities (John Paul II, *Christifideles Laici*, 42).

Exclusion of large segments of society from participation in decision-making has assumed dramatic dimensions in our times. The euphoria about increasing democratization has to be balanced by a reading of the process from the perspective of the excluded. One can rightly speak of new forms of oligarchy. In terms of economic resources and ability to shape policy and events, the influence of some market actors, foundations, and special interest organizations exceeds that of many nation States.³¹

Unfortunately the aim of those groups and organizations is not exactly the pursuit of the common good.

Malik rightly observes that the principle of subsidiarity might have an application to the problem of the majority rule. It might 'help to neutralize the threat of the heresy of numerical democracy which is nothing more than the tyranny of the majority'.³²

3.2. *Democracy and the Market*

- 19 The new ideology that proclaims democracy and the free market as absolute values and ends in themselves, could be accountable for the fact that the market is taking the place and role of democratic institutions.

The market is both a set of institutions and a powerful idea, fate-laden and irresistible, with the potential to improve the lives of men and women everywhere or to subject them to new forms of tyranny. ... The corrective may lie in another paradox: democratic States and free markets may need to refrain from imposing their own values on all the institutions of civil society. In other words, it may be necessary to preserve certain mediating structures that are

³¹ *Glendon: The Ever-Changing Interplay*, 111.

³² *Malik: Religious Communities*, 367.

not necessarily democratic, egalitarian, or liberal, and whose main loyalty is not to the State and whose highest values are not efficiency and productivity.³³

Donati underlines the role of religion in guaranteeing the human face of democracy.³⁴

Probably one of the main problems with democracy today is that, because of its identification with the free market, human interaction has been commercialized. As in other domains, the life of people is dominated by economic values.

Liberal democracy has placed an accent on the operation of market forces as if such operation takes place on a tabula rasa. My contention is that market forces are driven ideologically where access to them is mediated through relations of power and powerlessness. In liberal democracy, citizenship is constructed in terms of production and consumption as if the two were ends in themselves and also as if there were no intervening factors between production and consumption. ... I would argue for the non-independence of market forces on the simple basis that a number of processes mediate between individuals and the market place. Part of these processes entail the handicaps that prevent certain groups and individuals from entering the marketplace altogether, and those that limit individuals and groups from full participation.³⁵

The supremacy of the market, together with the majority rule create a number of serious problems, among which, the disrespect for the rights of minorities, specially those that cannot be considered productive for society, the incapacity on the part of people to establish authentic human relations and moral relativism as the result of an ethic by consensus, just to mention a few.

Under these circumstances the ideal values proclaimed by democracy cannot be reached. Justice, equality, full participation, become utopian ideals, unreachable dreams. The reason is that if those values apply only to one small segment of the population they lose their value identity and become the privilege of a few to the prejudice of the rest. A real oligarchy.

The Church is not against the market but she certainly makes a strong criticism of it when it becomes an end instead of a means. As any other

³³ *Glendon: The Ever-Changing Interplay*, 115.

³⁴ *Donati: Religion and Democracy*, 316.

³⁵ *Zulu: Education*, 166.

human institution markets should serve people and help them to be more human, in the words of the Pope:

[t]ruly better, that is to say more mature spiritually, more aware of the dignity of his humanity, more responsible, more open to others, especially the neediest and the weakest, and readier to give and to aid all (John Paul II, *Redemptor Hominis*, 15).

Furthermore, it is wrong to think that the market has the capacity to solve all human needs. The most important constituent of the person is his/her spiritual dimension. It is through it that the person can communicate with the Absolute and establish a real communication with others. And this is the realm where markets cannot reach. Behind an apparent satisfaction of human needs remains an increasing alienation that touches the deepest of the self. We must admit that there are real limits to the market. In fact,

there are collective and qualitative needs, which cannot be satisfied by market mechanisms. There are important human needs, which escape its logic. There are goods, which by their very nature cannot and must not be bought or sold.

This does not mean that the market has to be condemned, since there are some positive elements to it.

Certainly the mechanisms of the market offer secure advantages: they help to utilize resources better; they promote the exchange of products; above all they give central place to the person's desires and preferences, which, in a contract, meet the desires and preferences of another person. Nevertheless, these mechanisms carry the risk of an 'idolatry' of the market, an idolatry, which ignores the existence of goods which by their nature are not and cannot be mere commodities (John Paul II, *Centesimus Annus*, 40).

- 20 But the greatest threat of the market to a true democracy is the fact that it is becoming not only the real power that shapes the polity, but it is also shaping societal values. Glendon asks herself whether some of the problems society is facing today, such as unlimited sexual liberty are a 'kind of consolation price for the loss of real liberty in the political and economic sphere? A kind of latter-day bread and circuses?'.³⁶

Besides the benefits that civil society can bring to democracy, there are also some negative effects, among which we must consider the so-called

³⁶ Glendon: *The Ever-Changing Interplay*, 115.

civil ethics. The correct functioning of democracy requires a minimum consensus around certain values. In a pluralistic society, however, conflicting values constitute a threat to the maintenance of the social body. There is a trend to create new values that should govern social life and this is done through the vote of the majority, be it institutionally or informally at different levels of society. The new values are usually dictated by the demands of the economic system and of the market.

Institutions then are shaped and oriented towards the transmission of those values. The school that should be the seedbed of democratic values becomes an instrument at the service of the economy, a job-producing institution, which reinforces individualistic tendencies and the spirit of competition. The family and the churches find it almost impossible to counteract prevailing values and to assume their role as institutions in charge of communicating non-market values.

Conclusion

- 21 The main concern of our task today seems to be the relationship between democracy and values. Democracy as a value and the values inherent to democracy. In line with CST we might conclude that the central value of democracy is the human person for no system works in a void. A political system is a combination of institutions and persons that interact within the framework of those institutions. The scope of institutions is the service to the person. They are means to an end: the fulfillment of people who create them for their own benefit. The paradox is that those means created by people as solutions to basic human needs easily become cages that inhibit people's freedom and this is particularly true when means and ends are reversed.

A democracy is, then, a political system created by people to the service of people. It can operate only through people. The value of democracy is its capacity to allow all members of society to develop a network of relations which, as an expression of solidarity, create and maintain a true community of brothers and sisters who are aware of the value of each other and of the need to offer the self to the other, especially to those in need. This way the members of a truly democratic society, participating in the different tasks proper to an organized society, should contribute to the building of a community and generate new values continuously through interaction and, above all, the value of solidarity, which cannot be limited to the clan, the family, the nation, the group.

As a paradigm, democracy continues to be the best way to organize social life and in this sense CST considers democracy a real value. The foundations of the true concept of democracy are to be found in Christian tradition. However, the democratic models today are far from satisfying the requirements of a society whose center is the human person and whose aim is its full realization. The dominant anthropology considers the person only as consumer and producer. Too many people are not allowed to exercise their right and their obligation to participate in decision-making. Economic rationality has taken the place of moral principles. The concept of the common good is dominated by material well-being, almost identical to economic development. The invisible hand was expected to assure in an almost mechanical manner the welfare of the whole society conveying the selfish interests of individuals into a sort of beneficial stream. Judging by the way the political arena is being characterized in our days it seems that it is expected that the invisible hand in this combination of liberal democracy and the free market may work wonders.³⁷ The growth of GNP is seen as mechanically assuring the growth of democratic institutions. No question that there is a relationship between the two, but it becomes problematic when it is reduced to an almost absolute truth and, above all, when the person is reduced to one single dimension. The model does not favor the just distribution of resources of all sorts. Furthermore, wealth and resources are monopolized by 20% of the population who exercise power over the rest, a fact that constitutes a threat to social cohesion. This applies to persons and nations. Can we speak of true democracy without social cohesion? The ideal seems to be a procedural democracy, not a political system whose scope is the welfare of citizens and the respect and defense of their inalienable rights.

Christians are called to accept the challenge to live their faith responsibly in a society dominated by market values. Institutions should review their roles and the way they are acting them. The Church, the family and the school are called to play the most important role in the maintenance and transmission of non market values and especially of the person as the

³⁷ Paul VI had discovered this trend already in 1971 and warned Christians about the danger of adhering to 'the liberal ideology which believes it exalts individual freedom by withdrawing it from every limitation, by stimulating it through exclusive seeking of interest and power, and by considering social solidarities as more or less automatic consequences of individual initiatives, not as an aim and a major criterion of the value of the social organization' (*Octogesima Adveniens*, 26).

central value of all institutions in society. Christians have the formidable task of placing the human person at the center of society, as the scope of human activity at all levels. The Church offers the richness of her Social Doctrine that needs to be translated by lay people into action in political, economic and cultural daily life. This task requires a spirit of discernment which will maintain a critical attitude as a necessary condition for that freedom that Jesus Christ came to bring to all.

I would like to conclude with the words of Paul VI in *Octogesima Adveniens*, one of the best documents of CST, but little known and even less quoted:

In this renewed encounter of the various ideologies, the Christian will draw from the sources of his faith and the Church's teaching the necessary principles and suitable criteria to avoid permitting himself to be first attracted by and then imprisoned within a system whose limitations and totalitarianism may well become evident to him too late, if he does not perceive them in their roots. Going beyond every system, without however failing to commit himself concretely to serving his brothers, he will assert, in the very midst of his options, the specific character of the Christian contribution for a positive transformation of society (36).

DEMOCRACY AND CATHOLIC SOCIAL THOUGHT

MICHAEL NOVAK

Introduction

- 1 Bitter experience in the 20th century taught the Catholic Church that, compared to the abuses of human dignity inflicted by totalitarian regimes, democracy better protects human rights. The Church does not regard democratic systems as perfect or even as the best that can be developed; only as better in protecting human rights than any current alternative.¹

Having experienced Fascism, Pius XII made a strong affirmation of democracy in 1944.² Later popes have expanded Catholic teaching on

¹ Michel Schooyans:

[F]rom now on the Church will show a prudent preference for democratic governments, which, in spite of their inherent risks, do offer better guarantees that human rights will be respected, as well as responding best to the just aspiration of all people for greater participation.

Schooyans: Teaching of the Popes, 26.

² In his Christmas message of 1944, *Benignitas*, Pius XII wrote:

Gripped in the grim light of war, ... *peoples have awakened* as if from a long slumber. They have taken up a new stance toward the State and governments, questioning, criticizing and mistrusting them. Educated through bitter experience, they view the monopoly of dictatorial, uncontrollable and intangible power with mounting repugnance and rejection. They demand a system of government more compatible with the dignity and freedom of citizens.

These anxious multitudes ... are today convinced ... that had the possibility of controlling and correcting the activities of the public authorities not been missed, the world would not have been plunged into the devastating turmoil of war, and that if another such catastrophe is to be prevented in the future, it is vital to create effective guarantees among the people themselves.

In the presence of such attitudes, is it surprising if the trend to democracy spreads ever more widely among peoples and wins broad support and consent from those wishing to collaborate more effectively in the destiny of individuals and society? It is hardly necessary to recall that, according to the Church's teaching 'it is not forbidden to prefer governments tempered by popular rule ...'.

democracy. Nevertheless, it is fair to say that the Magisterium has not yet articulated a systematic vision of democracy³ or developed a catechesis to infuse the practice of democracy with the necessary Christian and natural virtues. From the viewpoint of the social sciences, Catholic Social Teaching [CST] regarding democracy has not yet reached decisions on some important issues.⁴

A six-year study of democracy by the Pontifical Academy of Social Sciences [PASS], therefore, has set forth a number of definitions, distinctions, and rules for action that might be of use to CST as it moves forward in giving guidance to democracies in various stages of development. This study involved a wide-ranging consideration of the last two hundred years of democratic progress, in many different regions and cultures of this planet.

- 2 The present essay aims to summarize the conclusions reached in the three conferences sponsored by PASS. Each conclusion may be seen to limit, modify, and illuminate the others. Furthermore, the framework of the present report has been designed so that gaps in CST may be more readily identified. As much as possible, the conclusions of this report are stated in the language of the scholars who articulated them, conveyed exactly in a foot-

With respect to the extent and nature of the sacrifices expected of all citizens in our times, when the activity of the State is so wide-ranging and decisive, many people see the democratic form of government as a natural postulate demanded by reason itself. So when 'more democracy and a better democracy' is demanded, this can mean only that the citizen is to be set in an ever better position to hold his *own opinion, express it and make its weight felt in a way in conformity with the common good.*

Ibid., 22-26. [Emphasis added].

³ Schooyans:

When we try to study democracy in the teaching of the Church, we are most struck by the rarity of systematic statements – a rarity in contrast with the large amount of scattered but relatively uncoordinated material on the subject. ... It does not appear in the index of the first edition of *Discours social de l'Église catholique*. Marmy's collection, which covers nearly 150 years, finds it once in Leo XIII, and more often in Pius XII. In Father Utz's monumental collection devoted to Pius XII, references are somewhat more frequent and would repay systematic examination. However, it is with John Paul II that the topic starts to appear fairly regularly – and more particularly that the spotlight is really focused on it.

Ibid., 31.

⁴ Schooyans:

[I]t must be admitted that nowhere is there a detailed discussion of the problems raised by different conceptions and contemporary models of democracy. In the last analysis, teaching on this subject seems somewhat sketchy and in urgent need of development.

Ibid., 32.

note. The author has limited his exercises of judgment to matters of selection, arrangement, and running continuity.

- 3 Three separate study sessions were organized by PASS under the following titles: *Proceedings of the Workshop on: Democracy* (1996); *Democracy. Some Acute Questions* (1998); *Democracy. Reality and Responsibility* (2000).⁵ In these collections, the directors of the Workshops called for studies on five separate points (the number of essays devoted to each point is inserted in brackets): the state of CST regarding democracy and human rights [5]; the question of 'values' [5]; the concept and role of 'civil society' [5]; individual fields of 'civil society', such as education, media, ethnic organizations, religion, economy, labor, and welfare [8]; and supranational and global pressures affecting democracy [4]. As the study progressed, the directors contributed five essays on the method, scope, and tentative findings of PASS.

Many of these studies identified important issues, sometimes at considerable length, which deserve headings of their own. These issues fall naturally under headings that are useful for practical instruction:

1. Why does the Pontifical Academy *commend* the study of democracy?
2. What *is* democracy?
3. The *history, geography, and spiritual lineage* of democracy (*i.e.*, its origins in Judaism, the Greeks, the Romans, Christianity, and medieval and modern philosophers).
4. *Ideas* necessary for understanding democracy.
5. *Institutions* that order the practice of democracy.
6. *Habits* necessary for making democracy work.
7. The dependence of democracy on *culture*; the concept of '*civil society*'.
8. Some individual fields within '*civil society*'.
9. The challenge to '*values*' in a pluralistic context.

⁵ *Proceedings of the Workshop on: Democracy* (12-13 December 1996), edited by Hans F. Zacher, Pontificiae Academiae Scientiarum Socialium Miscellanea 1, Vatican City 1998; *Democracy. Some Acute Questions*. The Proceedings of the Fourth Plenary Session of the Pontifical Academy of Social Sciences, 22-25 April 1998, edited by Hans F. Zacher, Pontificiae Academiae Scientiarum Socialium Acta 4, Vatican City 1999; *Democracy. Reality and Responsibility*. The Proceedings of the Sixth Plenary Session of the Pontifical Academy of Social Sciences, 23-36 February 2000, edited by Hans F. Zacher, Pontificiae Academiae Scientiarum Socialium Acta 6, Vatican City 2001.

10. The relation of democracy to *economics* (welfare state, labor, unemployment).
11. *Global* pressures upon democracy.
12. The *entropy* of democracy.

It is around these headings that I have organized the findings of the Workshops on Democracy.

1. THE FINDINGS OF THE PONTIFICAL ACADEMY

1.1. *Why Does PASS Commend the Study of Democracy?*

- 4 A powerful answer was given to this question by John Paul II in *Centesimus Annus*:

The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate. Thus she cannot encourage the formation of narrow ruling groups which usurp the power of the State for individual interests or for ideological ends.

Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person. It requires that the necessary conditions be present for the advancement both of the individual through education and formation in true ideals, and of the 'subjectivity' of society through the creation of structures of participation and shared responsibility.⁶

The Magisterium had earlier been slow to praise democracy.⁷ During the nineteenth century, harsh experiences with the anti-Catholic democracies of Europe loomed large in the Vatican's mind, while the fairly benign dem-

⁶ John Paul II, *Centesimus Annus* (London: Catholic Truth Society, 1991), 46.

⁷ Schooyans: 'The magisterium of the Church was slow to speak about democracy, and did so even then with considerable circumspection, if not suspicion', *op. cit.*, 11. Also, 'The word "democracy" was very little used in papal documents before 1965, and does not appear in any of the conciliar documents!', *Schooyans: Teaching of the Popes*, 26.

ocratic experiment in the United States, praised by Leo XIII,⁸ seemed remote. Beginning with Napoleon's invasion of Italy, two Popes were dragged away in wagons into captivity in France, and their successors were put at risk of life and limb for more than a century.⁹ Many philosophers, sometimes (but not always) under the flag of democracy, presented the new secular order as a radical overturning of the religious past.¹⁰ Scores of thou-

⁸ Leo XIII letter to Cardinal Gibbons (1888):

[W]e desire that you should assure the President of our admiration for the Constitution of the United States, not only because it enables industrious and enterprising citizens to attain so high a level of prosperity, but also because under its protection your countrymen have enjoyed a liberty which has so confessedly promoted the astonishing growth of religion in the past and will, we trust, enable it in the future to be of the highest advantage to the civil order as well.

A copy of the letter is in the Cathedral Archives, Baltimore. Allen Sinclair Will, *Life of Cardinal Gibbons* (New York: E.P. Dutton & Co., 1922), vol. I, 412.

⁹ Professor Russell Hittinger, chair of Catholic Studies at the University of Tulsa (Oklahoma, USA), has described the situation crisply:

Leo XIII was born in 1810; became Pope in 1878, and died in 1903. The first thing that needs to be said is that his entire life and ecclesiastical career was dominated by persecution of the church. The century began with the death of Pius VI who died in captivity in France after being kidnapped by the 'moderate' French government. The French Directory declared him to be 'the last Pope'. During his lifetime, Leo XIII had seen yet another Pope kidnapped (Pius VII, in 1809-1814), three archbishops of Paris murdered, and half of the Prussian hierarchy imprisoned by Bismarck for refusing to cooperate in state control of the Church. Priests, monks, and nuns, by the tens of thousands throughout Europe, were expelled from their countries. Just one year after the 1900 Jubilee, the French government would pass a law that closed 2500 Catholic schools.

Unpublished lecture for the Slovak Summer Seminar on the Free Society, 2001.

The historian Newman C. Eberhardt writes of Pius VI:

On March 28, 1799, the Pope, now ailing and partially paralyzed, began his 'stations of the Cross': he was dragged to Bologna, through Modena, Reggio, Parma, Turin, carried on a stretcher over the Alps to Briançon and Grenoble, and finally lodged in the abandoned city hall of Valence, France, on July 14, 1799. When French peasants greeted him enthusiastically, the Pope was ordered on to yet another prison. This was more than he could stand: on August 28, 1799, he died at Valence, begging forgiveness for his enemies, peace for Europe, restoration of the Faith to France, the return of the papacy to Rome ...

A Summary of Catholic History (London: B. Herder Book Co., 1962), vol. II, 447-448.

¹⁰ Philosophers of the Continental Enlightenment loathed the *ancien regime* and especially the Catholic Church: 'During an English exile (1726-29) [Voltaire] had come upon Bayle's work and his biographer Condorcet claimed that he had taken an oath to devote his whole life to destroying Christianity: *écrasez l'infame*'. *Ibid.*, 343-344. The Jacobins sought first and foremost to dechristianize France: 'Bear in mind, too, that the

sands of monks and nuns were driven from their religious homes; seminaries, universities and libraries were closed; churches were used as barracks and stables; and many of the devout were cruelly slain. For some generations, the Church did not experience democracy as a movement of good will or even openness to dialogue.

Only later, as Fr. Schooyans notes, did the rise of the totalitarian governments of the twentieth century lead Pius XII, Pope John XXIII, and the Second Vatican Council to discern powerful comparative advantages in democratic institutions.¹¹ In taking these steps, the Magisterium ratified the efforts of many lay persons acting in the world, such as Jacques Maritain (publicly praised by Paul VI), Konrad Adenauer, Robert Schuman, and the remarkable priest-philosopher and founder of Italy's Partito Popolare, Don Luigi Sturzo.¹² As Mary Ann Glendon's history of the *Universal Declaration of Human Rights* demonstrates, a number of Catholic laymen played catalytic roles in its formal articulation, including the Thomistically educated Greek Orthodox layman and Arab statesman, Charles Malik of Lebanon.¹³

first objects of the Jacobins' reforming zeal when they achieved power anywhere were representatives of the church: bishops, priests, monks, nuns, and others. The celebrated dechristianization decrees of 1793-94 had as their declared aim the extermination from France of Christianity in all its aspects' (Robert Nisbet, *The Social Philosophers*, New York, Thomas Y. Crowell, 1973, 215).

¹¹ Schooyans: *Teaching of the Popes*, 22-27.

¹² Schooyans:

A full examination of the teaching of the Church on democracy would require study of the involvement of lay people and/or priests who have fought for social and then political democracy, albeit without formulating the theory. We would have to mention such figures as Buchez, Lamennais, Toniolo, Fathers Lennie, Naudet, Taparelli d'Azeglio, Liberatore, Romolo Murri and Luigi Sturzo (whom we shall be referring to again below). We would have to study the origin and action of Christian democratic parties – the Belgian Catholic Party, the Dutch Catholic Party, the German Zentrum Party, the Italian Popular Party, the Czechoslovakian Populist Catholic Party, etc. Closer to our own times, we would have to recall the influence of philosophers such as Maritain, Mounier and Jacques Leclercq, and the activity of Marc Sangnier, De Gasperi, Robert Schuman, Adenauer, and de Gaulle. We would have to assess the political impact of the positions taken up by Archbishop John Ireland of St Paul, Cardinal Gibbons in Baltimore and Cardinal Manning in London, or, more recently still, Cardinal Cardijn in many parts of the world.

Ibid., 15.

¹³ Glendon, Mary Ann, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (New York: Random House, 2001).

Thus, although Catholic intellect joined late in the modern articulation of democratic institutions, its efforts to strengthen democracy since World War II have been formidable.

- 5 One reason for commending democracy is that in establishing the rule of law, limited government, and an orderly process of transition, democracy better than other regimes protects individuals and minorities from torture, tyranny, and the abuse of their rights. *Gaudium et Spes* described the achievement in these terms:

The present keener sense of human dignity has given rise in many parts of the world to attempts to bring about a politico-juridical order which will give better protection to the rights of the person in public life. These include the right freely to meet and form associations, the right to express one's own opinion and to profess one's religion both publicly and privately. The protection of the rights of a person is indeed a necessary condition so that citizens, individually or collectively, can take an active part in the life and government of the state.¹⁴

By keeping intact the sphere of human obligations to the Transcendent, a well-ordered democracy also protects religious liberty, the rights of individual conscience, and the free exercise of religion in the public forum.¹⁵

- 6 Moreover, a profound phenomenological reflection on the classical concept of the 'person' has led John Paul II to a specifically Catholic contribution to the theory of human rights. The classical secular conception, as in Thomas Hobbes and John Locke, is said to derive from an original position of natural equality, from which, out of fear of violence from others, a social contract is arrived at that under rules of due process cedes all legitimate use of

¹⁴ *Gaudium et Spes*, 73.

¹⁵ *Dignitatis Humanae*, 2:

The Synod further declares that the right to religious freedom has its foundation in the very dignity of the human person, as this dignity is known through the revealed Word of God and by reason itself. This right of the human person to religious freedom is to be recognized in the constitutional law whereby society is governed, and thus it is to become a civil right. It is in accordance with their dignity as persons that is, beings endowed with reason and free will and therefore privileged to bear personal responsibility, that all men should be once impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth. They are also bound to adhere to the truth, once it is known, and to order their whole lives in accord with the demands of truth.

force to the state.¹⁶ By contrast, John Paul II's theory grounds human rights in a richer and more modern concept of the 'person' than was available in earlier times. In classical and medieval usages, human persons enjoy a dual personal and social nature, being both agents of their own destiny, capable of deliberation and choice, and bound to one another by conditions of family and culture and also by communion with one same Creator.¹⁷ John Paul II stresses the 'subjectivity' of the person and the inalienability of the uncoerced act of choice, especially in matters of religious faith.¹⁸ In this new light, democracy seems to be better attuned to the natural moral order than

¹⁶ Rosalie L. Crolie:

Originally, in the state of nature, executive power of the natural law was vested in every individual; subsequently whether suddenly or gradually is not made clear – men consented to live in a common society regulated by the communal executive power of the law of nature. Locke divided this communal power into three – the legislative, executive, and federative powers – with judicial decision a general power of the political commonwealth.

Encyclopedia of the Social Sciences (New York: Crowell Collier and Macmillan, 1968), vol. 9, 466.

¹⁷ Brian Tierney:

The idea of natural rights grew up – perhaps could only have grown up in the first place – in a religious culture that supplemented rational argumentation about human nature with a faith in which humans were seen as children of a caring God. But the idea was not necessarily dependent on divine revelation, and later it proved capable of surviving into a more secular epoch.

The Idea of Natural Rights (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1997) 343.

¹⁸ John Paul II:

If we then inquire as to the source of this mistaken concept of the nature of the person and the 'subjectivity' of society, we must reply that its first cause is atheism. It is by responding to the call of God contained in the being of things that man became aware of his transcendent dignity. Every individual must give this response, which constitutes the apex of his humanity, and no social mechanism or collective subject can substitute for it (*Centesimus Annus*, 13). [T]he root of modern totalitarianism is to be found in the denial of the transcendent dignity of the human person who, as the visible image of the invisible God, is therefore by his very nature the subject of rights which no one may violate – no individual, group, class, nation or State. Not even the majority of a social body may violate these rights, by going against the minority, by isolating, oppressing, or exploiting it, or by attempting to annihilate it (*ibid.*, 44).

Terrorism is often the outcome of that fanatic fundamentalism which springs from the conviction that one's own vision of the truth must be forced upon everyone else. Instead, even when the truth has been reached – and this can happen only in a limited and imperfect way – it can never be imposed. Respect for a person's conscience, where the image of God himself is reflected (cf. *Gen* 1:26-27), means that we can only propose the truth to others, who are then responsible for

were earlier monarchical regimes, and better protected against abuses of power.

- 7 Since the natural love for liberty is sweeping the world of our times, as *Gaudium et Spes* affirmed in its introduction,¹⁹ the number of attempts to construct democratic societies continues to grow. Democratic states today (at various stages of maturation) comprise a near-majority of world states, and carry predominant weight on the world scene. The worldwide influence of the democratic ideal is palpable. Moreover, empirical research seems to indicate that democratic states more easily and steadily attain high levels of economic development than non-democratic states.²⁰ In these circumstances, as Fr. Schooyans reminds us,

The 19th-century Church did not equip itself early enough with analytical tools that would have allowed it to analyze and understand better the emergence of the phenomenon of democracy and its nov-

accepting it. To try to impose on others by violent means what we consider to be the truth is an offence against human dignity, and ultimately an offence against God whose image that person bears. For this reason, what is usually referred to as fundamentalism is an attitude radically opposed to belief in God. *Terrorism exploits not just people, it exploits God: it ends by making him an idol to be used for one's own purposes.*

'No Peace without Justice, No Justice without Forgiveness' – *World Day of Peace Message*, January 01, 2002.

¹⁹ 'At no time have men had such a keen sense of freedom, ...' (*Gaudium et Spes*, 4).

²⁰ Partha Dasgupta summarizes the findings of his own statistical studies (1990) exploring possible links between political and civil liberties and changes in the standard of living: Political and civil rights are positively and significantly correlated with real national income per head and its growth, with improvements in infant survival rates, and with increases in life expectancy at birth.

Dasgupta: Democracy and Other Goods, 26.

Hans Tietmeyer:

So unterschiedlich die Forschungsansätze und Methoden im einzelnen auch sind, und so fragwürdig das statistische Datenbild insbesondere in diktatorischen Regimen auch sein mag, so deuten doch die meisten Ergebnisse darauf hin, daß es zwar mit hoher Wahrscheinlichkeit einen Zusammenhang zwischen Demokratie und wirtschaftlichen Ergebnissen gibt. Dieser Zusammenhang ist aber alles andere als eindeutig. Sowohl die Richtung als auch die Intensität des Zusammenhangs ist jedoch in vielen Fällen sehr unterschiedlich. Ein positiver Zusammenhang hängt offenkundig wesentlich vor allem davon ab, wieviel Freiraum die Politik der Wirtschaft läßt, welchen Rechtsrahmen die Demokratie für die Wirtschaft schafft, wie stabil und dauerhaft das jeweilige demokratische Regime ist und wie transparent es seine Kompetenzen gegenüber der Wirtschaft wahrnimmt.

Tietmeyer: Demokratie und Wirtschaft, 221-222.

elty. It continued to use the philosophical and political analytical tools inherited from 16th-century scholasticism in order to judge the new democratic trends. Although scholasticism certainly had its merits, it was under the sway of the concept of the divine right of kings and an absolute monarchy – the dominant model at the time.²¹ [Emphasis added].

A third major reason for commending the present study of democracy, therefore, is to prevent this failure from being repeated in the 21st century.

By its very nature, fortunately, democracy calls citizens into participation in their own government, and by staying within the bounds of limited government, democracy encourages citizens to attain a wide range of ends on their own. Thus, whether as individuals or in associations formed by themselves, citizens of democratic nations have legitimate opportunities to give shape to their societies according to their own interests and also to the common good. Since the Church is charged with implanting her teaching in the world as yeast is implanted in dough, the ability of the baptized to participate fully in the shaping of their own societies gives the Church a method for fulfilling her duty that is quite superior to the order in place under earlier regimes. This mission, of course, depends upon the education of Catholic citizens. Thus, the Church's survival under modern conditions, not to mention the fulfillment of her mission, requires the study of democracy: What is it? What duties and opportunities does it lay before its citizens? What dangers and what new possibilities lie still hidden within it?

1.2. *What is Democracy?*

- 8 On this subject, the experts who presented papers to the Academy were divided. A few linked democracy to majority rule, while others more properly insisted that the protection of the rights of minorities (and a proper dread of the tyranny of a majority) is absolutely crucial to the essence of democracy.²² In view of the obvious fact that a higher number of nations

²¹ *Schooyans: Teaching of the Popes*, 17.

²² Nicholas J. McNally:

One of the more obvious *weaknesses* of a democracy is that the majority is not necessarily right on any particular issue. This is significant when the issue is a moral one. The great *strength* of democracy is that in the vast area of practical alternatives where the choice lies between two or more morally neutral courses of action, the machinery exists to establish: 1. The choice preferred by the major-

attempt to build democracies than *succeed in doing so*, some experts further stressed that mastery of the institutions and procedures through which democracy is actually exercised is a necessary precondition for success.²³ Other experts stressed that the widespread personal appropriation of democratic *beliefs* and *values* is another precondition, since in moments of conflict or crisis, merely mechanical skills without underlying moral commitments avail little.²⁴

- 9 Thus, Taketoshi Nojiri notes both the institutional and the subjective dimensions of democracy. First, he says, 'democracy means an *institution* for political or social administration, above all a way to determine the will of the whole, as is usually the case when a state is called a democratic nation'.²⁵ Later, he adds that democracy 'denotes a *way of thinking* where everyone is equally a person, precisely because they are human beings. Democracy in this sense is good in its own right, *i.e.* as an end in itself, beyond being merely an instrumental value'.²⁶ In a related point, Schooyans adds that democratic *rights* 'have the value of *rules* which constrain citizens and institutions, governed and governors. A democratic state is based on the *rule of law*'.²⁷

ity after wide and informed debate; 2. The strength of support for the alternative; 3. The possibility of compromise.

So two points are made here[;] 1. Democratic institutions are not good in themselves but must be found to be good in their effects; 2. The democratic answer is not necessarily the right answer. [Emphasis added].

McNally: Africa, 101-102.

Two authors emphasize the rights of minorities: Göran Therborn, *Therborn: Ambiguous Ideals*, 148-155, and Habib Malik, *Malik: Religious Communities*, 381-399.

²³ McNally lists nine institutions – periodically elected Parliament and executive, a multi-party system, an electoral roll, an independent judiciary, division and balance of power, freedom of the media, a workable system of regional and local government, and a strong trade union movement – necessary for or important to democracy at *McNally: Africa*, 102; also McNally writes: 'People in Africa prefer to see democracy as a process, not an event, as a means to an end, not an end in itself, as a system with more strengths than weaknesses, but still a fallible human system'. *Ibid.*, 100. Note also John J. DiIulio: 'Both in the United States and elsewhere, however, more advanced scholarship conceives democracy as a means, not as an end'. *DiIulio: Contemporary Democracy*, 73. See also Hans Zacher: 'If democracy is not a value in itself, then the validity of the democratic principle will depend entirely on what values democracy serves and how effectively it does so'. *Democracy. Common Questions*, 121.

²⁴ Schooyans: 'La cohésion d'une société, de toute société, suppose que tous les membres de cette société reconnaissent librement certaines valeurs'. *Schooyans: Démocratie et Valeurs*, 46.

²⁵ *Nojiri: Values as a Precondition*, 92. [Emphasis added].

²⁶ *Ibid.*, 98. [Emphasis added].

²⁷ *Ibid.*, 13.

John Paul II goes further still in *Centesimus Annus*, underlining the importance of separated powers, checks and balances, and the rule of law:

Pope Leo XIII was aware of the need for a sound theory of the State in order to ensure the normal development of man's spiritual and temporal activities, both of which are indispensable. For this reason, in one passage of *Rerum Novarum* he presents the organization of society according to the three powers – legislative, executive and judicial – something which at the time represented a novelty in Church teaching. Such an ordering reflects a realistic vision of man's social nature, which calls for legislation capable of protecting the freedom of all. To that end, it is preferable that each power be balanced by other powers and by other spheres of responsibility which keep it within proper bounds. This is the principle of the 'rule of law', in which the law is sovereign, and not the arbitrary will of individuals.²⁸

Since democracy presents itself as limited government, its political system must not by definition suffocate the *other* two social systems which articulate the full nature of human beings: the *moral-cultural* system through which humans seek the beautiful, the true, the good, the holy and the just; and the *economic* system, through which humans express the natural desires to create, to improve one's economic condition, and to trade with one another. These other social systems do not lie under the direct control of the democratic state, but enjoy their own proper liberty.²⁹

²⁸ *Centesimus Annus*, 44. According to Schooyans, without checks and balances, the United Nations, for instance, now threatens the very rights that its *Universal Declaration of Human Rights* sought to protect:

Pour la technocratie onusienne, les valeurs sont le résultat de calculs utilitaires résolus par consensus ou décidés à la majorité. Les valeurs sont des préférences; elles s'expriment dans la fréquence des choix et se mesurent dans des histogrammes: un triomphe pour la courbe de Gauss. D'où la tyrannie de la majorité, déjà dénoncée par Tocqueville [*De la démocratie en Amérique*, II, 3]. Ce qui importe, c'est la satisfaction des passions de l'homme. Le droit fondamental de l'homme, c'est le droit à satisfaire ses passions individuelles fût-ce celui de (se) donner la mort. C'est cela que devrait entériner le droit positif.

Schooyans: Démocratie et Valeurs, 38.

²⁹ John Paul II:

Another task of the State is that of overseeing and directing the exercise of human rights in the economic sector. However, primary responsibility in this area belongs not to the State but to individuals and to the various groups and associations which make up society. The State could not directly ensure the right to work for all its citizens unless it controlled every aspect of economic life and

Regarding these other systems, the state has some proper regulatory and coordinating responsibilities, but because it offers *limited* government, it must also respect their proper autonomies.³⁰

1.3. *The History, Spiritual Lineage, and Geography of Democracy*

- 10 When we recall that the democracies of the ancient world could hardly be considered democracies today, we better appreciate how rare the modern practice of democracy is. As recently as the year 1850, barely four democracies were to be found anywhere in the world.³¹ During the early twentieth century, moreover, a great wave of dictatorship washed over the world. Nonetheless, democracy's roots are very ancient, reaching back both into Jerusalem and into the ancient republics of Greece and Rome. Indeed, several ideas crucial to modern conceptions of democracy owe their origin to the Jewish Testament: for example, the equality of the children of the Creator; the imperative of concern for 'widows and orphans' (*i.e.*, the poor and the vulnerable); and the dignity of each individual, each of whose names has been known to the Creator ('before Time was').³² Most scholars also hold

restricted the free initiative of individuals. This does not mean, however, that the State has no competence in this domain, as was claimed by those who argued against any rules in the economic sphere. Rather, the State has a duty to sustain business activities by creating conditions which will ensure job opportunities, by stimulating those activities where they are lacking or by supporting them in moments of crisis (*Centesimus Annus*, 48).

³⁰ John Paul II:

Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person. It requires that the necessary conditions be present for the advancement both of the individual through education and formation in true ideals, and of the 'subjectivity' of society through the creation of structures of participation and shared responsibility (*Centesimus Annus*, 46).

[T]he principle of subsidiarity must be respected: a community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to coordinate its activity with the activities of the rest of society, always with a view to the common good (*ibid.*, 48).

³¹ Joshua Muravchik: 'In the world of 1800, one democracy existed, the small United States of America ... If we look next at 1850, America had been joined in the democratic camp by Belgium, Switzerland, and to some extent England' (*Exporting Democracy*, Washington, D.C.: The AEI Press, 1991, 79).

³² *Genesis* 1:26a-27: "Then God said: "Let us make man in our image, after our likeness". ... God created man in his image; in the divine image he created him; male and

that the West derived the idea of progress from the Hebrews and their eschatology, which was quite contrary to the myth of eternal return prominent in the pagan world of antiquity.³³ The economic historian David Landes also lays special emphasis on the Hebrew ‘joy of discovery’, and praise of hard work as a noble (not demeaning or servile) undertaking.³⁴ Part of the authentic lineage of modern democracy, therefore, hails from Jerusalem.

In addition, the rights of conscience and religious liberty, while they have some precedent in the pagan classics (*e.g.*, the defense of obligations arising from piety toward ancestors in *Antigone*), owe their modern power to Jewish and Christian conceptions of God as Spirit and Truth, and of the obligation to worship Him, not solely by rote observance, but also ‘in spirit and truth’. This conception created a sacred space between each individual and his Creator which no one else, neither mother nor father nor brother nor sister, can intrude upon. Only when such a conception had become a commonplace to multitudes of ordinary citizens could the *political order* of religious liberty become institutionalized on the basis of broad consent.³⁵

female he created them’. *Deuteronomy* 10:17-19: ‘For the LORD, your God, is the God of gods, the LORD of lords, the great God, mighty and awesome, who has no favorites, accepts no bribes; who executes justice for the orphan and the widow, and befriends the alien, feeding and clothing him. So you too must befriend the alien, for you were once aliens yourselves in the land of Egypt’. *Jeremiah* 1:4-5a: ‘Before I formed you in the womb I knew you, before you were born I dedicated you’.

³³ Robert Nisbet:

There are at least two misconceptions about this historic idea [progress]: first, that it is a uniquely modern idea, and second, that its rise is the consequence of secularism, of Western thought’s liberation from Christian theology. But the truth is that the idea originated in classical Greece and subsequently achieved its fullest expression in Christian philosophy of history. It is in fact the general weakening of the Christian foundations of Western culture that explains much of the parlous state in which this once-grand idea now lies.

Prejudices: A Philosophical Dictionary (Cambridge: Harvard University Press, 1982) 238-239.

³⁴ David S. Landes: ‘Why this peculiarly European *joie de trouver*? This pleasure in new and better? This cultivation of invention – or what some have called the “invention of invention?”’. Different scholars have suggested a variety of reasons, typically related to religious values’. Landes notes especially the ‘Judeo-Christian respect for manual labor, summed up in a number of biblical injunctions’ (*The Wealth and Poverty of Nations: Why Some Are So Rich and Some So Poor*, New York: W.W. Norton & Company, 1999, 58-59).

³⁵ Thomas Jefferson advanced the argument for such an order in Christian terms:

That Religion, or the duty which we owe to our *Creator*, and the manner of discharging it, can be directed only by reason and conviction, not by force or vio-

Clearly, too, the political philosophies of Plato and Aristotle undergird much of our modern thinking about republics, as do the reflections of Cicero, Seneca, and other Roman masters. Conceptions of natural virtue, character, the natural moral law, and an administrative order recognizing both unity and diversity, more universal in scope than any one people or ethnic group or region – all these we owe to Greece and Rome. The Greek love for universals, like the Roman love for practical law and practical virtues, was so powerful in the West that it not only fed the way of thinking of the Catholic Church in its ascendancy during the First Millennium; it also sparked a series of renaissances during the Second Millennium, beginning with that of Charlemagne in the year 800 A.D. The humanism of these early centuries, matched with a transcendent faith whose vision was to build ‘a city on a hill’, was in many dimensions a powerful preparation for modern conceptions of democracy.³⁶

lence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity, towards each other.

The Virginia Declaration of Rights [1776] in *The Founders' Constitution*, Philip B. Kurland and Ralph Lerner, eds. (Chicago: The University of Chicago Press, 1987), vol. 1, p. 7.

A similar principle animates James Madison's *Memorial and Remonstrance Against Religious Assessments*:

The religion then of every man must be left to the conviction and conscience of every man; and it is the right of every man to exercise it as these may dictate. This right is in its nature an unalienable right. It is unalienable, because the opinions of men, depending on the evidence contemplated by their own minds cannot follow the dictates of other men: It is unalienable also, because what is here a right towards men, is a duty towards the Creator. It is the duty of every man to render to the Creator such homage and such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society.

Ibid., vol. 5, p. 82.

³⁶ Brian Tierney:

The doctrine of rights shaped by the experience of previous centuries turned out to be still of value in addressing the problems of a new era. The proponents of the secularized rights theories of the Enlightenment had often forgotten the remoter origins of the doctrines they embraced; but their rhetoric about the rights of man becomes fully intelligible only when it is seen as the end product of a long process of historical evolution.

The Idea of Natural Rights (Grand Rapids: Wm. B. Eerdmans Publishing Co., 1997), 343. See also Russell Kirk, *The Roots of American Order* (Washington, D.C.: Regnery Gateway, 1991), especially chapters three and four on the Greek and Roman worlds.

Franz-Xavier Kaufmann warns that, in later centuries, 'political theory starts from different assumptions in the Continental European and in the Anglo-Saxon traditions'.³⁷ Thus, democracy does not take one form, not even in the West. According to Professor Kaufmann, democracies emerging in Continental Europe had to reckon with the history of centralization common to absolute monarchies, so that even the democratic tradition there retains a concept of 'the State' that highly centralizes its political, administrative, and legal systems. In the Anglo-Saxon world, by contrast, democracy emerged within societies far less subjected to a centralized, professionalized civil service, and even the British king exercised power only as circumscribed by parliament. Thus, the Anglo-Saxon democratic tradition cherishes a concept of 'government' that stresses the minimal state and the separation of powers, especially the separation of the judiciary from the administrative bureaucracy. On the Continent, by contrast, democratic states were preceded by 'the principles of legality and constitutionality', handed down from outside, as it were, 'making for a slower process than in the case of the United States, whose very foundation was a democratic process'.³⁸

Despite significant differences among democracies in different regions, the papers presented to the Academy make abundantly clear that the modern idea of democracy remains an inspiring challenge to a very broad range of nations today, in every part of the world and of every race and religion. Today, the harmony of the idea of democracy with human nature coupled with a universal striving for liberty and individual dignity, has made democracy internationally attractive. That the stage for democracy today is planetary, as is the mission of the Catholic Church, is made obvious by the range of nations and regimes covered in the studies by the PASS.³⁹

1.4. *Key Ideas Necessary for Democracy*

- 11 While democracy may be said to be 'natural' in the sense that it harmonizes well with the nature of human beings as they are, *simul justus et peccator*, the institutions through which it is articulated are so complex, and so dependent on generations of trial and error, that the modern idea of democ-

³⁷ Kaufmann: *Democracy Versus Values*, 116.

³⁸ *Ibid.*, 116-117.

³⁹ The 1996 conference studied the following individual regions: Western Europe, Post-Communist countries, Latin America, Asia, and Africa. The 1998 conference considered the interaction of regional states and globalisation.

racy cannot be said to be simply intuitive. On the contrary, democracy's key conceptions need to be arrived at and refined through a kind of experimental 'science' of politics. Some of democracy's central ideas – for example, that human rights are safer in a larger orbit than they are within a small city-state, and that the division of powers, and the careful invention of checks and balances, are better than concentrations of power – were discovered the hard way, by making costly mistakes. In other words, while democracy is highly dependent for its successful realization on the widespread appropriation of certain basic ideas, these ideas are neither utopian nor a priori, but reached through trial and error, by way of actual experimentation. They are the fruit more of practical than of speculative reason. The intellectual habit appropriate to them is practical wisdom, not metaphysical, logical, utopian or constructivist 'Reason' (with a capital 'R').

An inventory of all the ideas crucial to a full science of democracy would run to thirty or so items. PASS primarily focused on five, both because of their importance and because of widespread contemporary confusion about them. They are: 'truth'; the related set of 'a loyal opposition', 'compromise', and 'coalition-building'; 'liberty as distinct from license'; 'human fallibility'; and 'the protection of minorities'.

- 12 Of these, the first is a regulative idea of truth to undergird practices of courteous argument and the mutual examination of evidence. Without such an idea of truth, there is no appeal except to power, which turns to force, not civil argument and civil consent.⁴⁰ Many people today who call themselves 'relativists', of course, are not really serious. They do not doubt the superiority of their own truth claims to those of their intellectual adversaries. The functional utility of their appeal to 'relativism' is to cast suspicion on those who believe in God, and/or a knowable moral order, and/or a regulative idea of truth.⁴¹ The functional utility of so-called 'critical thinking', which analyzes all propositions into their relation to power and interest, rather than

⁴⁰ John Paul II:

If one does not acknowledge transcendent truth, then the force of power takes over, and each person tends to make full use of the means at his disposal in order to impose his own interests or his own opinion, with no regard for the rights of others. People are then respected only to the extent that they can be exploited for selfish ends.

Centesimus Annus, 44.

⁴¹ John Paul II:

[N]owadays there is a tendency to claim that agnosticism and skeptical relativism are the philosophy and basic attitude which correspond to democratic forms of political life. Those who are convinced that they know the truth and firmly adhere

their relation to truth, is much the same. In a parallel way, the rise of 'theories of the absurd' during the 1920s and 1930s was a necessary condition for the spreading of the Fascist exaltation of power. Today, 'relativism' also helps those on the left to avoid accounting for the failure of their long-held social theories regarding capitalism and socialism.

Other important ideas necessary to making democracy actually work in practice include the idea of a 'loyal opposition', through which rivals for power can cooperate in making steady forward progress, no matter which party is in power. Related to this idea is the idea of 'compromise', which entails fidelity to principle while recognizing that not everything can be demanded at once, and that the perfect is the enemy of the good.⁴² In every negotiation, in order to accommodate the possibility of at least a little progress for all, those on all sides must both gain a little and also give up some of their demands. Related to these ideas is 'skill in building coalitions', that is, a talent for forming majorities out of constantly shifting smaller groups, sometimes case by case, sometimes for a long-term strategic purpose.⁴³

Tyranny by a democratic majority, one of the prevailing dangers of incompletely formed democratic systems, is prevented by multiplying the

to it are considered unreliable from a democratic point of view, since they do not accept that truth is determined by the majority, or that it is subject to variation according to different political trends. It must be observed in this regard that if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism (*Centesimus Annus*, 46); see also *Schooyans: Teaching of the Popes*, 30.

⁴² Schooyans:

Democracy ... seeks to bring about the *participation* of all people in all spheres of the life of society – participation in the twofold sense of sharing in the benefits and drawbacks offered by society, and making a personal contribution to building up the common good. The principle of *subsidiarity* summarizes this aspect.

Schooyans: Teaching of the Popes, 13.

⁴³ The need for the skill in building coalitions is readily apparent in the creation of the European Union. Stefano Bartolini describes the realignment that *European-wide* democratic representation is prompting in *nation-wide* representation:

The emergence of new political alignments and opposition lines *at the national level* and within the national party system (*not at the European level* for the reasons discussed above) may cut across, reshape, and disrupt traditional party internal cohesion and coalition strategies. In other words, the issues related to the domestic impact of the European market-making effort may realign national electorates, interest groups and group leaders.

Bartolini: European Integration, 315.

number of lively interests in society, particularly economic interests, so that these too may be set in check and balance against one another. Since the interests of one industry are different from those of another, and since the interests of different firms within the same industry are different from one another, the multiplication of interests contributes to the fragmenting of potential majorities.⁴⁴ The fragmenting, in turn, creates an incentive for learning skills in how to form coalitions, which may form around one axis with regard to one issue, and around another with regard to a second issue. In this way, even peoples with quite diverse interests become accustomed to cooperating with one another when some of their interests do coincide. Further, it is in the interests of all to keep the entire cooperative system working, and therefore not to insist upon getting their own way, at the expense of bringing all progress to a stop (at which point the others would turn against them) but instead to relent, and to seek a point of compromise. Thus, individual interests are made, despite themselves, to serve a common good, and even the competitive appetite is made to serve cooperation.

The third key idea is the difference between *license* and *liberty*. License is the freedom to follow one's instincts and do as one desires, as naturally as cats and dogs do. *Liberty* is the duty to do what, after reflection and deliber-

⁴⁴ James Madison:

The latent causes of faction are thus sown in the nature of man; and we see them everywhere brought into different degrees of activity, ... A zeal for different opinions concerning religion, concerning government, and many other points, ... But the most common and durable source of factions has been the various and unequal distribution of property. Those who hold and those who are without property have ever formed distinct interests in society. Those who are creditors, and those who are debtors, fall under a like discrimination. A landed interest, a manufacturing interest, a mercantile interest, a moneyed interest, with many lesser interests, grow up of necessity in civilized nations, and divide them into different classes, actuated by different sentiments and views. The regulation of these various and interfering interests forms the principal task of modern legislation and involves the spirit of party and faction in the necessary and ordinary operations of government. ... Extend the sphere [of the society, *i.e.*, the territory and the number of its citizens] and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens; or if such a common motive exists, it will be more difficult for all who feel it to discover their own strength and to act in unison with each other.

The Federalist Papers, 10 (New York: New American Library, 1961), 83.

ation, a human being knows what he or she *ought* to do.⁴⁵ Cats and dogs cannot help following the law of their own nature; they are not free to do otherwise. Our own children are confronted with more than one set of instincts and laws, flowing from their complex natures, and they must learn to reflect, discern, and deliberate as to which of these inclinations to follow, and in what way.⁴⁶ To do justice to the fullness of their complex natures, they must reflect, deliberate, and take responsibility for their choices. Acting as free women or free men is, therefore, neither a reflex nor a given, but a rather high achievement.⁴⁷ (In his ‘Two Concepts of Liberty’, this moral concept of liberty is the ‘third concept’ that Isaiah Berlin fatally overlooked).⁴⁸

The fourth idea is the role of human fallibility or sin. In the aphorism of the great American Protestant theologian Reinhold Niebuhr: Because humans are sometimes capable of acting justly, generously, and well, democ-

⁴⁵ Nojiri:

Human liberty, therefore, in its true sense, must be autonomy. And, as is the case with autonomy, liberty is bound up with responsibility and rights are bound up with duties. These two pairs are inseparably linked: if one were lacking, the other could not exist. Man as a person is not only the bearer of liberty and rights but also the subject of responsibility and duties.

Nojiri: Values as a Precondition, 100.

⁴⁶ Bony:

La démocratie en la matière répond à certaines normes. D’abord à celle de la liberté. En effet le citoyen c’est l’homme doué par la nature d’une liberté indifférente aux contingences, débarrassé de préjugés, des soucis inhérents à sa condition économique et sociale, appelé à l’exercice du pouvoir politique dans la mesure où il se comporte de par ses qualités comme un serviteur fidèle et exclusif de cette liberté.

Bony: Culture et Démocratie, 263.

⁴⁷ Zulu:

Fundamental conceptions of democracy from Plato and Aristotle to Thomas Aquinas and Gramsci are *premised on an education designed to develop in each individual the fundamental capacity to think critically* and an ability to find one’s way in life ... In political terms, an education for democracy will educate students in the analysis of how power works in producing and shaping knowledge and how ideological barriers to democracy such as class, race, age, gender and birthplace lead to one form of domination or another. It is an accepted truism that critical thinking is not only a function of inherent genetic capacity, but is also mediated through an education that equips individuals to analyze situations, work out alternatives and make informed choices. [Emphasis added].

Zulu: Education, 170.

⁴⁸ I. Berlin, ‘Two Concepts of Liberty’, *The Proper Study of Mankind* (New York: Farrar, Straus, and Giroux, 2000).

racy is possible. Because humans are not capable of always acting justly, generously, and well, democracy is necessary.⁴⁹ Democracy cannot and does not eliminate evil from the human heart, or banish it from human practice. On the contrary, it is because of the ineradicable human tendency toward self-aggrandizement that limited government, the separation of powers, and a profusion of checks and balances have had to be carefully set in place, in order for democracy to avoid the worst evils and to mitigate even the lesser evils.⁵⁰ As Professor Kaufmann notes, Winston Churchill used to say that democracy is the worst system of government known to man, except for all the others; a very poor system, except that the others are worse.⁵¹

The fifth idea is the classic argument against democracy and in favor of the democratic republic. The democratic principle is majority rule; the republican principle is the self-limiting check on popular consent, through the election of a small body of representatives, disciplined in turn by frequent recurrence to electoral approval or ejection. To the extent that democracy is understood solely as 'majority rule', democracy is quite vulnerable to turning into the tyranny of a majority, which in reality can become even more irrational and incorrigible than tyranny by a single indi-

⁴⁹ Reinhold Niebuhr:

Man's capacity for justice makes democracy possible; but man's inclination to injustice makes democracy necessary. ... If men are inclined to deal unjustly with their fellows, the possession of power aggravates this inclination. That is why irresponsible and uncontrolled power is the greatest source of injustice. ... [A] Christian view of human nature is more adequate for the development of a democratic society than either the optimism with which democracy has become historically associated [in America] or the moral cynicism which inclines human communities to tyrannical political strategies.

The Children of Light and the Children of Darkness (New York: Charles Scribner's & Sons, 1944), *xiii-xv*, foreword to the first edition.

⁵⁰ Kaufmann:

In modern societies the apparent 'decay of values' at the level of individual *attitudes* is compensated for by the institutionalization of *rules and procedures* by which comparable effects are achieved at the level of *behavior*.

Kaufmann: Democracy Versus Values, 133-134. [Emphasis added].

⁵¹ Churchill:

No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of Government except all those other forms that have been tried from time to time.

Speech, *Hansard*, 11 November, 1947, col. 206, reprinted in *The Oxford Dictionary of Quotations*, 4th ed., Angela Parthington, ed. (Oxford: Oxford University Press, 1992), 202.

vidual.⁵² That is why Madison commended investing much energy in devising checks and balances against potential majorities. It is also the reason why he commended mixing republican and democratic principles, as checks upon each other.⁵³

1.5. *Institutions that Undergird the Practice of Democracy*

- 13 The first institutional requirement of democracy is that the *political system* must be *limited*. As *Centesimus Annus* makes clear, all three spheres of liberty must be protected: there must be a division of systems, so that the political system does not suppress the spheres of culture, on the one

⁵² Malik: 'Equating democracy solely, or even principally, with majority rule becomes therefore a ready recipe for persecution of ethno-religious minorities'. *Malik: Religious Communities*, 391-392.

⁵³ *The Federalist Papers No. 10*:

The two great points of difference between a democracy and a republic are: first, the delegation of the government, in the latter, to a small number of citizens elected by the rest; secondly, the greater number of citizens and greater sphere of country over which the latter may be extended.

The effect of the first difference is, on the one hand, to refine and enlarge the public views by passing them through the medium of a chosen body of citizens, whose wisdom may best discern the true interest of their country and whose patriotism and love of justice will be least likely to sacrifice it to temporary or partial considerations. Under such a regulation it may well happen that the public voice, pronounced by the representatives of the people, will be more consonant to the public good than if pronounced by the people themselves, convened for that purpose. On the other hand, the effect may be inverted. Men of factious tempers, of local prejudices, or of sinister designs, may, by intrigue, by corruption, or by other means, first obtain the suffrages, and then betray the interests of the people. The question resulting is, whether small or extensive republics are most favorable to the election of proper guardians of the public weal; and it is clearly decided in favor of the latter by two obvious considerations.

In the first place it is to be remarked that however small the republic may be the representatives must be raised to a certain number in order to guard against the cabals of a few; and that however large it may be they must be limited to a certain number in order to guard against the confusion of a multitude. ...

In the next place, as each representative will be chosen by a greater number of citizens in the large than in the small republic, it will be more difficult for unworthy candidates to practise [sic] with success the vicious arts by which elections are too often carried; and the suffrages of the people being more free, will be more likely to center on men who possess the most attractive merit and the most diffusive and established characters.

Op. cit., 82-83.

hand (conscience, religious exercise, information, ideas, the arts, the sciences), nor the spontaneous and vital economic energies of the economic system, on the other.⁵⁴

Second, the political system must not suppress the manifold and essential energies of civil society, which spring from the right of association, and which enable associations of individuals and communities to further their own proper ends in full freedom and vigor, with due respect for the common good of all.⁵⁵ In all these areas, the democratic political system retains certain regulative powers in light of securing the common good, but it must be exceedingly careful in employing these powers not to suffocate the vital civil energies of the larger society.⁵⁶

⁵⁴ John Paul II: 'To that end, it is preferable that each power be balanced by other powers and by other spheres of responsibility which keep it within proper bounds'. *Centesimus Annus*, 42. See also note 24 above.

⁵⁵ Leo XIII:

If the citizens, if the families on entering into association and fellowship, were to experience hindrance in a commonwealth instead of help, and were to find their rights attacked instead of being upheld, society would rightly be an object of detestation rather than of desire.

Rerum Novarum, 13.

When a society is perishing, the wholesome advice to give to those who would restore it is to call it to the principles from which it sprang; for the purpose and perfection of an association is to aim at and to attain that for which it is formed, and its efforts should be put in motion and inspired by the end and object which originally gave it being.

Ibid., 27.

Civil society exists for the common good, and hence is concerned with the interests of all in general, albeit with individual interests also in their due place and degree. It is therefore called a public society, because by its agency, as St Thomas of Aquinas says, 'Men establish relations in common with one another in the setting up of a commonwealth'. But societies which are formed in the bosom of the commonwealth are styled *private*, and rightly so, since their immediate purpose is the private advantage of the associates. 'Now, a private society', says St Thomas again, 'is one which is formed for the purpose of carrying out private objects; as when two or three enter into partnership with the view of trading in common'.

Ibid., 51.

⁵⁶ John Paul II:

Furthermore, the totalitarian State tends to absorb within itself the nation, society, the family, religious groups and individuals themselves. In defending her own freedom, the Church is also defending the human person, who must obey God rather than men (cf. *Acts* 5:29), as well as defending the family, the various social organizations and nations – all of which enjoy their own spheres of autonomy and sovereignty.

Centesimus Annus, 45.

Within the political system properly so-called, the first key institution is the separation of powers, so that these central powers are safely located in the hands of different persons with different interests. This means especially the institutional separation of executive powers, legislative powers, and judicial powers into three mutually related but independent spheres.⁵⁷ Officeholders in each of these spheres are given a certain responsibility for overseeing and checking the other two, in the hope that all of them will be kept within their proper and lawful limits and in due service to the common good.

It has often been noted that the reason for separation of powers is human fallibility or sin. It is not wise to trust any one person or group with too much power; it is necessary to make certain that every power is checked by at least an equal power.⁵⁸

Moreover, the principle of the separation of powers needs to be carried downward throughout the *whole* political system, in such a way that at every point power is balanced against power, and every interest is checked by a rival interest.⁵⁹ It is in this way that 'the rule of law' is pro-

⁵⁷ Schooyans: 'Power proceeds from the sovereign people; it is *divided* into legislative, executive and judicial powers'. *Schooyans: Teaching of the Popes*, 12.

John Paul II:

Pope Leo XIII was aware of the need for a sound theory of the State in order to ensure the normal development of man's spiritual and temporal activities, both of which are indispensable. For this reason, in one passage of *Rerum Novarum* he presents the organization of society according to the three powers – legislative, executive and judicial – something which at the time represented a novelty in Church teaching.

Centesimus Annus, 44.

⁵⁸ James Madison:

If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. The policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other – that the private interest of every individual may be a sentinel over the public rights.

The Federalist, 51.

⁵⁹ Zacher:

The oldest, indispensable elements of the rule of law are an independent judiciary, the threefold division of power, and the subjection not only of the citizens but

tected, so that merely egotistic, individualistic abuse of the law in any one office is prevented.

But collectives can also abuse power, as the 20th century taught us at unforgettable cost. Even democratic majorities may do great evils.⁶⁰ In order to prevent the abuse of power by majorities, and in order to block the passions that may sweep through a people in any one particular moment, all powers in a democracy are vested in an elective, representative assembly: a legislature. It is not the people who rule directly, but the people through their representatives. The powers of the legislature, meanwhile, are limited by the Constitution, formal or informal, so that limited government is protected.

The most indispensable feature of democratic governance is an independent judiciary, for without an honest, courageous, and forthright judiciary, the rule of law can never be discerned and properly observed.⁶¹ Arbitrary and individual judgment must not be allowed to have the final word; the rule of law must prevail, and this rule can only be upheld by judges with both the moral integrity and the material independence to be

also of the government to the law. In the course of time the rule of law system has become more and more differentiated. Control by the judiciary has been extended potentially to cover the whole of the State's activity.

Zacher: Democracy. Common Questions, 126.

Schambeck:

In einer Zeit, in welcher nicht mehr, wie in der Monarchie, der Monarch und die von seinem Vertrauen getragene sowie von ihm ernannte Regierung sich mit dem Parlament konfrontieren und gegenseitige Kontrolle ausüben, hat sich die Gewaltenteilung in einem Staat mit einem parlamentarischen Regierungssystem zu einem solchen zwischen der die Regierung bildenden parteipolitischen Gruppierung einerseits und der Opposition andererseits gewandelt. Konfrontierende und kontrollierende Teilung der Staatsgewalt *im Sinne von Machtverteilung* ist heute in einem Föderalstaat auch zwischen Bund und Ländern sowie zwischen Politikern und Beamten, Staats- und Selbstverwaltung, parlamentarischer und außerparlamentarischer Willensbildung, wie sie die Massenmedien betreiben, weiters zwischen parlamentarischer und plebiszitärer Demokratie, zwischen Parteien und Interessenverbänden und nicht zuletzt zwischen Kirche und Staat gegeben.

Schambeck: Ethnische Strukturen, 162.

⁶⁰ The most prominent example in the 19th century was the abuse by the white majority in the United States of the black minority, not only under slavery, but after emancipation the harsh regime of segregation. Another among many examples from the 20th century are the abuses by a Muslim majority upon a Christian minority chronicled by Malik, *Malik: Religious Communities, 387-400.*

⁶¹ McNally writes that among the institutions fundamental to democracy are: 'An independent judiciary with adequate integrity and power to maintain the rule of law and to protect basic human rights'. *McNally: Africa, 102.*

faithful to the law, even in the face of the most powerful interests.⁶² It goes without saying that there must be a sufficient love for the law among the general population to provide the social strength on which an independent judiciary finally relies. The people as a whole must be very jealous of the independence of their judges, even in those cases when the judges rule against the popular will.

It is also important to have an executive officer who, although checked and balanced by the other two great powers of government, retains a sufficient concentration of power to be able to show energy and to concentrate national purpose in cases of war, natural disasters, and other emergencies.⁶³

Many administrative institutions, always under democratic supervision, are also necessary for the functioning of democracy.⁶⁴ A comprehensive system of electoral institutions is needed on a regular basis for the election or rejection of candidates for public office.⁶⁵ A well-articulated justice system providing for trial by jury in the relevant range of cases, and for the

⁶² Zacher:

The independence of the judiciary is not, of course, only a matter of legal rules. It is not conceivable without lending a general aspect to this independence and the system of selection that appoints such persons judges as are capable of realizing this independence: in the service of the law and without succumbing to the temptation of arbitrariness – whether from outside or their own.

Zacher: Democracy. Common Questions, 126.

⁶³ Bartolini, for example, notes the difficulties that the necessary power of the executive poses to European national legislatures:

It is evident that in those fields in which policy competencies have been effectively transferred to the supranational Commission or to the intergovernmental Council, national parliaments have actually seen their legislative scrutiny capacity either disappear or be reduced. The sheer quantity, technical complexity and remoteness of EU legislation, the imbalance in information, and the required freedom of manoeuvre required by national executives in their Council's negotiations determine this.

Bartolini: European Integration, 313.

⁶⁴ Zacher: 'In a more general sense, an analogous demand of loyalty applies to the entire State machinery, in particular the administration. It may not be viewed and acted upon only as an instrument of the current government. The legal order can and should also subject it to a direct obligation – under the ultimate responsibility of the government'.
Zacher: Democracy. Common Questions, 126.

⁶⁵ McNally underlines the importance of 'an electoral roll, involving universal suffrage in the generally accepted sense, and maintained openly and efficiently'. *Op. cit.* Nojiri: 'Apart from the exceptional case of a small group, democratic decision-making in a group is normally carried out by voting. And, at that time, it is usual for the procedure of one vote per person and of decision by the majority to be adopted'. *McNally: Africa, 96.*

trial of cases both in civil and in criminal law, must also be articulated. A police power and a military power must be constituted and duly placed within the framework of the laws, under civilian control.

- 14 Outside the administrative structures of the government itself, democracy also depends upon a panoply of other institutions of great political effect. Tocqueville commented that in America religion is the first of the political institutions.⁶⁶ This is generally interpreted to mean that it is in religion, specifically Judaism and Christianity, that the Americans have discovered the ideas of rights of conscience, equality, and liberty itself. Since democracy depends on certain general ideas of this sort, the institutional source of these ideas plays a critical role.

Next in importance to religion is a free press, for to the extent that democracy depends upon the will of the people, it also depends upon the quality of their information and their ability to hear contrasting arguments, well and thoroughly presented.⁶⁷ For this purpose, only a free and open public square and public media of communication alive with reasoned discourse from many points of view can refresh the public argument on which democratic consent depends.

In a democracy, citizens are the sovereigns, and political officeholders are in an important sense their employees for a defined and limited period of time. While societies may differ in how they choose to decide who is entitled to be a citizen and who is not, it is more in keeping with what might be called 'the democratic spirit' to make the criteria of citizenship as inclusive as possible.⁶⁸

⁶⁶ Toqueville:

Religion, which never intervenes directly in the government of American society, should therefore be considered as the first of their political institutions, for although it did not give them the taste for liberty, it singularly facilitates their use thereof.

Democracy in America, George Lawrence, trans. and J.P. Mayer, ed. (New York: Anchor Books, 1969), vol. I, Part II, 9, 292.

⁶⁷ McNally emphasizes: 'Freedom of the media (Press, TV, Radio and now the Internet) to inform, to educate, to debate, and to expose wrongdoing'. *McNally: Africa*, 96.

⁶⁸ Dasgupta emphasizes that: 'The demos must include all adult members of the association except transients and persons proved to be mentally defective'. *Dasgupta: Democracy and Other Goods*, 22. Dasgupta draws this essential element, and four others, from the work of Dahl, R. *Democracy and Its Critics* (New Haven: Yale University Press, 1989), 119-131.

1.6. *The Habits Necessary to Making Democracy Work*

- 15 While the studies conducted by PASS made no inventory of the habits and virtues necessary among a people if they are to make democracy work, most of the experts who presented papers made frequent reference to such virtues. Among the virtues sometimes cited were respect for the rule of law,⁶⁹ solidarity and justice,⁷⁰ equality,⁷¹ tolerance,⁷² trust,⁷³ cooperation,⁷⁴ the capacity to

⁶⁹ Malik:

Throughout the democracies of the West, whether European or American, there operates an undeclared assumption that differences arising from the existing pluralism in society are to be aired under the sway of three non-negotiable premises: the rule of law, a tolerant civility, and a modicum of universally accepted moral norms of conduct. These are the rules of the game, as it were, taken for granted by all players no matter how far apart they might be on other essentials.

Malik: Religious Communities, 376.

⁷⁰ Schooyans:

The Church thus follows a tradition going back to Aristotle, recommending the moral virtues whose practice is a necessary condition – albeit only partial – for democracy: justice, a social sense, solidarity, prudence, fortitude, moderation, respect for others, etc.

Schooyans: Teaching of the Popes, 33.

⁷¹ Zulu:

There should be recognized and acknowledged equality among participants so that views expressed by the various parties are accepted as being of equal value.

Zulu: Education, 164.

⁷² Bony:

Le brassage culturel lié à l'expansion de la démocratie nous commande de rester fermes sur quelques exigences capitales, quelques impératifs imprescriptibles: droits de l'homme, justice, tolérance, solidarité, valeurs démocratiques et valeurs chrétiennes dont la défense et l'application effective s'imposent partout et toujours à tout homme responsable.

Bony: Culture et Démocratie, 280.

⁷³ Donati:

An authentic public sphere capable of transcendentality (that is to say as a sphere of the transcendental as an expression of the shared values of religions and of their transcendental truths) must be able to transmit values and trust to the democratic political system.

Donati: Religion and Democracy, 355.

⁷⁴ Dasgupta:

Collective action requires co-ordination; more fundamentally, it requires that people trust one another *to* co-ordinate. Civic engagement creates trust by reducing the uncertainties each party harbours about others' predilections and dispositions. Contrariwise, an absence of such engagement makes trust that much harder to build. Recent empirical work on common-property resource management

reflect and to deliberate,⁷⁵ reasonableness,⁷⁶ civility,⁷⁷ and the like. At least partly with these virtues in mind, some authors also stressed the importance of the system of education for the inculcation of certain virtues.⁷⁸

supports this reasoning by showing that trust can indeed be 'habit forming'.

Dasgupta: Democracy and Other Goods, 25-26.

⁷⁵ Bony: 'L'homme cultivé politiquement ou réfléchissant profondément sur des éléments du passé et du présent, trouve une voie, un parallèle permettant à l'imagination créatrice d'enfanter une décision originale'. *Bony: Culture et Démocratie*, 263.

⁷⁶ Arguing to the American people for the adoption of the U.S. Constitution, Alexander Hamilton evokes the virtue of reasonableness:

I have had an eye, my fellow-citizens, to putting you upon your guard against all attempts, from whatever quarter, to influence your decision in a matter of the utmost moment to your welfare by any impressions other than those which may result from the evidence of truth. ... I affect not reserves which I do not feel. I will not amuse you with an appearance of deliberation when I have decided. I frankly acknowledge to you my convictions, and I will freely lay before you the reasons on which they are founded. The consciousness of good intentions disdains ambiguity. I shall not, however, multiply professions on this head. My motives must remain in the depository of my own breast. My arguments will be open to all and may be judged of by all. They shall at least be offered in a spirit which will not disgrace the cause of truth.

The Federalist, 1, *op. cit.*, 35-36.

The disastrous outcomes of unreasonableness can be seen throughout the PASS studies when authors speak of demagoguery, the oppression of minorities by majority decisions, and the manipulation of the common good by powerful minority groups, *e.g.*, McNally: 'Africa is volatile, because of poverty, because of tribal loyalties, because simple cultures react in ways unexpected by Westerners. Extravagant oratory can lead to loss of life in rioting and disturbances'. *McNally: Africa*, 106.

⁷⁷ Therborn notes that civil society illuminates 'the democratic importance of civility'. *Therborn: Ambiguous Ideals*, 143.

⁷⁸ Paul Kirchhof:

A liberal democracy, which depends on the ability of the citizens to live in freedom and democracy, strives to convince every single member of the community of the underlying values of this democracy. For this reason, the *institution of the family*, which is responsible for basic education in relation to the ability to live in freedom, has to be strengthened both legally and economically. The needs of the people must not only be defined by commercial advertisements; they also have to be determined with reference to normative and cultural standards. Education, qualification and professional practice can serve as a counterweight to the predominant influence of the media and as a means by which to fill the normative void created by the media.

Kirchhof: Strategien zur Entfaltung, 66. [Emphasis added].

Zampetti: 'L'allevamento e l'educazione dei bambini è un momento importante nella formazione del capitale umano che nella società dell'informazione è superiore al capitale economico-finanziario'. *Zampetti: Il Concetto di Stato Democratico*, 205.

Some authors preferred the use of the more modern term 'values' to the older and traditional 'virtues'.⁷⁹ In the task of maintaining a democracy over a long period of time, it is the more permanent dispositions ('virtues') of a people that matter; that is to say, the actions that they take by second nature; and the actions that characterize them when they are caught by surprise or under great pressure from a critical emergency, or in the teeth of a powerful temptation.⁸⁰ It would seem to be of special utility to the catechesis of the Catholic Church, given its own concern for spreading the Gospel through the lives of lay persons living in the world, to have available a well-wrought theory of *the specific Christian virtues* necessary to the most important humanistic project of our time. For these reasons, the lack of systematic attention to a catalog of habits necessary to making a democracy work remains a task to be addressed.

1.7. *The Dependence of Democracy on Culture; The Concept of 'Civil Society'*

- 16 Since the year 1900, scores of new nations and old have attempted to replace traditional authoritarian or even dictatorial regimes with democratic government, but after a time have failed. The persistent failure to make democracy work has turned the attention of many social scientists away from a sole preoccupation with the mechanics of political institutions, and called them to attend instead to cultural factors, that is, the ideas, attitudes, and habits that mark a people as likely to be successful in building democracy or, on the contrary, less likely. Even as long ago as 1836, Alexis de

⁷⁹ Kaufmann:

the German conception of values ('*werte*') has strong normative or moral connotations. The history of this term originated only in the nineteenth century in the tradition of Kantian philosophy and is thus meant in a strictly anti-utilitarian sense. '*Werte*' has become a central concept for discussing problems of human order, and it is obviously in this sense that the concept is used in the programme of this meeting.

Kaufmann: Democracy Versus Values, 118.

⁸⁰ Elshstain:

Thinking about what civil society is reminds us that human beings are complex creatures who do not do good spontaneously most of the time. ... [M]embership in an institution that instills ethical habits of the heart helps people to enact that ethic in the lives of their communities. There are many institutions that historically aided in this effort. But, in all too many places on the globe at present, they are faltering, not flourishing.

Elshstain: What is 'Civil Society'?, 211, 212.

Tocqueville discussed three factors that have led democracies to fail or, on the other hand, to succeed, namely, the state of the laws, geography, and cultural factors.

Europeans exaggerate the influence of geography on the lasting powers of democratic institutions. Too much importance is attributed to laws, too little to mores. Unquestionably those are the three great influences [*geography, laws, customs*] which regulate and direct American democracy; but if they are to be classed in order, I should say that the contribution of physical causes is less than that of the laws, and that of laws less than mores. ... If in the course of this book I have not succeeded in making the reader feel the importance I attach to the practical experience of the Americans, to their habits, opinions, and, in a word, their mores, in maintaining their laws, I have failed in the main object of my work.⁸¹ [Emphasis added].

At the heart of democracy lies the practice of self-government, by which citizens through their own associations attain their own ends, without turning to the state to take care of all things. Thus, civil society is another form of 'government of the people, by the people, for the people', especially in spheres beyond the competence of politics and government. For by civil society is meant the active associational life of free citizens pursuing together both the common good and their own particular ends within it.⁸² Another way of putting this point is to say that democracy depends so much on the free activities of *civil society*, even in fields outside of politics,

⁸¹ Tocqueville, *op. cit.*, 308.

⁸² Glendon: '*Civil Society*, in its broadest sense, encompasses all the institutions and social systems that lie between individuals and the state'. *Glendon: The Ever-Changing Interplay*, 97. Also:

The French visitor [Tocqueville visiting America] was equally struck by the vigor and variety of the *social* groups that stood between the individual and government. He saw a country where most men, women and children lived on farms or were engaged in running a family business (both forms of livelihood involving intense cooperation among the participants). These families – the first and most important teachers of the republican virtues of self-restraint and respect for others – were surrounded by a myriad of religious, civic and social associations. Those latter groups provided settings where 'every man is daily reminded of the need of meeting his fellow men, of hearing what they have to say, of exchanging ideas, and coming to an agreement as to the conduct of their common interests'.

Ibid., 102. Glendon quotes Alexis de Tocqueville, *The Old Regime and the French Revolution*, (New York: Doubleday Anchor, 1955) XIV.

as almost to be a synonym for it.⁸³ Wherever there is a successful democracy, there you find a vital civil society.

For most of the activities of a democratic society, though always under the umbrella of the rule of law, take place outside the immediate reach of government agencies, through the vast array of associations, organizations, and civic institutions that citizens generate on their own, through exercising their right of association. This is the vast panoply of actions carried out by civil society. The Catholic Church has long defended the right of association and singled out associations as not only the heart of civil society, but also the preferred dynamic of the social order, as Leo XIII ('the Pope of associations') did in *Rerum Novarum*.⁸⁴ The free society is alive with the energy and initiative of its individual citizens, engaged in multiple activities through their own free associations. It is one of the main purposes of the democratic state to protect, empower, and nurture these vitalities. The state is the servant of civil society, not civil society the servant of the state.⁸⁵

Whereas some experts see 'civil society' in its quasi-official, semi-statal aspects (as, for example, Therborn and von Beyme⁸⁶), Zampetti

⁸³ Elshtain:

Embedded in the civil society framework is a recognition that our social and political worlds are enormously complex and that they emerge and take shape concretely over time. No social engineer can 'design' a civil society. No linear model can explain one. Civil society is a repository of human actions and reactions to a material and moral environment. A sturdy yet supple civil society embodies the decocted wisdom of the ages yet remains open to new insights and challenges. A civil society is a system, but it is an open system.

Elshtain: What is 'Civil Society'?, 209-210.

⁸⁴ Leo XIII:

Private societies, then, although they exist within the body politic, and are severally part of the commonwealth, cannot nevertheless be absolutely, and as such, prohibited by public authority. For, to enter into a 'society' of this kind is the natural right of man; and the State has for its office to protect natural rights, not to destroy them.

Rerum Novarum, 51. The *locus classicus* is the defense of the associations of Dominicans and Franciscans at the University of Paris by Thomas Aquinas, *Contra impugnantes Dei cultum et religionem* (1257).

⁸⁵ Schooyans: 'La société politique doit être au service de ces personnes; son rôle doit être 'subsidaire'; elle doit aider les personnes à s'épanouir, ce qui ne peut se faire sans le respect des familles, des corps intermédiaires et notamment de la nation'. *Schooyans: Droits de l'Homme*, 49; 'L'autorité est service. Elle est une nécessité découlant de la nature sociale et raisonnable de l'homme; elle est service de ceux qui ont donné librement procuration, qui l'ont constitué'. *Ibid.*, 54.

⁸⁶ von Beyme relates how non-governmental organizations, pressure groups, and the like present themselves as institutions of civil society yet begin to preempt the regulatory

notes that the political philosophy of the Enlightenment tended to concentrate on two then new realities, the individual and the state, while disregarding the many associations and intermediate societies that nurture and undergird those two.⁸⁷ Tocqueville pointed out that, in America, the most striking feature of the social order was the prevalence of associational life – wherever one looks, one finds associations. He concluded that ‘the law of association is the first law of democracy’.⁸⁸ It is no surprise, then, that two of the Academy’s American experts provide rather rich and positive descriptions of civil society. Glendon writes:

Civil Society, in its broadest sense, encompasses all the institutions and social systems that lie between individuals and the state. But I suggest that an important distinction needs to be made between the megastructures of civil society (large corporations, foundations,

functions of government:

A wave of the *new social movements* altered the mediating structures. The state, and not only in corporatist systems, was seen as being too closely connected to vested organized interests. The mediating groups – [too closely attached to] parties – grew into a *semi-statal* position by taking over more the hands of elitist iron triangles. *Civil society* as a counter-weight against the power of state authorities was rediscovered as a basic concept of democracy.

von Beyme: *Mediating Structures*, 230.

⁸⁷ Zampetti:

In genere oggi, quando si parla di Stato democratico, ci si limita a prendere in considerazione il rapporto tra individuo e Stato. Si tratta quindi di rapporto bipolare. *La società non esiste in questo tipo di rapporto*. E in tale prospettiva culturale la democrazia è intesa come democrazia rappresentativa. *Essa coglie nell'uomo la sua dimensione individuale, prescindendo dalle sue dimensioni sociali*. Per questo la democrazia rappresentativa è una democrazia delegata. Sono gli individui astrattamente considerati, estrapolati dalla società in cui vivono, che delegano l'esercizio del potere allo Stato. La stessa scissione tra esercizio del voto e esercizio del potere rientra nella concezione individualistica della democrazia rappresentativa. *La società è pertanto al di fuori del rapporto politico*. Per questo *parliamo di Stato democratico e non di società democratica*. Sempre per la medesima ragione *dovremmo parlare di democrazia politica e non già di democrazia sociale*. Ed invero nella concezione comune di Stato democratico, la società non entra nella definizione di democrazia. Il popolo è inteso come un insieme di individui, come corpo elettorale soltanto. La democrazia è una democrazia individualistica e perciò stesso illuministica. Tale concezione è ancor oggi predominante nella cultura occidentale.

Zampetti: *Il Concetto di Stato Democratico*, 182-183. [Emphasis added].

⁸⁸ Tocqueville: ‘A single Englishman will often carry through some great undertaking, whereas Americans form associations for no matter how small a matter. Clearly the former regard association as a powerful means; the latter seem to think of it as the only one’ (*op. cit.*, 514).

special interest organizations) and smaller communities of memory and mutual aid.⁸⁹

For Glendon these institutions and social systems include church, families, guilds, workplace associations, neighborhoods, schools, small businesses, and the like. Elshtain adds:

For contemporary advocates of civil society, civil society signifies a sphere of associational life that is 'more' than families, yes, but it is also other than government. Civil society encompasses labor organizations, professional associations, and social service networks. Political parties are also part of this picture. This network lies outside the formal structure of state power. One aim of maintaining a robust civil society is to forestall concentrations of power at the top or at the core. A second lies in the recognition that only many small-scale civic bodies enable citizens to cultivate democratic civic virtues and to play an active role in civil life.⁹⁰

- 17 Sadly, in their traditional ideas, habits, practices, or institutions, people in some cultures encounter certain obstacles to democratic ways of thinking and acting. Taketoshi Nojiri, on the other side of the ledger, objects to certain ideas of universal truth.⁹¹ Moreover, Zulu also objects to Western models of free speech, which in his view have destructive results in Africa.⁹²

Second, in order to make democracy work, certain important general ideas must also be widespread throughout a society. For instance, a large number of individual citizens must become aware of their own dignity and

⁸⁹ Glendon: *The Ever-Changing Interplay*, 97.

⁹⁰ Elshtain: *What is 'Civil Society'?*, 209.

⁹¹ Nojiri:

What is referred to here as value-absolutism is the view that there is an absolute and universal truth and that it can be accepted without reservation by anyone. With such a point of view, dialogue itself would become quite unnecessary. A man who completely grasped the universal truth might be allowed to decide the will of the whole and to enforce it. Such a viewpoint, then, has a tendency to lead to autocracy.

Nojiri: Values as a Precondition, 95. Cf. John Paul II, fns. 24 and 33 above.

⁹² Zulu:

Africa is volatile, because of poverty, because of tribal loyalties, because simple cultures react in ways unexpected by Westerners. Extravagant oratory can lead to loss of life in rioting and disturbances. Thus in a hierarchy of values, stability and unity may be seen to rank higher than freedom of expression. This again causes conflict with the West.

Zulu: Africa, 109.

their God-given power to become agents of their own destiny, to take initiative, and to imagine (and to begin to realize) a new future for themselves and their families.⁹³ A sufficient number must be willing to see that what has

Factor	Democracy-Prone Culture	Democracy-Resistant Culture
1. Time orientation	Toward the future	Toward the present or past
2. Mindset	I can influence my destiny	Fatalism, resignation
3. Wealth	Product of human creativity	Fixed sum; a given
4. Dissent	Possible source of good (innovation)	To be avoided (heresy)
5. Work/achievement	To work is good; to create wealth is good	Subsistence is enough; Poverty is good
6. Competition	Leads to excellence	Aggression, dog-eat-dog
7. Frugality	The mother of investment and prosperity	A threat to equality
8. Education (particularly higher)	Knowledge is a cause of wealth, progress; for all	A luxury, for the elite
9. Advancement	Universal opportunity, individual merit	Family/patron, connections
10. Sense of community, radius of identification and trust	Extends to broader society; reaching out through trust and exchanges	Circumscribed by family, limited social trust
11. Ethical code	Rigorous/feeds trust	Elastic/feeds mistrust
12. Justice, fair play	A reality, though imperfect	A myth
13. Authority	Dispersed: checks and balances	Centralized, unfettered and unchecked
14. Church-state relations	State protects religious liberty; church proposes in democratic arena, does not command	Religion plays authoritative role in civic sphere

⁹³ Schooyans:

La cohésion d'une société, de toute société, suppose que tous les membres de cette société reconnaissent librement certaines valeurs. Bien entendu, la solidité de cette cohésion est fonction de la reconnaissance de ces valeurs et de la volonté de susciter une société solidaire. Un société où chaque individu s'arroge le droit de

been, need not necessarily continue forever. Whole peoples need to learn that fresh thinking and new initiatives are wholesome human characteristics.

Permit me to append a schema that 'maps' some of the differences between societies that find adaptation to democracy relatively easy and those that find it difficult. This rough map systematizes many of the observations about cultural obstacles to democracy made by experts of the Pontifical Academy, especially those who wrote on regional trends. I have adapted this chart from an earlier version of an empirical test developed by Lawrence Harrison at Harvard.⁹⁴ The papers on Islam, Africa, Asia, Eastern Europe and Latin America brought many of these ideas into play.

Finally, in their essays about the United States, Professors Elshtain⁹⁵ and Glendon⁹⁶ each discerned some worrisome cultural trends in the United States that are potentially deleterious to democracy. A general conclusion from the studies by PASS may be drawn: *it is particularly in the realm of culture that democracy today seems most vulnerable, even approaching crisis.*

définir les valeurs à son gré est vouée à devenir anarchique et finit par sombrer dans la violence. Dans une société de ce genre, le 'pluralisme', si souvent chanté, n'est jamais que passager: La Pensée Unique l'emporte toujours et, avec elle, c'est le plus fort qui finit par imposer sa loi aux autres.

Schooyans: Démocratie et Valeurs, 46.

⁹⁴ These results were reported in an unpublished paper titled 'Culture Matters: Integrating Value and Attitude Change into Development; A Theoretical and Applied Research Project', December 3, 2001. For further elaboration, see Mariano Grondona, 'A Cultural Typology of Economic Development', chapter four in *Culture Matters: How Values Shape Human Progress*, Lawrence E. Harrison and Samuel P. Huntington, eds. (New York: Basic Books, 2000), 44-55.

⁹⁵ Elshtain speaks of the 'moral exhaustion' of citizens who 'have been taught that lived life exhausts itself and is self-encapsulating; that to extend oneself to others is not a norm but an extraordinary act of sacrifice; that anything and everything is arbitrarily constructed and nothing is given or can be taken on trust', citizens who are 'called to come to grips with an international culture of indifference and pluralism', and who are subject to a 'phenomenon of superdevelopment' that 'makes people slaves of possession and of immediate gratification ... and involves so much "throwing away" and "waste"'. Further, '[B]ecause the superdevelopment of some is implicated in the lack of minimally decent lives for many others, this phenomenon is also linked to those conditions that make it difficult or impossible for so many other societies to create and to sustain robust civil societies in the first place'. *Elshtain: What is 'Civil Society'?*, 216-218.

⁹⁶ Glendon lists five damaging aspects of contemporary American culture: 1) The centralization of government; 2) the decline of the mediating structures; 3) the spectre of new forms of oligarchy; 4) materialism and extreme individualism; 5) lack of confidence that there are any common truths. *Glendon: The Ever-Changing Interplay*, 110-114.

1.8. *Some Individual Fields of 'Civil Society'*

- 18 Since the term 'civil society' shelters under its leafy boughs all those smaller societies and associations that operate in the large field between the individual and the state, it is natural to want to inspect some of the more important mediating institutions more closely. Thus, PASS considered several important branches of civil society, namely, religion, education, public opinion, and the media.

1.8.1. *Religion*

In a penetrating paper, Professor Donati shows how classical views of religion, civil society, and democracy such as Tocqueville's have been eclipsed by new social developments. Tocqueville had noted that among the early Americans, religion was the first of all their political institutions. From religion, they got their understanding of the source of human rights ('endowed in them by their Creator'), and individual dignity. (At the ratification of the Constitution and for some decades afterwards, at least five of the original states maintained established churches; but it was not, of course, 'establishment' that Tocqueville was pointing to; rather, the institutional teaching of the worldview within which democratic institutions make sense).⁹⁷ But Donati points out that in Europe, the Enlightenment saw 'transcendental religion as an obstacle to democracy'. It forced religions, in order to be heard in the public square, to adapt themselves to linguistic codes of democracy. The result has been that '(political) democracy has lost its conceptual bases, and (established) religion has lost its identity'.⁹⁸ Classic theories presented religion as a 'third entity' in relation to civil society and the democratic state. Nowadays, however, all this is undergoing change. Donati offers a robust view of the enormous contributions made by Catholicism, Judaism, and even by Islam from the thirteenth to the fourteenth centuries in producing 'currents of thought and social actors which worked in favor of various models of modernity and in particular, of different models of relations between religion and democracy'. He cites the work

⁹⁷ One of the least religious of the American founders, Tom Paine, author of *The Age of Reason*, even sailed to France after 1789 to urge the French to abandon atheism, lest it lead to bloodshed, anarchy, and the loss of rights. For his troubles, Paine was jailed in France. See *In God We Trust: The Personal Philosophies of the Founding Fathers*, Norman Cousins, ed. (New York: Harper & Row, 1988), 389-393.

⁹⁸ Donati: *Religion and Democracy*, 309.

of R. Collins, which shows that not only does the political democracy of the West *not* have secular roots but that, instead, 'Western democracy is only conceivable on the basis of its Christian religious presuppositions'. Gradually, however, the hostile Enlightenment view of religion drove out the accurate historical memory. 'The nation state came to take the place of the church'. Religion has now been confined to the private sphere, always being held under suspicion, where it is 'restricted to the sound upbringing of the person'. Modern society insists upon principles of ethical neutrality, driving the language of religion 'to the rubbish heap'.⁹⁹

A new possibility is emerging, however, Donati argues, since the democratic state, in becoming increasingly secular, has lost all sense of soul, interior vitality, and humanizing energies. Just at this time, Catholic social doctrine has become much more profoundly and systematically developed into 'the most *articulated and complex* vision of the new reality; namely, that religion is 'a prerequisite of democracy [but] is at the same time distinct from, and supra-functional in relation to, democracy'. The Catholic position avoids both secularization and fundamentalism, 'avoids both the privatization and the radicalization' of religion. The Church has developed a theory of democracy and human rights, a concern for the common service that religion and democracy must render to the human person, and a proof that religion can infuse a materialistic democracy with a new soul in a way that nothing else can.¹⁰⁰

To explain the new relation of religion to democratic society, Donati engages in a complex and profound analysis too delicate to be summarized satisfactorily here. In his new semantics, 'democracy is not merely procedural and religion is not a mere private affair. Religion becomes the sphere of a vivification of a civil society of the human, [which] who would give substance and motivation to democratic procedures'.¹⁰¹

1.8.2. *Education*

- 19 As Zulu puts it, 'a sound education broadens the cognitive frames of reference, develops the capacities to think critically, and facilitates the range of

⁹⁹ Unless otherwise noted the quotations in this paragraph come from *ibid.*, 318-321.

¹⁰⁰ The quotations in this paragraph come from *ibid.*, 329. Donati cites R. Collins, 'The Rise and Fall of Modernism in Politics and Religion', *Acta Sociologica*, vol. 35, n. 3, 1992, pp. 171-186.

¹⁰¹ *Donati: Religion and Democracy*, 333.

options'.¹⁰² Another point of his is also valuable: 'In political terms, an education for democracy will educate students in the analysis of how power works in producing and shaping knowledge, and how ideological barriers to democracy such as class, race, age, gender and birthplace lead to one form of domination or another'.¹⁰³ It is quite true that whatever the power position of any citizen or group of citizens, or whatever their ideology, and certainly whatever their class, race, age, gender and birthplace, all persons must be subject to checks and balances, and none must be allowed to gather concentrated and unchecked power. The successful functioning of democracy depends crucially on the Jewish and Christian notion of original sin, or on some secular equivalent, such as, 'Since everyone sometimes sins, no one may be trusted with unchecked power'.

Since democracy is a difficult political order to establish, and even more difficult to maintain in all its rigor, it is also important that education should supply young citizens with stories, narratives, and models that fire their imaginations, and inspire them to accept self-discipline and face hardship and sacrifice. Since democracy depends on the faithful transmission of a certain number of practical insights, education must also include the careful and self-critical appropriation of these ideas by every succeeding generation.

Finally, of course, education in a democratic society must equip citizens with the analytic habits and information necessary for sound deliberation. For in giving their consent to particular public actions at critical moments in the history of their nation, citizens must make well-informed judgments.

1.8.3. *Public Opinion*

- 20 As Ziolkowski points out, one must distinguish between two different conceptions of 'public opinion'.¹⁰⁴ The first alludes merely to the opinions held by a majority at any one time. The problem with this type of opinion is that it is 'something that can be manufactured as well by minority pressure groups',¹⁰⁵ and can even be used by a majority to stifle minority views.

¹⁰² *Zulu: Education*, 169.

¹⁰³ *Ibid.*, 170.

¹⁰⁴ *Ziolkowski: Public Opinion and the Media*, 185.

¹⁰⁵ Ziolkowski quotes Robert Nisbet:

It does not seem to have occurred to [Tocqueville] that public opinion is something that can be manufactured as well by minority pressure groups. He conceived of it as a more or less direct emanation from the political masses. But if he did not

Ziolkowski adds that, in this sense, most political opinions ‘ultimately rest upon instincts; that is to say, upon moral sentiments of approval or reprobation, and upon emotional proclivities of like or dislike. This kind of public opinion ... should be seen as biased’.¹⁰⁶

By contrast, public opinion in the sense on which the genuine practice of democracy depends, is formed by extended and protracted *argument*, in which many persons in the public listen carefully to reasons for and against, raise objections, study how these objections are met, and thus slowly put together a reasoned view of the matter, perhaps not the view with which they began the discussion. Ziolkowski puts this succinctly: ‘The formation of public opinion [rightly understood] in a given grouping of people occurs through the give and take of discussion’.¹⁰⁷ And again:

In a nutshell, public opinion to be truly worthy of the name, to be the proper motive force in a democracy, must be really public; and popular government is based upon the reception of a public opinion of that kind. In order to be public, a majority is not enough, and unanimity is not required, but the opinion must be such that while the minority may not share it, they are bound by conviction, not by fear, to accept it; and if democracy is complete, this submission must be given ungrudgingly.¹⁰⁸

It will be clear that if democracy is to work, public opinion in this sense must be widely diffused throughout the society, persistent and lasting, intense enough to provoke argument, and forged in the give-and-take through which reasonableness is shown.¹⁰⁹

1.8.4. *The Media*

- 21 In analyzing the media, the experts paid special attention to such very recent media as fax, the Internet, and the telephone. All these very recent

explore its sources and variable expressions, he nevertheless correctly identified it as a new and powerful force in the modern state, one henceforth crucial to the legitimacy of governments. Equally important, Tocqueville, in contrast to most political conservatives of his day, feared not the instability but stability of public opinion in democracy, a stability so great, in his view, that not only political revolution but even intellectual innovation would become increasingly unlikely.

Ibid., 179. From the entry ‘Tocqueville Alexis de’, *International Encyclopedia*.

¹⁰⁶ *Ibid.*, 181.

¹⁰⁷ *Ibid.*, 184.

¹⁰⁸ *Ibid.*, 185.

¹⁰⁹ *Ibid.*, 181.

media played important roles in the short-lived revolution in China in 1989, in the collapse of the Iron Curtain, and in many other struggles for human rights and democracy in our time. Predominantly, however, our experts seem to be thinking of newspapers, radio, cinema, and television – the major mass media for the discussion of political and social questions. Here again Ziolkowski made an important point: ‘Such media are not seen as commercial companies like others of that kind, because they ought to contribute to long-term social benefits, mainly in the cultural and political area’.¹¹⁰ In other words, the public holds such media to the standard that they ‘should serve the common good (the social interest)’.¹¹¹ The media themselves put forward this standard ‘when they proclaim their public mission, expecting legal and economic privileges in return’.¹¹²

But what does it mean for the media ‘to serve the common good’? Ziolkowski puts forth three main criteria: the media should ‘express all that is best in the cultural achievement of the nation’, and in that and related ways, ‘perform an educational role’, lifting the minds of citizens toward still higher cultural achievements. They should also ‘reflect the culture and language of the people they serve according to the latter’s life experience’, and this entails that there must be good and sympathetic contact between the media elites and the ordinary people they serve. Finally, the media should also support originality and cultural creativity. Otherwise, cultural decline will set in, and democracy will suffer with it.¹¹³

1.9. *The Challenge to ‘Values’ in a Pluralistic Context*

- 22 Under the conditions of pluralism common to most democracies today, the question of ‘values’ [*werte*] is a vexed subject. Partly for this reason, as Kaufmann puts it, values or *werte* has become a main concept in social science these days.¹¹⁴ Curiously enough, it is probably our pluralistic situation which makes the concept ‘values’ so useful to social science. For the term is by itself non-committal as regards reality or truth. It is quite open to subjectivism. There are *your* values, *his* values, *her* values, all sorts of values. The term suggests by its most common usage that the individual human

¹¹⁰ *Ibid.*, 197.

¹¹¹ *Ibid.*

¹¹² *Ibid.*, 197.

¹¹³ *Ibid.*, 198.

¹¹⁴ See fn 79 above.

subject puts into reality whatever importance or significance he chooses; it is the subject that confers value, rather than the objective moral world commanding the respect of all and separating among proposed values the sheep from the goats. As some philosophers have noted, the more common coin of ethical discourse before Nietzsche was 'virtue', but after Nietzsche (after God had died) 'values'. Thus, unless scholars are careful, several of our experts warned, even the use of the term 'values' may prejudice the argument in favor of moral relativism.

Taketoshi Nojiri explains why many today fear the principle 'that there is an absolute and universal truth and that it can be accepted without reservation by anyone'.¹¹⁵ Such a position stifles dialogue. What does a man who possesses universal truth have to learn from others? Historically, Christian, Muslim and other theocracies have used appeals to truth to justify the use of force against the consciences of others. This history has discredited any abrupt appeal to absolute truth, a Charybdis where shipwrecks abound. The common opposite reaction, an abrupt appeal to relativism, runs into Scylla.¹¹⁶ If all values, including the true and the good, are purely subjective, then dialogue is pointless, for no criterion exists to distinguish what is closer to the truth from what is more remote. Just because a majority says something is so, doesn't make it so. Rule by majority, therefore, can be merely an exercise of brute power. When a majority makes no appeal to truth, it cannot appeal to informed consent; it coerces by pressure to go along with the crowd. A mob can be an even worse tyrant to deal with than a single individual, since one cannot reason with a mob.

At least in Western Europe and the United States, many who today claim to be relativists are not so in fact. They commonly claim to be more enlightened and in greater touch with reality (or 'history') than the rest of us. So theirs is a form of 'tactical relativism', or 'pretend' relativism – a way of attacking belief in God, objective truth, and natural law, but not a serious commitment to nihilism. Since Western tactical relativists tend to list compassion and solidarity among their highest moral principles, one might refer to them as nihilists with a Christ-like patina.¹¹⁷ They pledge allegiance

¹¹⁵ Nojiri: *Values as a Precondition*, 95.

¹¹⁶ *Ibid.*

¹¹⁷ Bertrand Russell, for example, attributes one of his most important values, compassion, to Jesus Christ; see his *Why I am not a Christian* (London: National Secular Society, 1970). Similarly, more than once, Richard Rorty has selected two Christian values,

to moral standards for which they have no rational argument. They 'happen to have' such commitments, they explain.

- 23 To meet this problem, alluded to by other PASS experts in their papers,¹¹⁸ Nojiri offers a proposal worth considering. Against the absolutists, he proposes that although there are certain universal criteria, whose existence incites an effort to discover them more exactly, no one is in complete possession of them. To grasp that one's own perception of them is imperfect is to concede that some degree of truth may be grasped, even while there are further degrees yet to be grasped – and which may perhaps already be seen by others. In this light, dialogue is a positive advantage to oneself; it offers a chance to advance in the truth. 'To be imperfect is not to be false. And it often happens that a truth only vaguely known in the beginning eventually comes to be clarified'.¹¹⁹ This proposal offers a powerful new motive for

compassion and solidarity, as central to his own thought, and on at least one occasion he points out that we learn these virtues, not from the Greeks or Romans, and not from the Enlightenment, but from the example of Jesus Christ. 'Jerusalem should share the credit with Athens for making Europe what it has become. The Christian suggestion that we think of strangers primarily as fellow sufferers, rather than as fellow inquirers into Being, or as fellow carers for the soul, should have a larger role. ... might not a sense that charity and kindness are the central virtues have caught on, and helped make Europe what it became, even if some eager Platonists had not grabbed control of Christian theology?' (*The New Republic*: 'The Seer of Prague', July 1, 1991). See also *Contingency, Irony and Solidarity* (Cambridge: Cambridge University Press, 1989) and *Philosophy and Social Hope* (New York: Penguin USA, 2000).

¹¹⁸ John Paul II, in his message to the participants in the Sixth Plenary Session, states:

At the dawning of the Third Millennium, a serious question confronts democracy. There is a tendency to see intellectual relativism as the necessary corollary of democratic forms of political life. In such a view, truth is determined by the majority and varies in accordance with passing cultural and political trends. From this point of view, those who are convinced that certain truths are absolute and immutable are considered unreasonable and unreliable.

Reality and Responsibility, xxxvi.

Schooyans shows how this trend, spreading in the United Nations, has produced a purely consensual concept of human rights:

La conception 'purement consensuelle' de la valeur et des droits de l'homme se caractérise encore par son relativisme intégral, son scepticisme et son agnosticisme. De l'homme, nous ne pouvons rien dire de vrai, mais les nécessités de la vie sont là et nous forcent à des compromis. Il n'est dès lors pas surprenant que cette impossibilité dans laquelle se trouverait l'homme de savoir qui il est, de connaître le sens de sa vie, s'accompagne d'un abandon de *l'anthropocentrisme* traditionnel.

Schooyans: Démocratie et Valeurs, 40.

¹¹⁹ Nojiri: *Values as a Precondition*, 96.

democracy, and gives democracy an important epistemic function. It affirms that the consent of a majority may be formed around an imperfect but real grasp of the truth. Thus, real progress in coming to grips with the truth about humankind might be attained, and an attitude of personal humility and respect for others can be nurtured.¹²⁰

Since modern democracy *is* an experiment testing whether or not governments can be formed through reflection and choice, or must forever be formed through force or chance,¹²¹ it is a necessary condition of democracy that reasoned dialogue be possible and in fact occur. By its very nature, then, democracy relies upon a notion of truth sufficient to distinguish wise deliberation from foolish; truth from falsehood; the common good from common misfortune; and the public interest from the public woe.¹²² An example may make this clear. At the beginning of the American Republic (1787), the Union of all states was necessary for survival, yet although nearly all recognized that the institution of slavery was evil, not all states were ready to eliminate their long reliance on slavery. The temporary toleration of slavery was understood as a necessary evil. The moral distinction between freedom and slavery was one of those 'truths' held to be self-evi-

¹²⁰ The author expresses a similar perspective in his own work:

Each seeker may be moved by one fragment of truth; other fragments emerge in the open contestation of ideas, under fair rules of argument. As Reinhold Niebuhr used to warn himself: There is always some truth in the errors of others and some error in my truth [see, *e.g.*, Niebuhr's discussion on 'Having, and Not Having the Truth' in *The Nature and Destiny of Man* (New York: Macmillan, 1943)]. The standard of evidence is beyond all of us. We need to listen hard – even where we would rather not listen – to learn all that we might learn about reality, especially moral reality.

On Cultivating Liberty (New York: Rowman & Littlefield, 1999), 25.

¹²¹ Madison:

It seems to have been reserved to the people of this country, by their conduct and example, to decide the important question, whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force.

Federalist, 1.

¹²² Schooyans:

Pour vivre ensemble, les hommes ont besoin de vérité, d'une vérité qui n'obéisse pas aux caprices, à l'opinion, à l'opportunité. Lorsqu'une société renonce à se préoccuper de cette valeur qu'est la vérité, elle est mûre pour se livrer à tous les leures idéologiques.

Schooyans: Démocratie et Valeurs, 35.

dent to common sense.¹²³ By 1865, the new nation was tested in a great civil war, experiencing in unprecedented bloodshed 'the grapes of wrath', until emancipation was at last put into practice. Under great pressure, something like Nojiri's 'imperfect recognition' was advancing toward greater clarity. Such emergences of moral truth under historical pressure offer a refutation of absolute relativism.

Nonetheless, the uneasy compatibility of democracy and truth is underlined by Habib Malik, as well as by Nojiri. Malik is poignantly aware, living under threat within a Muslim nation, that a majority can too easily render a minority helpless against injury systematically inflicted upon it. He emphasizes by many different arguments the need for a concept of democracy that goes well beyond 'majority rule', in order to place equal weight on the principle of 'the protection of the equal rights of minorities'. Minorities need full institutional protection against the tyranny of majorities. Malik is particularly concerned about notions that define truth in terms of the views of a majority:

Truth is sacred and absolute, meaning it has divine origins and is ontologically grounded in the Creator Himself. Truth can therefore reside in a numerically small group – even in a minority of one. The imperium of truth is not and cannot be democratic. There is no escape from the inherent opposition that pits political notions of democracy and what they assume about truth against the unchanging and universal concept of truth offered by religion.¹²⁴

¹²³ Daniel J. Robinson, referring to the 'Common Sense' school of the Scottish philosophers, notably Thomas Reid, writes in the unpublished text of a lecture for the James Madison Program at Princeton University, October 10, 2001:

It is within this context that the concept of the self-evident is not grounded in formal logic but in the *mint of nature* itself. It is best to begin with Reid's definition of a principle of common sense if we are to avoid Kant's notorious misunderstanding. By a principle of common sense, Reid says, is meant that which we under an obligation to take for granted in all of the ordinary affairs of life. He makes his meaning clear:

If there are certain principles, as I think there are, which the constitution of our nature leads us to believe, and which we are under a necessity to take for granted in the common concerns of life, without being able to give a reason for them; these are what we call the principles of common sense; and what is manifestly contrary to them, is what we call absurd.

Robinson is quoting from Thomas Reid, *An Inquiry into the Human Mind* (1764). Derek Brookes, ed. University Park: Pennsylvania State University Press, 1997. See ch. 2, sec. 6, p. 33.

¹²⁴ Malik: *Religious Communities*, 372.

Nojiri adds another point. No majority possesses the whole truth. Minorities may have hold of an important part of the truth, which needs to be heard both for the sake of the whole truth and also to prevent blind autocracy.¹²⁵

Professor Kaufmann also provides an important warning. Many critics of the West complain of a decline of values, a decay of moral habits. But in fact options have multiplied before our eyes, and many possible values that now shine before us are in conflict. Moral tentativeness results because we are overpowered by an *excess* of moral possibilities, not by an unwillingness to do the right thing.¹²⁶

- 24 Is democracy itself a value? Some of our experts seemed to think so.¹²⁷ They linked democracy to such *ideals* as equal dignity, participation in gover-

¹²⁵ Nojiri:

Since no one knows the absolute truth, it is thus entirely possible that the truth can in fact have been grasped by the minority. A decision-making process by a majority that disregards this point could result in dominance by a powerful majority and thus in a kind of autocracy.

Nojiri: Values as a Precondition, 96.

¹²⁶ Kaufmann:

The present-day problems of orientation in Western democracies are not due to a decay of values but rather to an *excess of values*. There are so many institutionalized options, and these interact often in rather confusing ways, that it becomes more and more difficult to find out what the best way to solve a problem really is. This is true not only at the level of individual but also at that of collective decisions. This presents substantial challenges for democratic practice as well as for democratic theory.

Kaufmann: Democracy Versus Values, 134.

To choose another example of my own, is it not true that in former times the power of certain simple routines of eating and sleeping was so strong that those who sought to learn self-control, or even to do penance and mortification, practiced acts of deprivation? By contrast, today's hectic schedules and rushed eating periods provide, it may be, countless acts of sensory deprivation (and actual discomfort) throughout the day, so that what the soul often needs most is a little quiet and calm sensory pleasure. Modern life, far from being entirely hedonistic (as its advertising certainly is) is in fact often quite ascetical in its pace and its demands. Preaching apposite for earlier ages often misses the mark today.

¹²⁷ Nojiri:

Democracy ... denotes a *way of thinking* where everyone is equally a person, precisely because they are human beings. Democracy in this sense is good in its own right, *i.e.*, as an end in itself, beyond being merely an instrumental value.

Nojiri: Values as a Precondition, 98. [Emphasis added].

Also Rémond:

Democracy, more than institutions and principles, is a *state of mind*. It is the willingness of each one to prefer the good of the whole to particular interests. It is the

nance, and solidarity. In a very European way, Fr. Schooyans distinguishes between 'political' democracy and 'social' democracy,¹²⁸ meaning by the latter efforts to raise up the economic level of the poor, advancing 'social justice', and the like. Some resist limiting the term 'democracy' to matters of procedures and mechanics, and want at least to connote by the word the ideals, beliefs, and values associated with it. Zacher, however, argues against too loose a meaning for the term: 'Democracy represents a chance for those values that are alive in society, but it cannot in the long run create greater respect for values than they already enjoy in society. *Democracy* does not in itself introduce values, nor does *democracy* itself produce values. It mediates between values'.¹²⁹

Indeed, there does seem to be a great gain for clarity of thought if we differentiate among the functions of each of the three systems necessary for a free society, the political system, the economic system, and the cultural system (as suggested by the threefold subdivision of *Gaudium et Spes* and the explicit differentiation of *Centesimus Annus*).¹³⁰ Like Zacher, we would say then that the political functions belong to *democracy* and its proper institutions, and the formation of ideas, values, and virtues to the *moral-*

fruit of an education. Democracy, as an idea as well as a practice, does not come by itself; it is neither an intellectual evidence nor a spontaneous behavior. It is neither in the nature of things nor in the order of instincts. ... It is a second nature which is first the product of a culture. Just as it could not emerge without the conjunction of the intelligence and the will, so too it cannot survive and develop without the concurrence of the two.

Rémond: Western Europe, 51-52. [Emphasis added].

Kaufmann sees democracy as a value in itself but not in abstraction from other elements:

The rule of law and the principles of modern constitutionalism, as well as the programme of the welfare state, are considered to be by themselves expressions of generally accepted values. Democracy is considered here as *an element* of the right constitutional order which paves the ground for peace, security, freedom, and justice, not as its essence as in the Anglo-Saxon interpretation. Thus, the functioning of democracy is considered to be dependent upon its embeddedness in the constitutional order.

Kaufmann: Democracy Versus Values, 120.

¹²⁸ Schooyans: 'As has often been the case, the Church showed an openness first to *social* democracy, which can be summed up in the formula "Everything for the people", and only later to *political* democracy, which can be summed up in the formula "Everything for the people and by the people"'. *Schooyans: Droits de l'Homme*, 12. Cf. Zampetti's objection to such a distinction, fn 87 supra.

¹²⁹ Zacher: *Democracy: Common Questions*, 134.

¹³⁰ *Op. cit.*

cultural system and its institutions. The political system depends on the moral-cultural system (and on the economic system, as we will shortly see).

In a word, the very large task of thinking through the virtues and the 'values' necessary for democracy in today's intellectual climate has not yet been completed, but several too simple solutions have been pointed out and surmounted.

1.10. *The Relation of Democracy to Economics (Welfare State, Labor, Unemployment)*

- 25 It has become widely accepted that a certain degree of oppressive poverty keeps populations so close to the sheer struggle for survival and so deprived of leisure for education that the prospects of democracy among them are slim. Thus, Thomas Mensah emphasizes that

When people are preoccupied with basic issues of nutrition, shelter, health and education, when they are unable to read and understand the most basic items of news on matters occurring within their own countries, let alone those on the international plane, it is unrealistic to expect that they will be particularly exercised by [sic] the activities of government officials or the operations of big business or organized labour.¹³¹

Another way of putting this point is to say that a dynamic economy is a necessary but not sufficient condition for democracy. For if all democracy affords people is the chance to vote every two or four years, without bringing about improvement in their economic conditions, especially among the many poor, people will not love democracy – they will reject it. Thus, the state of the economic system is crucial. Most national elections, indeed, tend to turn on economic questions.

To be a good match for democracy, its economic system needs to operate under the rule of law, and to respect the rights of personal economic initiative,¹³² private property, and association (among both business corporations or partnerships and labor unions). It needs also to encourage invention and discovery, recognizing that the cause of wealth is primari-

¹³¹ Mensah: *International and Governmental Structures*, 355.

¹³² John Paul II: 'One must not overlook that special form of poverty which consists in being deprived of fundamental human rights, in particular the right to religious freedom and also the right to freedom of economic initiative' (*Sollicitudo Rei Socialis*, 42).

ly human mind.¹³³ And it needs to practice the art of subsidiarity, so that excessive regulation and taxation do not prevent the formation of new small businesses, which are the chief creators of new employment. A society is not likely to have new employees without encouraging new employers: no employers, no employees.

1.10.1. *The Welfare State*

- 26 Since most of the essays on economic problems were presented by experts from Europe, they showed a preponderant inclination in the social democratic direction, and with the background and public policy thinking of the European welfare democracies in fullest view. This is no doubt as it should be. Even critics will happily note that the condition of democracy in Europe is far better than it was a hundred, or even fifty, years ago, and that much of the credit for popular contentment is due to the European welfare states. Professor Schmidt lists several impressive achievements of the European welfare state.¹³⁴

Still, a reviewer must note that Americans are likely to see matters differently, and that in particular those Americans critical of the center-left are

¹³³ John Paul II: 'Indeed, besides the earth, man's principal resource is man himself. His intelligence enables him to discover the earth's productive potential and the many different ways in which human needs can be satisfied' (*Centesimus Annus*, 32).

¹³⁴ Schmidt:

1) A mature democratic welfare state can pride itself on major successes. The democratic welfare state has largely accomplished its core task of protecting people against material impoverishment and securing people against the risks of income loss caused by unemployment, disability, old age, sickness, motherhood, or the provision of care.

2) Moreover, social policy has also reduced the level of social inequality to a considerable degree.

3) Furthermore, mature democratic welfare states protect not only individual beings from hardship, they also protect the polity and society as a whole from the destabilising effects of economic shocks and economic recessions.

4) Furthermore, a highly developed welfare state incorporates a significant 'economic value' despite the considerable costs which it places upon employers and employees.

5) Lastly, according to most surveys the developed welfare state is – generally speaking – a highly popular institution, if not, indeed, regarded as an inalienable good.

Schmidt: Welfare State, 267-268.

likely to judge that the coming crisis of the social democracies will arise from excessive promises of future benefits, a shrinking birth rate, extended longevity, and increasingly expensive medical technologies. This crisis is likely to be more severe for not being sufficiently feared.

In *Centesimus Annus*, Pope John Paul II recognizes the benefits brought by the welfare state in the decades after World War II, but also notes certain problems that have occurred. All political programmes, begun with good intentions, have unintended consequences. The Pope notes that the modern 'Social Assistance State', as he calls it, has some deleterious unintended consequences; becomes insupportably expensive; rather than ameliorating them, makes some problems worse; and imposes a certain impersonality, distance, and coldness on relations that were once marked by the warmth of personal attention.¹³⁵

1.10.2. *Labor*

- 27 Since the great mistake of the nineteenth century had been the loss of the laboring classes from the Church (Leo XIII), the Church made huge efforts to stay close to labor during the twentieth century, and to plead labor's cause before the powers that be. As the twenty-first century began, Colin Crouch pointed out that there are changes within the class of labor itself; that economic globalization is affecting the conditions of labor (probably) unfavorably within the developed democracies and (perhaps) favorably within the poorest nations, just now beginning to attract or to develop industry.¹³⁶ Crouch also raises important factual questions, such as whether 'outside the old cores' of 'male, manual manufacturing work', other recent-

¹³⁵ John Paul II:

By intervening directly and depriving society of its responsibility, the Social Assistance State leads to a loss of human energies and an inordinate increase of public agencies, which are dominated more by bureaucratic ways of thinking than by concern for serving their clients, and which are accompanied by an enormous increase in spending. In fact, it would appear that needs are best understood and satisfied by people who are closest to them and who act as neighbors to those in need.

Centesimus Annus, 48.

¹³⁶ Crouch:

A further factor limiting the crisis of democracy presented by globalization is the fact that, so far, much of the real competition over labour regulation and labour

ly growing occupations, especially in the private service sector, will find some form of institutional expression and protection.¹³⁷ He also asks whether 'the marginal and the insecure' will remain outside existing labor organizations, relatively powerless and silent.¹³⁸

Professor Therborn points out that 'the labor movement produced both the major revolutions of the century – directly in the Russian case, more indirectly by molding the revolutionary cadre in the Chinese – and the most important programme of comprehensive social reform in the form of Scandinavian Social Democracy'.¹³⁹ He neglects to point out that journalists and other intellectuals were often in the vanguard of the working class, and often more reliably both socialist and internationalist. Therborn also neglects to point out that the labor movement of Poland, *Solidarnosc*, led the way in bringing down communism in considerable disgrace in Eastern Europe and eventually the Soviet Union itself. By contrast, Ziolkowski notes that 'patriotism and religion, in combination, are more important influences than class conflict'.¹⁴⁰ He expressly praises the liberating energies of 'the Christian vision of man' inside the labor movement.¹⁴¹

costs has taken place, not between the advanced societies and those in process of development, but within the camp of the former, all of which are democracies.

Crouch: Democracy and Labour, 239.

The 'race to the bottom' theory at least needs some modification and fine-tuning. Certain kinds of economic activities and therefore employment opportunities do move to non-democracies: those that require little in terms of labour skills and both own and social infrastructure. But few regimes are content to occupy such a position in the long run. They expand their educational systems in order to up-grade the skills they offer to inward investors and thus the quality of their economies.

Ibid., 236.

¹³⁷ Crouch:

Today's work force is therefore far less homogeneously male; less likely to be employed in manual work; and less likely to be engaged in manufacturing than during the periods when 'labour' was gaining its voice and its recognized place in the politics of the industrial world. These changes have produced both a problem of the homogeneity of interests being represented and, often, a decline in the overall power of the labour interest.

Ibid., 241.

¹³⁸ Crouch: 'The particular problem that unions have in reaching out to the new groups of marginal and insecure workers creates both a problem of socio-political exclusion for these latter, and an awkward position of relative position for the unions'. *Ibid.*, 247.

¹³⁹ *Therborn: Ambiguous Ideals*, 155.

¹⁴⁰ *Ibid.*, 188.

¹⁴¹ *Ibid.*

1.10.3. *Unemployment*

- 28 One of the great problems for many social democracies in Western Europe has been the persistence of unemployment. The burdens placed by law on employers discourage the hiring of new employees. The barriers that need to be surmounted by new entrepreneurs prevent the rapid and frequent creation of new enterprises, which in dynamic economies are the most abundant sources of employment. In some nations with low unemployment, more than 80 percent of all new jobs created during the last 40 years have been in the small business sector, mostly among new businesses. In some countries, the political class tends to regard a given level of employment as more or less fixed, and thus its favorite remedy for unemployment is to further divide the existing sum of hours of work by shortening the work day for all workers, hoping to encourage some openings for the unemployed. In other countries, the political class has become convinced that openness and ease in forming new small businesses is the most successful avenue for creating new posts of employment and constantly expanding the circle of existing jobs.

1.11. *Global Pressures Upon Democracy*

- 29 The great reality of the last 200 years has been the invention and growing importance of the nation state. As Professor Hittinger has written, 'In 1500 there were about five hundred independent political units in Europe; when Leo XIII wrote *Rerum Novarum*, there were twenty-five'.¹⁴² Added to that since 1945 has been the invention and maturing of the social democratic state, whose aim is to provide a basic security and decent living to all classes of citizens, thus overcoming the millennial poverty that had weighed heavily on Europe's lower classes for centuries. The unspoken premise of the social democratic experiment was the almost total control of the nation-state over its own monetary, fiscal, and other economic policies. The social democratic state had two further preconditions: it depended on a strong preference in the population for social security rather than for opportunity and risk; and an equally strong popular tolerance for high levels of taxation, both on income and on purchases. In an increasingly interactive global

¹⁴² Unpublished chapter ('The *Munus Regale* in John Paul II's Political Theology') of Hittinger's forthcoming book on papal social teaching, as yet untitled.

order, all these premises are put in question. Thus, it is obvious why the very strong movement called 'globalization' has awakened considerable resistance in many of the social democracies.

The term 'globalization', however, has many meanings. Some scholars stress the *economic* dimension, meaning such things as: the diffusion of the products of one country to many other countries (Toyotas, McDonald's, Volkswagens); the immense increase in the volume of global trade from one country to another; instantaneous movements of capital from one country to another; intensified competitive pressure upon local producers by producers from other countries; the quickened tendency of large national corporations, in order to avoid going under, to move some of their activities into distant locations with lower costs; the pressure on nations to lower their tax rates to levels competitive with other nations, lest citizens and businesses move abroad.

Other scholars emphasize the *cultural* dimension of globalization. Professor Sabourin writes:

On cherche à savoir comment les communautés nationales peuvent préserver leur identité tout en acceptant de nouvelles valeurs sociales, comment elles peuvent garder une mémoire collective tout en s'intégrant dans la société contemporaine qui se globalise, comment la nécessité du profit peut coïncider avec l'importance du partage, comment la compétition peut aller de pair avec la coopération.¹⁴³

Professor de Montbrial criticizes American and French pretensions to define 'universal values' that other civilizations must adopt.¹⁴⁴

Other scholars called attention to the *political* dimension of globalization, a nearly universal awakening of individual men and women to their

¹⁴³ Sabourin: *La Mondialisation*, 376-377.

¹⁴⁴ de Montbrial:

... occidentaux et plus particulièrement des Etats-Unis et de la France – en compétition dans ce domaine pour des raisons qui renvoient au siècle des Lumières et aux circonstances de la guerre d'Indépendance américaine – à s'autoproclamer dépositaires des valeurs universelles et phares destinés à éclairer la planète tout entière, cette prétention, donc, peut paraître, aux yeux de la majorité des hommes, manifester une arrogance difficile à supporter. Les autres civilisations ont participé elles aussi à l'édification du patrimoine de sagesse de l'humanité. Aussi longtemps que les institutions internationales ne porteront pas la marque de leurs contributions et continueront de refléter une sorte de néo-colonialisme culturel, leur légitimité ne sera pas complètement assurée.

de Montbrial: *Interventions Internationales IN*, 422.

proper dignity and rights, and a new vision of at least a minimal decent prosperity for those who now suffer terribly. Professor Mensah:

With the improvement in the global communications system, large proportions of the populations of Africa have come to know much more than their governments would have wished them to know. In this way they have learnt much more about the achievements and failures of different forms of governments and economic systems in other parts of the world, and the standard of life in countries with different political and constitutional systems. They have also become aware of the growing interest of the international community in democratic governance and sound economic management, and the international support for democracy and human rights in the continent of Africa and elsewhere. This development has not only undermined the previously successful propaganda of governments, but has also given very potent incentives and encouragements to those who fight for democracy in these countries. In the past these persons were often discouraged by the fact that there was not much support at home for their efforts or much interest in their struggle internationally.¹⁴⁵

Globalization, then, has economic, cultural, and political dimensions, some favorable, some stressful.

1.12. *The Entropy of Democracy*

- 30 Hot water cools, mountains erode, and all nature is vulnerable to entropy, as Newton taught us; the clock of nature ticks down. In an even more perishable state, democracy is also subject to entropy. Exercising the free consent of the governed, the governed themselves may at any time freely yield up their liberty to a dictator. Furthermore, over time there are tendencies within even the best-run democracies that result in the gradual slipping away of liberties. Tocqueville himself predicted that democracy would end in a 'new soft despotism', brought about by the triumph of the idea of equality over the idea of liberty.¹⁴⁶ Finally, the loss of civic virtues – accompanied

¹⁴⁵ Mensah: *International and Governmental Structures*, 354-355.

¹⁴⁶ Toqueville:

I am trying to imagine under what novel features despotism may appear in the world. In the first place, I see an innumerable multitude of men, alike and equal,

by personal moral decadence – also threatens the texture of daily democratic life. Democracy requires citizens who can practice self-government in their private lives, if they wish to maintain self-government in their public lives.¹⁴⁷ Progress is not automatic; on the contrary, decline is automatic, unless vigilant renewal prevails against it.

The sustained existence of democratic regimes is relatively rare in history, especially in the modern sense provided by Professor Floria, who asserts that democracy is ‘the responsible participation of the human person in elaborating the collective destiny’.¹⁴⁸ As Professor Zacher observes, such a form of government is ‘always under attack’.¹⁴⁹

Our experts found, for instance, that democracy deteriorates when:

– People under a democratic regime do not promote the virtues necessary for maintaining authentic human freedom.¹⁵⁰

constantly circling around in pursuit of the petty and banal pleasures with which they glut their souls. ... Over this kind of men stands an immense, protective power which is alone responsible for securing their enjoyment and watching over their fate. That power is absolute, thoughtful of detail, orderly, provident, and gentle. It would resemble parental authority if, fatherlike, it tried to prepare its charges for a man’s life, but on the contrary, it only tries to keep them in perpetual childhood.

Democracy in America, 691-692.

¹⁴⁷ ‘Is there no virtue among us?’ asked Madison defiantly. ‘If there be not, we are in a wretched situation. No theoretical checks, no form of government, can render us secure. To suppose any form of government will secure liberty or happiness without any virtue in the people, is a chimerical idea’ (Jonathan Elliot, ed., *Debates in the Several State Conventions on the Adoption of the Federal Constitution*, Philadelphia: Lippincott, 1907, Virginia, June 20, 1788).

¹⁴⁸ Carlos A. Floria, citing a definition of Fr. Jean-Yves Calvez, S.J., *Floria: Latin America*, 80.

¹⁴⁹ Zacher:

Democracy is a form of government that is always under attack. The reasons for this lie in democracy as a political system. Again and again political challenges may be greater than the ability of the complicated democratic government machinery to react. Other reasons are that democracy relies on being supported by a ‘civil society’, the development of which is however largely a ‘natural phenomenon’ of society and history that can only be steered marginally if at all. The result is continued crises, in which the ‘governability’ of society is questioned and in which interests, goods and values seem to be endangered, so that authoritarian or even totalitarian forces present and impose themselves as an alternative.

Zacher. *Democracy. Common Questions*, 136.

¹⁵⁰ Malik:

Truth is sacred and absolute, meaning it has divine origins and is ontologically grounded in the Creator Himself. Truth can therefore reside in a numerically

- Majority rule suppresses the rights and interests of minority groups.¹⁵¹
- Lack of dialogue silences significant social groups, and disenfranchisement denies them the power of vote.¹⁵²
- Poor economic conditions make survival so difficult that people have no space in which to reflect upon their political situation.¹⁵³
- The culture does not encourage responsible social activity on the part of its people, as when an excess of materialism, individualism, corruption, or social apathy suffocates political activity.¹⁵⁴

small group – even in a minority of one. The imperium of truth is not and cannot be democratic. There is no escape from the inherent opposition that pits political notions of democracy and what they assume about truth against the unchanging and universal concept of truth offered by religion. *DRR*, 372; and there are those who assert correctly that no matter how heterogeneous any given pluralism might be there exist universal moral precepts accessible to right reason that will always constitute a firm meeting ground for disparate views and beliefs.

Malik: Religious Communities, 377.

¹⁵¹ Malik: 'Certainly democracy involves the rule of the majority, ... but equally the other side of the democratic coin entails rights and protection ... for minorities'. *Ibid.*, 391.

¹⁵² Nojiri:

The first and most important point is respect for the opinion of the minority. The reason for this lies in the fact that a decision agreed upon by the majority is only an expedient which has been devised in order to decide the will of a whole group. Since no one knows the absolute truth, it is thus entirely possible that the truth can in fact have been grasped by the minority. A decision-making process by a majority that disregards this point could result in dominance by a powerful majority and thus in a kind of autocracy.

Nojiri: Values as a Precondition, 96.

¹⁵³ Zacher:

Democracy also presupposes that *both individuals and society as a whole have time available*. If poverty in a country is so great that daily survival is the prime concern, society cannot [adjust to] the right pace for democratic politics.

Zacher: Democracy: Common Questions, 132.

McNally:

Poverty creates relationship of an almost feudal dependency. You attach yourself to a clan leader, a tribal leader. In bad times you turn to him for help. So at election time you vote for him. If he is in power some benefit may rub off on you. There is no point in voting for someone who may be a better man from another group. Anything he achieves will benefit his kinsmen and not you.

McNally: Africa, 103.

You cannot build institutions while the people starve. At the same time education becomes vital. The mind-set established through centuries of poverty does not go away simply because poverty is relieved. So development is the first priority.

Ibid., 106.

¹⁵⁴ Mensah:

Although the incidence of corruption in public life is by no means restricted to

– Government becomes so powerful as to severely compromise the responsible social activity of its people.¹⁵⁵

Professor Glendon lists several peculiarly contemporary threats to democratic experiments: the atrophy of the democratic elements in modern republics; the decline of mediating structures; the spectre of new forms of oligarchy; materialism and extreme individualism; and finally, a spreading lack of confidence that there are any common truths to which men and women of different backgrounds and cultures can repair.¹⁵⁶

II. RECOMMENDATIONS FOR THE FUTURE

- 31 The 37 papers produced by PASS on various aspects of democracy are rich, complex, and at times in argument with one another. It will not, I think, be taken as an unfriendly observation to note that they sometimes clarify points of theory better than they illuminate practical paths for ordinary Christians to follow in day-to-day living. In any case, at the next stage of the work of PASS, I recommend that social scientists bring these theoretical principles down two or three steps closer to practical action.

The formulation of what Jacques Maritain called in *Integral Humanism* 'practical-practical propositions' would be a significant service to the pastors of the church, not only in the developing nations, but also in the most developed nations. By 'practical-practical propositions', Maritain meant relatively short-term, achievable goals for social action, designed to meet existing (*i.e.*, changeable) historical realities.¹⁵⁷ For example, the various definitions of Christian democracy and its concrete methods, as developed in the 1930s and 1940s provided one set of useful maxims for some groups for more than two generations.

Africa, corruption is an undeniable feature of life in many parts of the continent and has a quite discernible impact on the processes of government and economic life.

Mensah: International and Governmental Structures, 359.

¹⁵⁵ Glendon: "The *centralization of government* has drained decision-making power away from local governments that once served as schools for citizenship". *Glendon: The Ever-Changing Interplay*, 111.

¹⁵⁶ See *ibid.*, 110-114.

¹⁵⁷ Translated by Joseph W. Evans. (South Bend, IN: University of Notre Dame Press, 1973) Maritain distinguishes among 'practical philosophy' (Evans, Foreword, ix), the notion of a 'concrete Historical Ideal' (pp. 127 ff), and 'practical-practical' propositions.

It is clear today in the ministry of Pope John Paul II that the Church is fully on the side of democracy and human rights. In free societies, individual Catholics can implant the yeast of the Gospels into the texture of daily life, both in the workplaces of their businesses and in the exercise of their public political responsibilities. Yet still there is far too little instruction for ordinary Catholics in the pews, concerning what they ought to do to infuse the democratic order with Christian life. A free society allows them the free exercise of their consciences in the economic and the political order. This freedom opens up to the Church a new method for making itself present in history – to incarnate itself, so to speak, in the very tissue of its times. Instead of trying to make its presence felt from the top down, in the institutional apparatus of Church and State, it is now free to make its presence known from the bottom up, from deep roots, providing the nutrients to a fertile, blooming tree. The Church has the possibility of vivifying the institutions of democracy from within, along the lines spelled out with scientific clarity by Donati.

Imagine a young priest in Nigeria, for instance, called upon to provide leadership in the field of Catholic social thought for priests and leading lay persons throughout the entire region of his nation. This priest sees the need to prepare his people for democracy, as well as for economic initiative and cooperative work in the workplaces of modern business. What sort of practical instruction can he give them in forming associations, organizations, and political and social movements of their own? Which virtues should he encourage them to develop in themselves? Which specific modern vices ought he encourage them to avoid? His people have had no experience of modern institutions; they have not been taught their inner principles nor their moral hazards. Democracy and modern business practices have had a specific historical genesis in nations far away. Moreover, the practices of both democracy and a modern economy embody specific virtues, which are not connatural within all cultures equally, even though the vision of human dignity, and the ideal of freedom from torture and tyranny, belongs to all humans equally. As Tocqueville pointed out, democracy takes on different forms of development in different cultures – it will be different in France, he predicted, from its development in America.¹⁵⁸

¹⁵⁸ Tocqueville:

It seems to me beyond doubt that sooner or later we, like the Americans, will attain almost complete equality of conditions. But I certainly do not draw from

- 32 Using the twelve questions outlined in Part I (above), I recommend the development of three or four practical-practical propositions under each heading. Such a teaching guide would offer to our young priest in Nigeria a useful course of instruction for him to hand out to his priests and leading lay persons, which they might use in teaching others. The aim of such a programme would be this: that the Catholic faith be more perfectly realized in a new democratic and modern economic setting, in such a way as to command the respect of all who observe it.

Next we might imagine a similar priest in Aachen, or in LeMans, or Chicago. I recommend a different set of practical-practical propositions suitable for Catholics living under a more mature, perhaps even tired, form of democracy. Not all the problems of mature democracies are the same as those of cultures in which democracy is still in its infancy. The temptations and the fresh possibilities may be quite different from those of Africa, Asia, or Latin America. Nonetheless, the twelve-point outline developed above could serve as an equally useful framework in both places, even though the practical-practical propositions to be listed under each schema would be appropriately different.

Finally, the framework developed above may also have a quite different use. It is highly probable that other scholars and practitioners will see gaps in it, and discern better ways in which to structure it. Merely placing it out where we can all examine it provides a useful service by inviting significant correction.

In sum, Catholic social thought has not yet fully developed its practical guidance for the building up and vivifying of democracy and the institutions of human rights. This development can be hastened by the articulation of practical-practical propositions, that is, propositions of a certain generality, and yet of sufficient immediacy that they may be put into practice by hard-working and serious Christians already deeply involved in the practical complexities of daily life. Like it or not, the vast majority of Christians around the world are likely to live for this generation and the next striving to build

that the conclusion that we are necessarily destined one day to derive the same political consequences as the Americans from the similar social state. I am very far from believing that they have found the only form possible for democratic government; it is enough that the creative source of laws and mores is the same in the two countries, for *each of us to have a profound interest in knowing what the other is doing*. [Emphasis added].

Op. cit., 18.

or maintain democracies that protect them from torture and tyranny, and that protect their rights. Although no one democracy is exactly like another – each tempered to the realities of its own culture and history – still, each draws nourishment from a common stock of hard-won institutional principles and an analogous list of necessary ‘humanizing’ virtues. If PASS could state these practical principles clearly and describe these virtues (and opposite vices) informatively, it would provide the whole Church with a quite useful teaching instrument. The Magisterium might then adapt our work to its own purposes, or make of it whatever use it wishes.

Recommendation 1: Under the outline of twelve questions listed in Part I, PASS should commission a study group to prepare two short teaching documents or practical guides, offering practical maxims on how to infuse democratic societies with a Christian vision of human fullness.

The first document should be proposed for societies just considering or in the early stages of building democracy. The second document should be designed for mature democracies in danger of decline.

- 33 I further recommend a special study of the mutual understandings and distinctive differences between Western Europe and the United States, concerning both democracy and the welfare state. In the long struggle against Nazism and Communism, our differences were happily overlooked and blurred. In the new century, the future of both democracy and Judaism/Christianity, and the condition of the less-developed world, will be much affected by how well Europe and American understand each other and work together. Among the many nations throughout the whole world that are taking their first steps in democracy, a certain confusion reigns concerning some of the contrary ideas to be found in the two most significant strains of democracy: that of America and that of the Continent. Thus, the whole world has a stake in coming to understand these differences clearly, both as regards democracy and the welfare state. Such a study, therefore, is badly needed. Who better than the Church to sponsor it, unifying and healing force that it is?

Many of our experts alluded to important differences between the continents – which often concern profound matters of principle – but these differences are scarcely ever addressed (on either side of the ocean) in sufficient depth or extension. Unexamined, they give rise to resentments and suspicions that may grow over time to quite dangerous proportions. I strongly recommend a serious study of important differences in the ideals,

ideas, and habits of Europeans and Americans, especially in our understandings of democracy and social welfare. Thus:

Recommendation 2: PASS should sponsor a special study group and plan at least one annual workshop (meeting for at least two years) with the task of specifying distinctive differences – and mutual understandings – among Europeans and Americans, concerning democracy and social welfare.

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DEMOCRACY AND THE CHURCH

RUDOLF WEILER

1. THE CONCEPT OF DEMOCRACY

Introduction

- 1 'Democracy is a political system directed towards the participation of all people in public life,¹ and this is both possible in a monarchy and a republic'.

1.1 *Historical Connection with Ancient Greek Philosophy*

Our understanding of the concept of democracy is founded on ancient Greek philosophy.² First and foremost it is a question of the exercise of state powers. Different forms of state government were developed, for example, monarchy, aristocracy or democratic government, in contrast to the rule of the mob which was the original meaning of democracy. Depending on one's understanding of state and society all these elements can be considered from various aspects, for example, historical, sociological and other aspects.

¹ Herbert Schambeck, 'Zur Demokratie in der Soziallehre Papst Johannes Pauls II.', *Festschrift für Joseph Listl zum 70. Geburtstag*, ed. by Josef Isensee, Berlin 1999, pp. 1003-1021 (1003).

² Herbert Schambeck, 'Der Staat und die Demokratie', *Festschrift für Karl R. Stadler zum 60. Geburtstag*, ed. by V. Gerhard Potz, Linz 1974, pp. 419-486 (427). Here you have a comprehensive history of the concept of democracy, which is 'the most colourful idea' of political thought. Starting in ancient times it deals with the start of first parliaments through to the Middle Ages and the beginning of the English State throughout the centuries till the 19th century, the development of fundamental laws and the shaping of democracy today, asking questions about state forms and democracy.

Thereby attention could be, from the viewpoint of methods used, focused on the main purpose of state which is the optimal realisation of the public good. This found its expression in the tradition of classical state philosophy in its teachings on mixed forms of government.

In the development of the democratic concept many interpretations are offered on the legitimacy of government. The first and the foremost aim of government is the public good. Democracy is not seen as isolated but inter-related with legal and social rights within the state.

Constitutions of rights emanate from the democratic will of the people. These fundamental rights, or human rights, are laid down in German constitutional law.³

Constitutional history shows us various interpretations of the democratic concept. Natural law gives us orientation in our understanding of the basic moral order. A way forward was shown in Germany after the Second World War and the end of Nazi dictatorship in the rebuilding of the state in the Federal Republic of Germany. These efforts were characterised by the foundation of the German constitutional law according to the principles of natural law. A comparable situation showed itself also in recent history,⁴ not only after World Wars One and Two but also after the political changes of 1989/90, where the democratic development in the post-Communist states became evident in their respective constitutions.

1.2. *Classical, Political Ethics Based on Natural Law and Principles for the Appraisal of Constitutional Law*

- 2 In the course of its development political ethics on the basis of natural law has worked out principles for the appraisal of the proper functioning of the state. Johannes Messner has worked out in his main work *The Natural Law* the following principles: first and foremost is the optimal realisation of the public good, secondly the possibility of a progressive development of the common welfare. This is an achievement most easily realized in a democracy. And thirdly follows the fact that the execution of state power demands

³ Manfred Hättich and Ernst Benda, 'Demokratie', *Staatslexikon*, vol. 1, Freiburg 1984, pp. 1182-2201.

⁴ *Parlamentarismus und öffentliches Recht in Österreich, Entwicklung und Gegenwartsprobleme*, Erster Teilband, ed. by Herbert Schambeck, Berlin 1993, esp. I. 'Werden und Funktion des österreichischen Staatsrechts', pp. 3-471.

firm controls. This clearly points to a participation of the people in the pursuit of their legitimate rights. Messner maintains that this participation is not clearly defined in practical terms by the natural law principles themselves but rather only in reference to specific historical and cultural situations. He therefore concludes that in the case of the Aristotelian theory of mixed forms of government in reality it is not really a mixture of forms of government but a mixture of principles, which are compatible with any form of government. Despite the mixture of principles one principle, however, must predominate, one deciding final responsibility for the execution of the powers of government.⁵

In the course of political developments an understanding of the real functions of state becomes more and more important for democracy. This is particularly the case in reviewing state responsibility for its own proper functioning. We can see this in times of political renewal when various forces within the body politic regroup to create new constitutions. The development of state philosophy on the principles of natural law and the political development of these forms of state according to these principles make it possible for us to understand the emergence of 19th century parliamentarianism. In a preface to his work on parliamentarianism and political legislation in Austria, Herbert Schambeck writes that parliamentarianism expresses the political will of the people as it takes shape in their laws. It shows both in the mode and content of legislation that means both on the institutional and the material level. Whether a monarchy or a republic is in question, the conditions would be differently determined in the corresponding system of government. In this view parliamentarianism will determine the constitution of the powers of state and the representation of the people. It gives a normative basis to a state of democratic laws which governs its own political actions.⁶

In Maier's *Historisches Wörterbuch der Philosophie*,⁷ we can find these developments as shown in the democracies of Europe. In post-revolutionary Europe it is a possible form of development for great states. Democracy is described as an essentially inherent element of modern

⁵ *Das Naturrecht, Handbuch der Gesellschafts-, Staats- und Wirtschaftsethik*, Berlin 2000, p. 803.

⁶ *Op. cit.*, xxxv.

⁷ Hans Maier, *Demokratie*, vol. 2, Basel 1972, p. 53.

constitutions. The concept is not as much orientated towards direct democracy but rather towards representative democracy. Tocqueville's *America Book* (1835), it is declared, would influence this mode of thought, would stress the democratic principle not so much as a form of state but rather as equality by law for the whole people. Equality as civic democracy would thereby be emphasised and thus the development would tend towards the solution of the social question.

Before dealing with the social question in his Encyclical *Rerum Novarum*⁸ of 1891, Pope Leo XIII put forward his ideas on the renewal of the ethics of state on the basis of the principles of natural law in 1881, in particular in the Encyclical *Diuturnum Illud Immortale Dei* (1885) and in *Libertas* (1888). Then Leo XIII goes on to deal with the question of parliamentarianism and the parties as also the question of Christian democracy in his Encyclical *Graves De Communi* in 1901.

- 3 The question of democracy is seen here as a matter for ethics, according to the principles of the natural law. For a proper understanding of the government of state we must refer to the importance of ethical responsibility and the question of conscience. The real issue centres on the importance of conscience as informed by the principles of natural law. Classical theories of state governance were argued from the origin and nature of man and from this understanding came the recognition of the functions of the state. Political science asks the question how, state philosophy asks the question why. The latter question, appropriately answered, leads to the recognition of the essence and function of the state. Here we understand the state as society at large. Thus by theoretical foundations for the rule of law, we insure the essential functions of the state by showing the origin of the state,⁹ the state functions and the state powers as based on natural law, in particular the rule of law; we then come to the recognition of the meaning of the people's sovereignty in realizing the functions of a state in the present pluralistic society under the so-called primacy of politics in order to achieve the public good.¹⁰

⁸ Herbert Schambeck, 'Zur Demokratie in der Soziallehre Johannes Pauls II.', *Festschrift für Joseph Listl*, pp. 1003-1021: 'the Catholic Church deals with democracy in her social teachings', p. 1004, 'taking a central position with Pope Pius XII', p. 1005.

⁹ Johannes Messner, *op. cit.*, p. 735.

¹⁰ Johannes Messner, *op. cit.*, p. 841.

1.3. *Democracy as a Symbolic Concept*

- 4 Up to the middle of the 20th century and, also in view of the revolutionary totalitarianism of this period, democracy was primarily understood as a system of political organisation. Now, however, the concept of democracy has changed to a symbolic concept for a good and human life in harmonious co-existence.¹¹ In 1945 the democratic states won the war against dictatorship. 1989/90 saw the emergence of a new state order for the former Communist states in the Second and Third World under the symbol of democracy and free market. Although one often forgot the concept of the rule of law as the main characteristic of statehood, democracy is treated as a good trademark bringing with it hopes for change and renewal and for more stability through good constitutional law. This process of democratisation was a challenge for the social sciences in interaction with politics and public opinion.

1.4. *Empirical Social Scientific Theories of the Present Times Regarding Politics, Power and State Rule*

The empirical analytic method in sociological and political science often serves a positivistic and purely pragmatic orientation in the sciences of law and state. From a theory of knowledge point of view they are no longer open for basic questions of value in philosophy and metaphysics within the social and political areas and they sometimes tend towards the use of value-free hypotheses and assumptions in such fields as ethics and political theories. Anton Amann calls it the 'confusion of Babel' in the social sciences in such concepts dealing with power, influence, authority and the rule of state. One retreats to authors like Max Weber and Karl Marx when dealing with social reality, and as the saying goes, power corrupts at all times.¹²

There are, of course, exceptions to this rule in reference to the development of political science and its foundations and in this context we can mention the writer Eric Vögelin, his natural-law orientated ethics in the

¹¹ Wolfgang Mantl, 'Demokratie', *Katholisches Soziallexikon*, Innsbruck 1980, pp. 398-422 (398).

¹² *Soziologie, Ein Leitfadens zu Theorien, Geschichte und Denkweisen*, Wien 1986, p. 183.

United States he brought with him to Germany¹³ to build up a new science. Human dignity cannot be reduced to the *homo politicus/socialis* or *homo oeconomicus* when we deal with our basic understanding of modern democracy, the power of the state and human rights. Mankind should not be considered as having a premeditated role and not really considered in its own natural and human essentials but only as an agent over whom rational powers of governance are exercised.¹⁴

1.5. *The Development of the Democratic Concept in Ethical and Cultural Perspective*

- 5 The ethics of politics is a part of social ethics within the framework of the social sciences.¹⁵ Social ethics is the normative branch of the social sciences. As an ethics of state it is orientated towards social life in general and the political ideas that accompany it. Therefore politics is connected with ethics and conversely ethics is also connected with politics.

In view of the rapid dynamics of social life the development of democracy since the 19th century is more and more material and not just a formal reality. The forward march of subsidiary and participatory elements in government and constitutional law cannot be overseen, particularly in European states, and this development has taken place throughout the centuries. Spanish scholasticism in the later period gives an impressive view of this long development.

This development of the democratic concept also showed through at the Second Vatican Council. It gives particular stress to the aspects of human existence based on the social nature of man in its Pastoral Constitution *Gaudium et Spes*. Man is endowed with a social character in his human calling according to the inaccessible wisdom of God.¹⁶ The continual socialisation of human life is shown in the light of divine revelation and the development of the plurality of human institutions. The promotion of the public good for all groups within society and the promotion of a sta-

¹³ Eric Voegelin. *The New Science of Politics*, (1952) or: *Order in History*; Hans Maier, 'Politische Religionen – ein Begriff und seine Grenzen', *Die neue Ordnung*, Nr. 3/2001, 55, pp. 164-175 (170).

¹⁴ Johannes Messner, *Das Gemeinwohl*, Osnabrück 1968, p. 56.

¹⁵ Rudolf Weiler, 'Ethik und Sozialwissenschaften', *Die neue Ordnung*, 1995, 49, pp. 773-379.

¹⁶ N. 24, cp. N. 23-32.

ble social order¹⁷ is particularly emphasized as the constant task of society. No particular political regime is favoured to achieve these aims but 'every social and political enslavement' is decisively rejected. On the contrary, it is of utmost importance 'to ensure the observation of fundamental rights of human society under any political regime'.¹⁸ Individualistic ethics should be surmounted so that the individual person is called upon to think in a socially aware manner with due attention to 'responsibility and participation' in observation of conscience, both in regard to the individual and the group in the sense of 'a comprehensive culture of inner man'.¹⁹

Social theology in Catholic social teaching can only stress certain developments. Solutions to political questions should be achieved, based on their own inner necessities, so that it is not possible to base them on divine revelation or appeals thereto. Thus social and political answers do not emanate from political theology per se.²⁰

- 6 Democratic freedoms have developed from the all-embracing concept of freedom itself. Particularly in regard to human rights and latterly in connection with the ideas of equality and the essential dignity of the human person.²¹

Pluralistic democracy points to the development in the separation of powers within the state, thereby signaling their independence against the executive powers of state,²² in keeping with the fundamental independence of the human person and other structural units within society, for example, the family. The Vatican Council in *Gaudium et Spes* in number 25 recognises other free social entities on the basis of the freedom of assembly and under the name of other free societies in the relationship of the state to society in general.

This development has established itself in democratic consciousness as trust of the people in state and democracy, with man taking a centre-stage position in the scheme of state and society.²³ Due to the stress of human

¹⁷ N. 26.

¹⁸ N. 29.

¹⁹ N. 30 and 31.

²⁰ Johannes Messner, *Du und der andere, vom Sinn der menschlichen Gesellschaft*, Köln 1969, p. 70 ('Sozialtheologie für die säkulare Welt').

²¹ *Gaudium et Spes*, 29.

²² *Gaudium et Spes*, 25; according to the nature of the human person there can be seen 'necessary' and 'free' societies.

²³ *Ibid.*

rights democracy has become a generally accepted 'moral category'. Modern democracy is a representative democracy, the 'representation of the people by elected delegates'. A democratic party system is therefore 'only possible in a pluralistic society'.²⁴

The ethics of politics and culture have developed in line with free legislative, representative and pluralistic democracy, firmly established in the consciousness of present-day, post-industrial countries and within a global framework. What is needed is a social ethical view of modern democracy and various processes, striving towards greater democratisation in society, economy and state.

1.6. *Ethics of a Culture of Democracy*

- 7 The democratic concept is formally related to the exercise of the powers of state. This should lie in the public interest and not in the private interest. Politics of state and government are measured by the high standards of the public good in accordance with the principles of the natural law. This depends on historical, sociological and cultural preconditions, which should not be patterned on one single model. Modern democracy developed in different directions and under different circumstances so that theory and practice often fall apart and constitutional questions are often embroiled in the day-to-day political tug-of-war.

The same applies to all models of free democracy on their way to becoming a truly pluralistic society. The concept of secularisation is a key concept in the relationship of state and church.

The Second Vatican Council (GS 26) says 'the social order must serve the good of the individual and the good of society and not the other way round'. A consequence for the secularised world is thus 'the social order should serve the human being and the human being must never be degraded to an object of social manipulation'.²⁵

Secularisation can never take on the meaning of an ideological fixation on the idea of freedom, stripped of all value in terms of truth and justice. Secularisation can also have a positive effect on the further development of

²⁴ Carlo Schmid, 'Demokratie', *Meyers Enzyklopädisches Lexikon*, vol. 6, Mannheim 1972, pp. 409-415.

²⁵ Johannes Messner, *Du und der andere*, Köln 1969, pp. 70 and 74.

separation of state and church within the social order.²⁶ Democracy is always orientated towards the value of the human person when it develops its strategies to fulfil its basic function in the state.

Free and pluralistic democracy has a responsibility over against the state in its exercise of power to consider public opinion and the dynamism of group interest and their politics to preserve them from devolving into individual liberalistic goals. The perpetual realisation of the public good takes its root in the democratic culture and the social idea of equality, and not from a concept of class stratification or the concept of a mass society. To promote inner values in terms of a culture of personality and the further education of the human personality is quite a legitimate pursuit.

In dealing with the principles of equality and freedom, democracy needs the principle of the separation of powers in order to avoid tendencies of collectivism within the state. Thus the cultivation of a culture of ideas in public life is of paramount importance and the interaction with social forces in the interest of a religious culture should be promoted.

1.7. *The Concept of Democratisation*

- 8 The concept of democratisation as of 1960 took on particular forms. In former times stress was laid on the achievement of equality before the law in the development of electoral rights at times of democratic reform, particularly state law in connection with parliamentarianism. As a consequence, demands were made for a democratisation towards the concept of 'agitatorischer Begriff' (Erwin K. Scheuch) and this has the comprehensive meaning of

effecting in particular direct, participatory, and also indirect, representative democracy in areas of the state up until then not democratic in their structures, but, and herein lies the very explosive potential, also of society.²⁷

²⁶ Thus writes Johannes Messner, *op. cit.*, p. 86:

Although today a lot is spoken and written about pluralistic society and pluralistic democracy, still the fact is neglected that pluralism can mean ideological stagnation on all sides and that particularly in pluralistic society, openness, dialogue and compromise are urgently needed.

²⁷ Wolfgang Mantl, 'Demokratisierung', *Katholisches Soziallexikon*, *op. cit.*, pp. 422-434.

This political agitation is made felt in all areas of administration and moves towards participation at the roots and from here we have the popular term 'democracy from the roots'. The objective of this democratic movement was the so-called 'march through the institutions' right up to opposition outside of parliament (APO).²⁸ This led to a great challenge of democracy even in democratic western states like the Federal Republic of Germany, for example, and to endeavours towards democratization from revolutionary groups in all areas of state influence, including legislation, administration and in society at large, such as in the politicisation of all aspects of life. In the public opinion moral appeals are made in a bid to influence political wills, indeed often having recourse to violent methods. Also Church institutions and structures were confronted with the wish of democratization. This tended to make insecure some Church circles about their understanding of Church constitution, spreading to Catholic lay organisations.

The influence of social science theories on democracy through analysis of social pluralism and theories of various systems is removed from the core of the democratic understanding in terms of legal and state theories. Hans Maier sees in this development a movement away from ideologization and a positive development for the understanding of democracy and Catholicism. It has made possible a rapprochement of the Catholic Church towards democracy through the influence of the Second Vatican Council.²⁹

A critical appraisal is given by Russel Hardin pertaining to the consequences for contemporary discussion of the democratic concept:

Democratic theory is in the throes of a revolution of creative energies and ideas, especially from interdisciplinary borrowings and insights and from current, remarkable experience.³⁰

1.8. *Democratization as a Result of De-Colonization After the Second World War*

- 9 The new task then looming was to give the emerging states, together with their peoples, sovereignty and a new constitution. This happened after the de-colonization when the European states left their former colonies in

²⁸ Wolfgang Jäger, 'Außerparlamentarische Opposition', *Staatslexikon*, vol. 1, Freiburg 1985, pp. 458-463.

²⁹ *Wörterbuch des Christentums*, Zürich, 1988, p. 230.

³⁰ *The Oxford Companion to Philosophy*, Oxford 1995, p. 183.

Africa and Asia. And at the same time a rebuilding of the world order and the establishment of the United Nations were underway. The countries of Central and Latin America, who themselves had their own constitutions and parliaments, stood clearly under the economic and political influence of the larger nations who won the Second World War such as the United States, Great Britain and France. The Communist countries were, however, eager to export their ideologies to these countries – also in the areas of education and weaponry supply.

In the transition period of economic and political change the colonial governments left behind very poor living structures. In addition we had transition from agrarian pre-industrial living conditions to forms of plantation economy, the growth of industrial centres, social and political conditions without sufficient administrative infrastructures for civil and political life. Only after a few years parliamentarianism was swept away by state coups and replaced by military regimes, or by Marxist people's republics.

Using the example of Nigeria the author would like to briefly characterize the situation, having consulted with priests and PhD candidates from Nigeria itself. Only five years after the British Colonial administration had ceased, Nigeria had its own parliament and, then in sequence to this, thirty years of military government. A civil war of the Ibo tribe began in the central state of Nigeria and only in the 90s of the last century there developed the democratic rule under the presidency of a military general. At the same time freedom of opinion was established in the country and a civilian government resulting from a free and democratic election was installed. Elections to a parliament presuppose the finding of eligible representatives and the formation of political parties. Under the military regime it was possible for a small circle of civilians to become wealthy. From these emerged the possibility of finding adequate deputies and the political parties could be recruited. Then, for the elections and formation of public opinion, financial help was required in the form of fundraising. This fundraising involved making promises before elections which meant having to realize them afterwards. Thus the political elite was under severe pressure. This could only have negative results in terms of the public welfare in the majority of cases. Political corruption in the time of the military rule was prolonged into the period of civilian administration. The rule of the political elite is thus an unknown quantity leaving the question of real improvement open. At any rate, in a democratic system legal rights and the protection of human rights are in the natural course of things usually maintained. Situations of potential difficulty are intensified by tribal strife which is not

only evident in provincial areas but also in urban areas, due to an increase in mixed populations.

This was an example for emerging nations in their struggle for democracy and the problems they could be confronted with. We had similar political and constitutional problems in Central and Eastern Europe after they had rejected the Communist system.

2. THE DEVELOPMENT OF THE SOCIAL TEACHINGS OF THE CATHOLIC CHURCH IN HER ATTITUDE TO DEMOCRACY³¹

- 10 The judgement of Herbert Schambeck on the development of these teachings is valid already for the second half of the 20th century. In the development of Catholic teaching a clear change can be shown. This moves from rejection to reservation, and then towards a final recommendation. There is no breach in the teachings of the Church but rather a change in the application of its principles to which belong *dignitas humana* and *bonum commune*. Both principles, the dignity of the human being and the public good, were endangered by the French form of democracy at the time of the French Revolution. This is the reason for the rejection of this type of democracy. Schambeck fully applauds the development of politics and the politics of law on their way to democratic constitutional law and the change to legislative security, protection of fundamental rights and the principle of separation of political powers which all correspond to the aims 'as they are formulated by Catholic social teachings'.³²

For the possible further development of democracy according to the attitude of the Church (Pastoral Constitution *Gaudium et Spes*) Schambeck sticks to the views of the Church:

The Church is concerned with the humanisation of politics in that she gives ethical standards to all political forces independent of their party alliances.³³

³¹ Herbert Schambeck, 'Die Demokratie in der Lehre der katholischen Kirche', *Convivium utriusque iuris. Festschrift für Alexander Dordett*, ed. by Audomar Scheuermann, Wien 1976, pp. 27-39.

³² *Op. cit.*, 36.

³³ *Op. cit.*, 37.

The problem of democracy presents itself for the Church according to Herbert Schambeck in a twofold form:

first as a kind of 'political environmental condition' having consequences for the pastoral activities of the Church and for the protection of the personal development of the individual and, secondly, as a potential for inner organizational creativeness.³⁴

The Second Vatican Council in the Pastoral Constitution *Gaudium et Spes* in dealing with the moral teachings on the human being drew attention to more recent Church documents and spoke of 'some basic truths ... under the light of revelation'. Thus this teaching is based on 'some basic truths' and lays stress on 'certain of their implications having special significance for our day'.³⁵ It specially emphasises the 'growing interdependence of men one on the other, a development promoted chiefly by modern technical advances'. Demands from these social interrelations are important to the Council in surmounting individualistic ethics as a contribution to the development of society, the public good and social virtues.

With reference to the final purpose of political society in an attempt to achieve the public good, the Council text recalls to memory the main problems of all people in their social interaction. Attention is called to recent documents of the Church and the development of a doctrine on democracy in *Gaudium et Spes* showing the reaction to developments of liberal democracy in the 19th century dealing with the form of state and public good as pointed out by Pope Leo XIII.

A special understanding of democracy began with Pope Pius XII ... Also Pope John XXIII has endorsed democracy and has dealt with it in detail in *Pacem In Terris*. He has a model systematic presentation of basic rights of the human person in an itemized catalogue (n. 11 to 17).³⁶

3. CONSCIENCE IN PLURALISTIC DEMOCRACY

3.1. *Conscience*

- 11 The continual development of Catholic social teaching in connection with political consciousness never remains stagnant. It reflects too the develop-

³⁴ *Op. cit.*, 28.

³⁵ *Gaudium et Spes*, 23.

³⁶ Herbert Schambeck, *Festschrift für Listl*, *op. cit.*, p. 1005.

ment and dissemination of democracy on the international level coupled with the development of political consciousness and the relevant changes in constitutional law and state law. If we talk about a world ethos then the prerequisites must be present in terms of a common basis of common values. It is often a question of common survival in the interplay of political interests in terms of markets and democracy. The international community of states is concerned with questions of the formulation of law pertinent to security, justice and peace in the world. In international ethics all these principles converge on the question of a human ethos in terms of a politically and ethically stable future.³⁷

The conscience of the human being is here brought into play. It is of paramount importance that the conscience of the human being does not involve momentary subjective elements but rather the general access to truths concerning man and society and how these can be seen in their objective character. In democratic culture, tempered by appropriate laws, this is a challenge and a risk at one and the same time. In international politics traditional ethics takes its starting point from the conscience of man, for the human being is given responsibility for the formation of conscience, likewise in the political culture of society which also includes the various religions. In the history of ideas of man the responsibility for the formation of conscience is present in all quarters of human society right up to its international dimension.

In view of the threat to pluralistic democracy of the present time Cardinal Joseph Ratzinger speaks of the necessity of a 'Christian orientation' and a corresponding formation of Christian conscience. He sees the root cause in the following:³⁸

- 1) Under a false conception of freedom we lose transcendency and flee to utopia. He says that the state is a *societas imperfecta* and is prone to expect total fulfilment in the society of the present time (the basic moral consensus for society would be rejected for the present time and left to utopia).
- 2) In view of the missing political effects of the Christian society, self-criticism would be lost.
- 3) However the public influence of Christianity in the modern world cannot be renounced.

³⁷ Rudolf Weiler, *Internationale Ethik*, vol. 1, Berlin 1986 and vol. 2, Berlin 1989.

³⁸ 'Christliche Orientierung in der pluralistischen Demokratie?', *Pro Fide et Iustitia, Festschrift für Agostino Kardinal Casaroli zum 70. Geburtstag*, ed. by Herbert Schambeck, pp. 747-761 (747).

- 12 The contribution of religion in general is of great significance insofar as it is not confined to one religion but gives corresponding consideration to the importance of the religious nature of man.

A clear sign was the meeting of religious leaders with Pope John Paul II in 1986 in Assisi and at repeated times in 2002 also in Assisi. 'Humanity needs peace' says John Paul II on 21.1.2002 in his address, namely the world needs believers as the witnesses of peace: 'Their example shows that it is possible to build bridges between individuals and peoples and to pursue the common goal of freedom'. Peace depends on two important factors 'working for justice and the readiness for reconciliation'.

The Second Vatican Council stresses the essential equality of all humanity endowed with a soul – creation by God and redemption through Christ are valid for all humans. Therefore 'the basic equality of all humanity must be more and more recognised', and thus over and above mere individualistic ethics, the promotion of social justice for national and international peace (*Gaudium et Spes*, 79) must be seen to and the main duties of humanity should be stressed in the fields of responsibility, participation and human solidarity, being as they are, valid for all groups, according to the Council, as a frame of reference for each individual conscience.

In his commentary on the Council's constitution, Johannes Messner³⁹ concludes with the following remarks: the law of the decalogue, regarding human interaction in a secularised world, has become the fundamental law of a free society, the fundamental law on the basis of which human rights are construed and the dignity of the human being is founded.

International ethics, the moral code and also world religions try to work out a common access based on human experience and the human sciences according to the essential nature of man. Thus they have a common access to solutions for all questions of political culture. In this understanding Johannes Messner interprets the concept of secularisation of the Second Vatican Council in a twofold manner:

- 13 The Church has been concerned with the whole process of secularisation since the 19th century to look for ways forward to fulfil its mission. The Second Vatican Council tried new steps and new emphases. Before the Council, secularisation was seen as a separation of religion and culture at various levels of social life. It progressed gradually since the beginning of

³⁹ Johannes Messner, *Du und der andere*, p. 64.

the modern period. In state, economics and culture one was inclined to consider only the mundane aspects, thereby excluding all connection with religion and morality. The right of the Church to be heard in questions relating to the moral order of social life was also often disputed.⁴⁰ Under the caption 'secularization II' and the further developments through the Council, Johannes Messner writes, however, that the position of the laity is seen differently and their responsibility is stressed in terms of their Christian calling. The Church

recognises the right of human reason insofar as certain borders are not overstepped, relative to the essential nature of things. The Church hence recognises secularization in the sense that human beings and society must operate according to their own responsibilities and according to their appreciation of the inner nature of man. They thereby arrive at a social order which can accord with the Church's teaching on human life.⁴¹

- 14 For questions relating to conscience in a pluralistic society, firstly, some problems and the answers to them according to conscience are particularly relevant to the responsibility for the public good. Secondly, answers are to be worked out in detail.

First and foremost, when dealing with the public good we must stress that contrary to the individualistic mode of thought and equally a collectivistic approach, it is always a matter of militating against the social nature of man, particularly against the background of ideologies. The danger is that ideology takes the place of real concern for the public good and is then the first mover in this whole social process.⁴² The danger in pluralistic democracy can be seen in a lack of social controls of individuals or the social agents who have formed connections with the state authorities in the general social process.

The public good is seen from the viewpoint of natural law and the social teachings of the Church and her ontological principles are always the normative border that may not be crossed because of individual interests, even when social and empirical reasons can be made valid. A present example is the conflict dealing with the use of embryos in medical research.⁴³

⁴⁰ *Op. cit.*, p. 20 f.

⁴¹ *Op. cit.*, p. 24 f.

⁴² Johannes Messner, *Das Gemeinwohl*, p. 77.

⁴³ Wilhelm Henning, 'Der Bund tagt ratlos. Vom Frühstückstisch dirigiert. Vom Stammzellenstreit', *Frankfurter Allgemeine Zeitung* from 30.01.2002, p. 41.

In the general scheme of things there seems to be a borderline which in its character is not for the moment finalized and geared towards the case on hand, but is rather of a fundamental nature. This does not mean that everything is thus but there are, of course, situations which need to be changed and adapted to the prevalent situation. Last principles cannot be sacrificed for immediate decisions even when the human agent has a number of possibilities to choose from in his estimation of the public good according to the rule of inherent necessity.

Special attention must be paid to the last questions of conscience, particularly in the development of a free and public opinion in a pluralistic democracy. Social justice is a political task to be realized in cooperation with the various interest groups within a pluralistic democracy. This aim can naturally only be achieved through national and international controls, namely in tuning in with individual economic interests and special-interest groups within the public good.

Thus individual interests and interests of the special groups within society have every 'chance of realizing the public good. Then the public good is nothing less than the realisation of justice, justice for all as also justice for special-interest groups'.⁴⁴

The public good can secondly be commented upon in the following manner within the framework of freedom-loving democratic society:

There is

an area of common values based on the idea of human dignity and the rights that emanate from it. These constitute the prerequisites for an understanding of the basic questions of the common good but also for an understanding of the basis of individual and specialised questions.⁴⁵

Only after the basic nature of the public good has been settled can one move forward to a solution of the questions of the public welfare and co-existence in a democratic society. There is or should be a public good conscience which permeates all these areas, to deal with the solutions required in political society. This also concerns the whole area of public opinion.⁴⁶

Here we see the key role of functionaries of special groups within the society as also politicians when they go about solving questions of politics,

⁴⁴ Johannes Messner, *Das Gemeinwohl. Idee, Wirklichkeit und Aufgaben*, Osnabrück 1968, p. 91.

⁴⁵ Johannes Messner, *Das Gemeinwohl*, *op. cit.*, 21.

⁴⁶ Johannes Messner, *Das Gemeinwohl*, *op. cit.*, 159.

economics and society in a pluralistic democracy.⁴⁷ The importance of public opinion cannot be overstressed and social justice is a key concept in the lives of all participants in society in the pursuit of happiness against the backdrop of a meaningful existence.⁴⁸

3.2. *The Formation of Conscience in 'Public Opinion'*

- 15 'Public opinion' is understood as the totality of opinions expressed in pluralistic democracy, particularly relative to the values of the public good and or the deficiencies thereof. Thereby the social teachings of the Church and the classical principles of natural law are not in harmony with other norms, for example, of the utilitarian, relativistic and deontological terms, particularly in relation to modern ethics and the scientific involvement of methods and general social statement of facts. In democracies questions of social welfare are decided in public and we are also aware that the process of democratic formation of public opinion goes hand in hand with the formation of conscience. Insight into the social order together with its highest principles blend into the decision-making on what is the public good. Today, for example, problems are raised in the questions of the use of embryos and stem cells for reasons of medical research. These issues are decided in parliaments. The whole question of conscience and decisions of conscience is brought into play and we realize the intrinsic limitations of such electoral decisions in parliament.⁴⁹

Parliaments and democracies are guided by the principle of the majority vote and the question here is whether 'truth and value can essentially be degraded to the province of a majority vote'. To commit these values solely to public opinion is certainly 'an error of overstressed democracy' whose father is, of course, Jeremy Bentham with his principle of the 'greatest happiness for the greatest number'. The consequence of all this is 'that the people are authorised according to their majority vote to be a judge without the essential commitment to justice'.⁵⁰

⁴⁷ Johannes Messner, *Das Gemeinwohl*, *op. cit.*, 159.

⁴⁸ Compare Johannes Messner, *The Natural Law*, *op. cit.*, p. 21 ff, for his dispute with Jeremy Bentham's utilitarianism and the latter's treatment of personality in the classical tradition of social ethics.

⁴⁹ *Frankfurter Allgemeine Zeitung* from 30.01.2002, s. footnote 43.

⁵⁰ Johannes Messner, *Das Gemeinwohl*, p. 27.

Thus the problem of public good enters a new phase in the pluralistic democracy, namely, the phase of public good realisation under the responsibility of all citizens.

In actual fact individual decisions are then made through the electorate's representatives in a parliament. These are elected as the people's deputies or as special-interest representatives in the parliaments. Thus all decisions are thrown upon this body and we have to expect from them ethical values they may have or may not have in a pluralistic democracy. The consequence therefrom, according to Johannes Messner, is that 'well informed, responsible, wideawake and decisionhappy, public opinion is one of the highest goods of the public welfare'.⁵¹

Thereby it becomes quite clear that the Catholic Church in her social teachings must assist in the formation of the conscience of citizens of the state, be they an industrial or postindustrial society. Involved in this formation process is, of course, not only the embodiment of fundamental principles but also the qualified view with regard to the essential rightness of decisions pertinent to the public good, in terms of a personal moral culture.

This task is directed generally to the public opinion, to all forces within democracy, to the special-interest groups, parties and their members, those responsible in the political arena and the functionaries. After the shutdown of totalitarian ideologies attention should be focused on principles relative to human rights and a way forward and away from such ideologies of the past. This way forward is the formation of conscience in dialogue with other concerns, particularly those of the inherent necessities and 'the autonomy of worldly matters' with their own laws and values and with 'great patience and openness' which are required to realize this process in its entirety.⁵²

The Church and her social teaching has here a clear task. For a just development beyond the borders of party and one-sided interests, the representatives of social bodies can be functionaries, parliamentarians, parties and special-interest groups who then enter into constructive dialogue with the Church and her social teaching representatives. This would include their political programmes but also the process of public opinion formation in their own ranks. The other way round the same principle is valid for the Church with her own apostolate and organisations for the formation of her

⁵¹ *Op. cit.*, p. 170.

⁵² *Gaudium et Spes*, 36.

co-workers and for the execution of her public activities according to the principles of the Church's social teaching, thus forming a broad basis of dialogue with the political representatives.

3.3. *The Formation of Conscience in the Question of Location and Tasks of the Church in the Pluralistic Democracy*

- 16 The Church's influence should be felt at the level of the formation of conscience. The Church's mission is not directly appealing to parties and special-interest groups but to all people in all parties and special groups, meaning that in the final analysis her political influence is to be felt in directing conscience to the advantage of public welfare. In view of the correctly understood 'separation of church and state' and the separation of the Church from political parties it is very important for the Church and her members to get involved in the public arena when basic values are at stake in state and society. Christian laity who have political functions in the pluralistic democracy, for example, in parliament, in government, in parties and in special-interest groups should represent the entire people according to their conscience and for the realisation of the social principles of a comprehensive public welfare and in this way they should be committed Christians on the level of the formation of conscience.⁵³

Their conscience should be guided by moral responsibility in their political work, in their decisions and in their entire involvement. The same goes for their educational mandate. The common denominator in politics is in fact the moral law of nature. Thus the Christians' conscience can combine with public conscience on the basis of its emergence as a natural agent.⁵⁴

Also parties carrying the designation Christian in the party names have very clear responsibilities in the pluralistic society. What is the meaning of the capital C in the names of these parties when it comes down to the formation of their political will and their party programme itself?

⁵³ Bernhard Sutor, *Der Christ in der Demokratie, Aufgaben und Ziele politischer Bildung, Kirche und Gesellschaft*, ed. by Katholische Sozialwissenschaftliche Zentralstelle Mönchengladbach N. 284, Köln 2001.

⁵⁴ Compare article of Johannes Messner, 'Gewissensbildung in Fragen der Politik', *Gesellschaftspolitische Kommentare*, 11. y. N. 1, Bonn, 1 of January 1964, pp. 1-8.

3.4. *The Question of the Capital C in Party Names*

- 17 The capital C should stand for the political programme, the policy of the party and not for Church membership if it is taken over as a designation. But it should refer principally to the Christian idea of human nature. This is also very relevant in the judgement of the electorate.

What does the party stand for? The party programme itself does not guarantee a majority position in parliament. But the Christian values can be represented for public opinion and for the evaluation of this Christian world-view by the electorate on the basis of their own conscience. Christian parties always had historical significance against totalitarian ideological groupings. This can also be seen when viewing the political landscape of a country, particularly pertinent to the separation of Church and state according to the modern understanding of pluralistic democracy. The separation of Church and state, the separation from party politics does not mean that the Church should withdraw from the public and political life of the body politic and from public welfare.

FINAL DISCUSSION BETWEEN
THE EXTERNAL EXPERTS AND THE MEMBERS
OF THE PONTIFICAL ACADEMY OF SOCIAL SCIENCES

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I. THE VALUE AND THE VALUES OF DEMOCRACY

Chairman: Roland Minnerath

Mr President, dear colleagues. The theme that has been chosen is 'the value and the values of democracy'. You remember that one of the results of our discussion last year was the following: democracy can be analysed both as a system of government and as a value in itself. More precisely, this system of government has become a value. And what seems to me as the main result of our former study: democracy as a political process is not able to provide by itself the values upon which it rests. These values are grounded in education, culture, philosophical and religious convictions. They are prior to the setting up of a democratic model. They shape mental attitudes and pre-dispose a model of society in harmony with their claims. And now I'll pass on the microphone to the three experts that we've welcomed this morning, and who will express their position on the subject.

I will pass the floor to Professor Restrepo who is a Professor at the Gregorian University with the experience of Latin America.

Sergio Bernal Restrepo

I have been asked to offer some points for discussion this morning. I don't see what I could possibly add to your excellent contributions already published. Besides, most of what I could say is contained in my paper, which I hope some of you have read. I am limiting myself some texts that could offer valid insights for further discussion. Sometimes we forget these documents which contain principles and lines of action that should guide us in our research.

The first observation that comes to my mind after reviewing the documents is that Catholic social teaching does not identify itself with any concrete form of government nor proposes political models (*CfL* 42). What counts, according to Paul VI is that

Christians who are invited to take up political activity should try to make their choices consistent with the Gospel and in the framework of a legitimate plurality to give both personal collective witness to the seriousness of their faith by effective and disinterested service of man (*OA* 46).

But the main question this morning is whether we may consider democracy a value. I would say that it is a relative value, not an absolute one. Pope John Paul, in *Evangelium Vitae*, responds to the trend of making democracy an end in itself:

Democracy cannot be idolized to the point of making it a substitute for morality, or a panacea for immorality. Fundamentally, democracy is a system, and as such is a means, and not an end. But the value of democracy stands or falls with the values which it embodies and promotes. Of course, values such as the dignity of every human person, respect for invaluable and inalienable human rights and the adoption of the common good as the end and criterion regulating political life are certainly fundamental and not to be ignored (*EV* 70).

As a conclusion we may say that to ask the question about the type of democracy to be proposed could probably be the expression of a good wish which, however, does not fit into the parameters of Catholic social thought. This view can be found in pre-conciliar times as is the case with Pope John XXIII who declared in *Pacem in Terris* that

[I]t is impossible to determine in all cases what is the most suitable form of government, or how civil authorities can most effectively fulfil respective functions (*PT* 67).

The Church has been very careful, especially in recent times, not to propose specific models for politics, nor for the economy. Paul VI was well aware of the fact that there is in today's society an increasing demand for greater sharing in responsibility and in decision-making, but at the same time he acknowledged that,

In order to counterbalance increasing technocracy, modern forms of democracy must be devised not only making it possible for each man to become informed and to express himself, but also by involving him in a shared responsibility (*OA* 47).

What was true in 1971 is true today also and even more, when behind the term 'democracy' different forms of government are meant which not always correspond to this quest for responsible and free participation. Rather than proposing a given model our task is that of searching for the values and the aims that should characterise an acceptable democracy, such as justice, solidarity, honesty and transparency together with freedom and a preferential care for the weaker members of society. But above any other value we must place the dignity of the human person from which all the rest follows. In his Encyclical on the value of human life John Paul II discovers the need to organise the life of men and women in society on solid grounds. The Pope considers it

urgently necessary for the future of society and the development of a sound democracy to rediscover those essential and innate human moral values which flow from the very truth of the human being and express and safeguard that dignity of the persons, values which no individual, no majority and no state can ever create, modify or destroy, but must only acknowledge, respect and promote (*EV* 71).

Christians should endorse only those political and economic models that are in line with Gospel values. *Gaudium et Spes* advises us that the practical way in which the political community structures itself and regulates public authority can vary according to the particular character of a people and its historical development (*GS* 78).

It was clear to the Council Fathers that the Gospel should offer an inspiration, but that it is wrong to claim that it proposes ready-made answers:

Solutions proposed on one side or another may be easily confused by many people with the Gospel message. Hence, it is necessary for people to remember that no one is allowed, in the aforementioned situations, to appropriate the Church's authority for his opinion (*GS* 43).

Options are left open to Christians, for the same faith can lead to different commitments. That of course requires profound respect for the opinion of others and a continuous discernment for the type of commitment, bearing in mind, however, what Paul VI tells us in *Octogesima Adveniens*.

People in the midst of modern structures and conditioning circumstances are determined by their habits of thought and their functions, even apart from the safeguarding of material interests. Others feel so deeply the solidarity of classes and cultures that they reach the point of sharing without reserve all the judgements and options of their surroundings (*OA* 50).

Recent trends and historical events have created situations that require a fine discernment and have brought to the fore the question as to what

comes first, loyalty to the Gospel or to the nation. Early Christians were challenged by this paramount contradiction, and many gave their life in absolute loyalty to the true God.

I think that modern times are challenging us to have to make choices that could be politically incorrect and that can involve even the risk of one's life, as history is demonstrating. It is sad therefore to read some statements coming from Catholic thinkers and politicians that seem to be a confirmation of that sort of alienation about which Paul VI speaks.

We see a value in democracy as a model of government as long as it becomes a proper means to attain the free and responsible participation of all citizens in the pursuit of the common good. Once again we have to go to one of the most brilliant documents that constitutes even today the source of inspiration for political choices. In *Octogesima Adveniens* we find what the goal of politics should be:

political power, which is the natural and necessary link for ensuring the cohesion of the social body, [and that] must have as its aim the achievement of the common good, while respecting the legitimate liberty of individuals, families and subsidiary groups, it acts in such a way as to create effectively and for the well-being of all the conditions required for attaining man's true and complete good, including his spiritual end (*OA* 46).

The same idea is proposed by John Paul II in *Christifideles Laici*:

Public life on behalf of the person and society finds its basic standard in the pursuit of the common good as the good of everyone and as the good of each person taken as a whole (*CfL* 42).

This means taking man and woman in his, or her, multiple relation to God, to others and to creation. In order to attain the good of man, the person has to develop these three dimensions in life, which presupposes obedience to universal moral norms, that represent solid grounds for a true democracy. We can say that a person has attained his or her fullness if he or she becomes – and I quote from *Redemptor Hominis*

truly better, that is to say more mature spiritually, more aware of the dignity of his humanity, more responsible, more open to others, especially the neediest and the weakest, and readier to give and to aid all (*RH* 15).

Today, when the trend to arrive at values by consensus is gaining force, the words of Pius XII in *Summi Pontificatus* constitute a useful guideline. The Pope reminds us that the common good

can neither be defined according to arbitrary ideas, nor can it accept for its standards primarily the material prosperity of society, but

rather it should be defined according to the harmonious development and the natural perfection of man. It is for this perfection that society is designed by the Creator as a means (*SP* 59).

Christians are called to evangelise the political order. Evangelisation should transform political culture from within, that is, as we read in *Evangelii Nuntiandi*,

affecting and as it were upsetting by the power of the Gospel mankind's criteria of judgement, determining values, points of interest, length of thought, sources of inspiration and models of life which are in contrast with the word of God and the plan of salvation (*EN* 19).

Octogesima Adveniens was farsighted in describing situations that require the response of committed Christians:

It is not for the state, or even for political parties, which would be closed into themselves, to try to impose an ideology by means that would lead to a dictatorship over minds, the worst kind of all. It is for cultural and religious groupings, in the freedom of acceptance which they presume, to develop in the social body, disinterestedly and in their own ways, those ultimate convictions on the nature, origin and end of man and society (*OA* 25).

Democracy has to be grounded upon the truth about God and the truth about man and woman.

This is the great challenge for Christians; how to proclaim this truth in a pluralistic world. This truth constitutes the foundations of freedom properly understood, not of that freedom for consumption which seems to be the ideal of humanity today. The Pope reminds us in *Centesimus Annus* that,

If there is no transcendent truth in obedience to which man achieves his full identity, then there is no sure principle for guaranteeing just relations between people (*CA* 44).

An acceptable political model should be built on justice and love, which find their concrete expression in solidarity. The right political order, whose aim is the prosecution of the common good, demands first of all the consideration of the person as the origin, the centre and the scope of all social institutions. The person is a responsible and free subject. As such, he or she is co-responsible in society.

From this reality emerges the obligation and, consequently, the right to actively participate in the construction of society. Politics, the economy, culture, must be structured in such a way as to allow each and every person, without any exception, to participate in a responsible way in the creation of the common good.

Second, it supposes the promotion and respect of human rights. By the fact that the human being is a person, he or she is the subject of rights and duties which derive from its being the image of the Creator. The person has a series of needs that have to be satisfied not only to survive, but especially to protect one's identity. Economic rights are fundamental as a condition for survival, but they are subordinated to that which is due to man and woman by the simple fact of being persons with a special attention to the respect for the rights of the human conscience.

Third, a sound democracy presupposes the recognition and respect of the essential equality of all, which is rooted in their common origin and destiny. As the Council reminds us,

[w]ith respect to the fundamental rights of the person, every type of discrimination, whether social or cultural, whether based on sex, race, colour, social condition, language or religion, is to be overcome and eradicated as contrary to God's intent (GS 29).

Fourth, it presupposes the creation of political structures that constitute a guarantee of the promotion and protection of human rights.

These are the requirements of life in community. However, it should not be forgotten that the rule of law is a means to an end. Political structures, therefore, must be in function of the common good whose realization requires a basic legal order. Bearing in mind that man and woman are the origin, the subject and the scope of all institutions, it is clear that the rule of law cannot be imposed from above, but should be the result of the participation of all. Only thus will the rights of all be respected.

Fifth, true democracy should give a special attention to the weaker members of society. This is precisely what Catholic social teaching is about as *Centesimus Annus* has reminded us.

At the beginning of industrialized society it was a yoke little better than that of slavery itself which led my predecessor to speak out in defence of man. Over the past hundred years, the Church has remained faithful to this duty. Furthermore, as she has become more aware of the fact that too many people live not in the prosperity of the Western world, but in the poverty of the Developing Countries, amid conditions which are still a yoke little better than that of slavery itself, she has felt, and continues to feel, obliged to denounce this fact with absolute clarity and frankness, although she knows that her call will not always win favour with everyone (CA 61).

I would like to close with a quotation from *Christifideles Laici*:

The manner and means for achieving a public life which has true human development as its goal is solidarity. This concerns the active

and responsible participation of all in public life, from individual citizens to various groups, from labour unions to political parties. All of us, each and every one, are the goal of public life as well as its leading participants. In this environment, as I wrote in the Encyclical *Sollicitudo Rei Socialis*, solidarity is not a feeling of vague compassion or shallow distress at the misfortunes of so many people, both near and far. On the contrary, it is a firm and persevering determination to commit oneself to the common good, that is to say to the good of all and of each individual, because we are all really responsible for all (CfL 42).

Political solidarity today requires going beyond single nations or a single block of nations reaching continental and world level. Thank you.

Chairman

Thank you. You've reminded us that the Church has no model of government to propose, but values and objectives centered on the dignity of the human person. In this perspective, you also said that the state cannot create these values. These values must be at hand in society, and this is again the conclusion to which we came in our discussion last year. You also raised a point which could be submitted to further discussion, namely that the Church has to propose the values of the Gospel. This is true, but at the same time the Gospel suggests a distinction between what is due to God and what is due to Cesar. The Gospel itself underlines the natural character of the political order; so that even if somebody does not believe in the Gospel, he is expected to find in his human nature the values which allow a good common life in society. This is a very important point, I think, on which we may have to come back.

Now, I do not need to introduce Professor Michael Novak. He is very well-known as a founder of the American Enterprise Institute for Public Polity in Washington. He is also for us a kind of Catholic Max Weber for his book on *The Spirit of Capitalism and Catholicism*, in which he has clearly demonstrated that free trade economy did not begin with the Protestant Reformation, obviously.

Michael Novak

Thank you very much. We are engaged in a task that goes back at least to Saint Augustine's reflections in *The City of God*. It was in the year 410 A.D.

that Rome was overrun, men were taken away in ropes and walls were pulled down. The great glories of Rome were overrun. Grass grew over parts of Rome for some centuries. And it was in the shock of that event that Augustine was forced to contemplate, really for the first time, the philosophy of history and the philosophy of politics in Christianity. What is the relationship of Christianity not simply to the salvation of souls, but to the earthly city? That was the theme of *The City of God*. Not without reason, the book was, next to the Bible, the single most widely read book for more than thirteen hundred years, and it was especially keenly read by Protestants. Luther had been an Augustinian, but also Calvin was very attached to Augustine. Protestants were very much persuaded by Augustine's vision of sin and grace. They left out what he had to say about the Church, but they were concerned about the vision of sin and faith. Augustine was extremely important in the background thinking of the founding of America.

Augustine reflected that the protection of a city like Rome was an important good and that the political life of a city rested on virtues such as friendship.

But politics is always corrupted by ambition, by vindictiveness, by envy, by resentment, and therefore Augustine kept insisting that politics is not the main show in human life. It is important, but it is not the main drama. The main drama remains the building up of that other city, the city in which God offers His friendship to every man and woman. Since He wants the friendship of free men and women, not slaves, each of them must reply to that offer for themselves, freely. Mothers and fathers cannot make it for them. That is the ground of 'inalienable' rights; that ground is the sacred space between the Creator and the creature, into which no state may enter.

This conception added a dimension to politics that is extraordinarily important for modernity. It gave meaning to the sentence of Jesus: 'Give to Cesar what is Cesar's and to God what is God's'. It set a limit on politics. It limited the power of the state, so that it could not infringe on the main drama of human life, which is the relationship of individuals and God, persons and God. Politics is ruled by sin, so Augustine modifies the doctrine of Aristotle and Plato on the natural goodness of nature. Politics, Augustine says, is marred by great evils, history is a bitter lesson in the capacity for evil in the human breast, and we never seem to see the bottom of it.

Since one must approach politics as corrupted by sin, it's important to set up constraints. But this leads to the problem of building institutions. It's not enough to enhance values, we've got to start thinking institutionally about how to constrain the worst evils. The democratic experiment rightly addresses this problem.

And finally Augustine established the vision of a Christian humanism. It is good and proper and important for Christians to be involved in the struggles of the earthly city. It's not the main show, but it's important and good, and part of our duty, and part of our mission.

Now, with this in mind I approached the three books produced by the Pontifical Academy, *The Proceedings of the Workshop on: Democracy*, of 1996, *Democracy, Some Acute Questions*, of 1998, and *Democracy. Reality and Responsibility*, of 2000. I found them extremely rich, even though written from very many different points of view, extremely rich in distinctions, in warnings, in advice and at the same time, as our Chairman has commented, they were in need of ordering. An outside expert should put them in a framework, tie up certain things. This I attempted to do in my own report.

As to structure, I analysed the Academy's research by asking a series of twelve questions, listed in the introduction to my report. I admit that any attempted structure can be criticized from other points of view, and in fact I did try to present a scheme that is transparent and easy to add to. Although different critics will undoubtedly discover material that could be explored differently and in greater depth, I provided ample footnotes to show that, in fact, these twelve sorts of questions do emerge from the readings.

Please allow me to introduce you to this structure by at least naming these questions one by one. Firstly, why does the Pontifical Academy commend the study of democracy? Secondly, what *is* democracy? Then, what is the *history, geography, spiritual lineage* of democracy? (There is more than one lineage). What are the *ideas* necessary for democracy? Since democracy is just not handed to us on a platter, a lot of intellectual effort has been spent on developing a science of politics, and we've not finished.

In the last sixty years there have been approximately 140 experiments in different nations trying to establish a democratic order. In 1949 there were 49 nations, today there are 180, and some of the others have been trying to build a democratic order with some success and some failures. At this point, I think we need to remind ourselves of a few important democratic experiments in the Islamic world. Bangladesh has changed government three times now, successfully and peacefully, and others, a few others, have succeeded, but most have not. For the most part, the ideas and the institutions necessary for democracy are in a very acute state of underdevelopment in large parts of the world. So, I want to call attention, as the essays did, to the importance of ideas.

One also learns if one travels the earth that *institutions* will often differ in different countries. Institutions that work in one country may not work

in another country. In addition to ideas and institutions, there are certain *habits*, as the authors of our studies pointed out, that are crucial to making democracy work. Where these habits are absent, democracy quickly deteriorates or cannot even be established.

Democracy also requires a *culture*, a larger concept than 'ideas' and 'habits', and a civil society. Then there are some *individual fields* that are especially important in civil society, such as *religion, education, and public opinion*.

The ninth question takes up today's subject, the challenge to *values in a pluralistic context*. Our present context of global communications and intense pluralism gives rise to different pressures and needs than the values pursued in earlier, more settled periods.

And, finally, we come down to questions of *economics* and *global* pressures, and the *entropy in the moral life* required for democracy to sustain itself across generations. Hot water cools, mountains erode, clocks slow down and morals deteriorate. Aristotle thought of ethics as a branch of politics, and there is a real truth in that. If you live in a culture in which ethical standards are at a very high level, not only in families but also in every other surrounding institution, it's much easier to develop a higher level of personal morality. On the other hand, when everything is deteriorating you wonder if you are not crazy in trying to stand against the tide. In addition, there is a generational aspect of ethics. Ethics do not arise in one generation alone. One builds up an ethic over generations, but it deteriorates quite quickly. That fact is alluded to in a number of the papers. So, we must expect that values are always deteriorating. If they are not advancing through really strong efforts, they are deteriorating, and that presents a real problem. It's very hard to make a democracy last.

Now, to go exactly to the question before us, why does the Pontifical Academy study democracy? First I would like to note that several authors quoted this passage from *Centesimus Annus* (46): 'The Church *values*', (there is our word), '... the Church values the democratic system inasmuch as it ensures the participation of the citizens in making political choices'. Well, it ensures the participation of all citizens. Suffrage should be universal in making political choices, so that it guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through a peaceful means when appropriate.

Please notice people don't do everything in a democratic system, but they do hire and fire their leaders. That is not everything, but it's something. Democracy is a very poor system, as several authors from Reinhold Niebuhr to Winston Churchill have pointed out, except that all the others

are worse. The Church cannot encourage the formation of narrow ruling groups, which would use the power of the state for individual interests or for ideological ends. Such groups need to be under the control of the people as a whole.

But there are two other reasons why the Church values democracy: first, for the protection of rights, protecting people from torture and tyranny, and second, for limited government. Democracy includes the vision that government is limited, which opens up space in civil society for people to participate in many activities as individuals or in associations that may be national in scope like the Boy Scouts and The Red Cross, or that may be local in scope, such as groups just trying to build a playground for the children or to dig a well for the village.

Democracy allows room for all sorts of individual activities. And this gives the Church a way of encouraging its members to participate fully in society, fully exercising evangelical values, influencing the texture of daily life, achieving the common good through their own activities independently of the state. And this gives the Church a way of affecting the social order without working from the top, without Bishops dealing exclusively with statesmen, but from the bottom, from the grass roots.

It requires a new method for evangelisation and for working to build the social order to build up the city of God. Pope John Paul II calls it 'the civilization of love'. My own word for this is 'Caritapolis'. In Latin or Greek, there are six to seven words for love, but in English we have only that one, so the meaning that we are trying to convey might not come through. 'Caritas' is the particular love that the persons of God have for one another, and which God shares with human beings, allowing them to participate in his own love. That's the model of the love that, as Dante said, 'moves the sun and all the stars', and that's the love that human societies participate in.

Well, democracy offers a way, 'through the grass roots' as we say in English, for ordinary people to influence their own environments and to begin practising the little activities that make self-government real in local environments. You don't have to do everything by government officials top-down; you can do a great deal from the bottom up.

The first point to be made, which I found in the essay by Professor Kaufmann, is that problems in Western democracies are due to an *excess of values*, not so much to a decay of values. The problem of values has become the most complex and central theme in social science. It's problematic because ever since Nietzsche, ever since God 'died', so to speak, the term 'values' has come to include a certain subjectivism. In other words *his* val-

ues and *her* values and *my* values and *your* values, *everybody's* values, these are all subjective. But if these are *all* values, is there any objective value? Maybe there is no objective value. 'Value' can be used to cover over a fundamental nihilism, a fundamental subjectivism. That's where Hitler and Mussolini began, by sensing the cult of the absurd in the cafés in the 1930s and drawing this conclusion: Well, if there is no *truth* accessible to ordinary people, then there remains only *power*. Mussolini defined totalitarianism as 'la feroce volontà', the ferocious will.

Professor Taketoshi Nojiri made a very useful proposal in the papers, when he said that on the one hand there are those who fear an absolute and universal truth, because Christians, Muslims and other theocracies have justified force against others in the past on the grounds of preserving the universal truth. On the other hand, if one goes to the opposite extreme, to relativism, one ends up in the exaltation of power. His solution is this: let us suppose that there are certain universal criteria, and let us suppose at the same time that none of us is in complete possession of them; still, we can all understand *something* about them. There is at least an initial recognition, and if we proceed on this basis we've got a reason for listening closely to one another. On the one hand, I don't have the truth, you don't have the truth, we each have a little, let's listen. On the other hand, if we attend carefully to the evidence, we should be able to make some progress and to understand better, over time and across generations, where the truth lies in this particular matter.

May I suggest that our subject, democracy, is also like that. The Church in the 19th century had bitter experiences with democracy. On the continent of Europe the democratic movements from the time of 1789 forward, were drenched in blood and in abuse of the Church. One of the main motives was the destruction of the Church in the name of Enlightenment, in the name of Reason with a capital R, and the imposition of a new way of thinking. So the Church went through the whole 19th century with a rather sceptical view of democracy and, as Father Schooyans pointed out, without adequate analytic concepts for understanding the matter. Only slowly has She come to a different judgment about democracy, while paying attention to the lessons of experience. So, Nojiri's proposal in favor of recognizing some degree of truth, plus an openness to learning from the truths understood by others, makes some advance possible.

The last question addressed in our papers was: is democracy a *value*? Is it a *way of thinking*? Or is it rather a *set of institutions*, a limited set of institutions that do some things well and some things badly, but protect

us from some of the worst evils? That was the debate, which went unsolved in the papers.

My own judgment aligns with Professor Zacher's here, viz., that it's more useful to limit our understanding of democracy to certain political institutions, which achieve certain limited objectives, at least at a certain time in history. Maybe 200 years from now we will have something better than democracy, but for right now it's the best way we have discerned for protecting us from torture and from tyranny. Still, it's grossly inadequate in other aspects, no doubt.

There is some clarity in the guidance of the Church here. *Gaudium et Spes* is divided into three sections dealing with political liberty, moral-cultural liberty and economic liberty, the three different aspects of the free society. Economic life runs by different rules than political life, which runs by different rules than intellectual, or moral, or religious life, the life of conscience. These three sets of rules are in conflict with one another, and they are not univocal, but they limit one another. It's useful to think of the three separate sets of institutions in those three different orders. Then we can think of political institutions, for instance, and compare the varieties of these that we've experienced in different cultures; for instance, parliamentary systems versus presidential systems. There are different sets of institutions, which serve different purposes in different cultures. There are other limited, definable sets of institutions we've discovered for organizing our political life under the general rubric of a *democratic* or *republican*, as contrasted with *monarchic* or other orders, and it's worthwhile thinking about those contrasts. These categories don't do all the work that we require, but they do some of it, and they make analysis possible. Most of all, we want to reach a limited form of government, in which free realms of culture and conscience allow us to treat all the values that are dear to us as human beings; holiness, truth, love, and the other values that human beings perennially seek.

Chairman

Thank you very much, Professor Novak. We should congratulate you for your capacity to raise our discussion on the level of philosophy, of history and even theology of history. Saint Augustine is certainly the main thinker in western Christianity at the end of the antique age. He exercised a tremendous influence down to our time. No reflection on the meaning of human history could ignore him. You mentioned precisely that at the core of the

Christian understanding of history is the dimension of eschatology. Eschatology is the horizon to which humanity is tending to go. This is the horizon on which we see the values of truth, justice, peace, love fully realized. So that nobody pretends to have personally the whole truth now, and no institution can claim to be the truth and to impose it. The dialectic of Christianity is precisely the awareness that truth exists, but also the consideration that we are all pilgrims in move towards the truth. This is what makes liberty necessary and possible, including religious liberty. And now my question is: how could we express this eschatology in more secular terms, so as to be shared by everybody?

Now I'll introduce Professor Rudolf Weiler. He's a professor at the University of Vienna and belongs to the Institute for Social Ethics which is placed under the aegis of the Project of Natural Law of Johannes Messner. Messner has developed a new concept of natural law. His contribution is a challenge to the social doctrine of the Church.

Rudolf Weiler

'The Value and the Values of Democracy'. Under this title I perceive the question of the valuation of democracy. In the social sciences of modern times, access to the question of value is gained via historical and empirical experience – that is, for the large part excluding philosophical anthropology and metaphysics.

Already in the 19th century, the question of value was posed as a central element of economic science. In the course of development, however, value philosophy and new approaches in ethics and social ethics emerged with a view to politics in general and democracy in particular. *Social ethics* developed in line with the classical tradition of natural law by adopting a generally valid view on the question of value in conjunction with the question of what is good for humans and the human society. Thus social ethics as an ethical discipline of its own actually evolved from social-philosophical and social-ethical rules and principles. This aspect is to be noted above all for the development of Catholic social teaching in the context of the 'Workers' Question' as expressed by the 'Social Question'. Unlike *sociology* – in the understanding of Auguste Comte – social ethics confines its focus on societal matters to the one, true, good and beautiful; in other words, it proceeds ontologically or from being as the essence of humanity.

In social ethics, the question of democracy is therefore directed to the realisation of values associated with democracy in politics. This refers to

the human capacity to handle societal matters – in the course of history and the changes it brings, and in dealing with institutions, facilities and the means of social life or politics – according to society's requirements and purposes, and according to the human purposes and aims in life corresponding to the nature of that society.

The use of the concept of value within the meaning of social ethics, namely the realisation of values, is not even 200 years old. It concerns the capacity of man to choose the purposes and means, in accordance with his nature, to achieve personal individual and social objectives. As to the objectives, it is then possible in the tradition of classical philosophy to distinguish between values of pleasure and values of personality. This is indicative of the fact that humans are endowed with value awareness and freedom of values.

In so far, for humans, values represent goods for the attainment of which reference is made to that which is essential, in the sense of all that is good for human existence. Thus one can speak of personal values, which in turn are sought by way of virtues, and of moral values, which for humans signify the subjective good and which must then, however, be objectified in conformity with human nature. Here there is no neutrality of values. Values relate to good or evil as soon as they are of a moral nature!

Democracy as a social form of life aimed at the realisation of values is ontologically and logically subordinated to man's value awareness and to the fundamental forms of values. According to their ranking, we speak of the values of truth (logical values), of the good (ethical values) and of the beautiful and the holy (aesthetic and religious values); these are followed by economic values (which are usually material in nature). The latter stand in the service of making a living and first of all constitute the means of subsistence. For the community, economic values thus primarily become social and political values.

The common good which reflects these values results as a moral value conforming to the essence of humanity. Consequently, the common good in an outstanding way belongs to the moral values – that is, to the spiritual values – and is thus also to be understood as a personal value.

Value awareness, as general moral awareness, forms the basis of reason underlying morality with its elementary moral value principles. It follows that these values are embedded in the moral order of humanity and of social life. Democracy can therefore be regarded as morally good according to the notion of order within the culture of social life. In so far, the culture of order rests on one foundation and is linked to the moral essence of human nature in historical development.

Within the democratic structure of order, access to values can be experienced intellectually by man and society. Thus democracy is founded in the name of humanity in combination with the rational insight into that which is good. In this sense, ethos as a life form can be related to democracy, and one may speak of a democratic ethos.

Democracy as a value and an access to values emerges from the concept of value, which cannot be recognised and understood when detached from humanity and moral natural law – that is, moral cultural law. This law of value is followed by the unity of value in the social valuation of the shared value objective. It embraces the possibility of exercising tolerance and of bringing such tolerance into line with the values and objectives of political parties in the democracy. (Figuratively speaking, they come under the so-called ‘constitutional arch’).

Thus democracy becomes a moral cultural value and in this way places man at its centre. And so it is the conception of humanity that in a democracy decides on the capacity of the individual, of all humans for that matter, to realise values within the political community when selecting the purposes and means needed to achieve that community’s objectives in accordance with its values – namely its personal values (virtues) and service values (material values).

Consequently, the development of democracy in society centres on the conception of humanity, namely the existence of a metaphysical and ethical understanding of the person accompanied by an openness to transcendence. Today, this view is opposed by numerous intellectual tendencies in ‘Western Democracies’ that are often merely based on a practical secularist and materialist mode of thought. Connected therewith is the choice in favour of individualism or collectivism in the political process.

These tendencies are characterised by a disintegration of values in democratic systems, with the causes inherent in intellectual history. A new orientation would be needed – not a further misuse of so-called ‘ethical commissions’ that serve as a ‘placebo’ for political decisions on moral issues that seek to accommodate the utilitarian *Zeitgeist*. What is necessary instead is the return to moral principles enshrined in a moral natural law of unconditional validity.

Democracy should cultivate value awareness. The importance of dialogue must be emphasised, as opposed to stagnation in intellectual issues and to the deeply rooted modern belief in progress. Given the global perspective on ethos forms, we today witness a growth of ethos in humanity – from an initially moral awareness towards a shared consciousness – instead

of recommending the complete isolation of individual autonomously understood ethos forms. Cultural pluralism, according to natural law, within the one ethos of humanity seeks to avoid the relativising concept of multi-culturalism! The cultural community in the one humanity sustains moral development; liberal democratic value principles can be formed communally within it.

In view of these principles, the process of public opinion formation must be cultivated in a democracy to this end. Dialogue culture is a prerequisite for the corresponding formation of political will. A particular problem of a developing democracy is the networking of social life on the one hand and, on the other, the fixation of thought on the interests pursued by individuals in the economy and civil society. Man is seen as an individual being without social integration, or is assigned to merely small, arbitrarily formed units guided by personal interests. The societal matters are left to the arbitrary will of individuals, and are thus withdrawn from the moral idea of order in human dignity and abandoned on all fronts to social experiments embedded in egotistical individualism or collectivism.

Conversely, pluralism in accordance with natural law is disregarded. As a result, necessary social entities such as family, professional communities or neighbourhood are merely upheld on the basis of individual contract law, while the common good is left solely to the democratic state. Yet all humans carry individuality and sociality within their being. The newly unfolding concept of social justice is often merely put forward to meet the egotistical interest demands of persons and groups. Social welfare is thus left up to the state. This development comes to bear on the weakening of the justified position, notably, of the family on its own merits or of *corps intermédiaires* (social intermediaries), which are increasingly viewed only as an affair of the individuals themselves or of the state outright.

For democracy it is a matter of cultivating value awareness. This applies in particular to the formation of public opinion, the precondition here being the culture of dialogue as opposed to stagnation in intellectual matters and devotion to a one-dimensional belief in progress. Dialogue culture is required for the democratic political formation of will. Thus tolerance is not the consequence of moral relativism, but is founded in 'a very definite moral conviction ... of human dignity'. (Robert Spaemann, *Moralische Grundbegriffe*, Munich, 5th edition, 1994, p. 21)

With democracy and the international spread of this form of government and culture, the significance of, and the quest for, ethos forms and their growth into an ethos of humanity constitutes an important histori-

cal process everywhere. This process emanates from an original moral awareness that is opposed by prevailing political efforts to achieve isolation from cultures and countries. The cultural community of humankind, by contrast, fosters moral development in accordance with liberal-democratic value principles.

The idea of society and the social net may not be abandoned to individual self-interest, nor solely to the democratically structured state or new forms of collectivistic totalitarianism. With the loss of the conception of humanity in solidarity according to moral natural law, every social system, and thus also democracy, is threatened by totalitarianism.

A contemporary warning is expressed by Giorgio Agambens in his book entitled *Homo sacer*, which examines the phenomenon of the power of state sovereignty at whose mercy man is; this reasoning about man is geared entirely to naked life in its conditions within the state. The camp and not the state is the bio-political paradigm of the Occident, thus the author's warning.

Chairman

I would like to remind you that in these last years, our colleague Professor Utz challenged the approach of Johannes Messner. Father Utz shared the opinion that the method used by Johannes Messner was not able to really achieve what it wished to achieve, because Johannes Messner had a concept of natural law which was based on empirical experience. Messner says that from experience you'll observe that there is general recognition of natural law through the different cultures. But Father Utz says, let's stick to Aristotle, and admit that our knowledge is rooted in empirical observation, but our knowledge reaches a grade of certainty only if we look into the essential structures of the human being, so that the basis for natural law is metaphysics and not merely empirical observation. Father Utz says that by acknowledging the essential structure of the human being, we may deduce those universal principles which are able to shape our social order. Father Utz says that only a metaphysical approach of natural law can claim for universal recognition.

This discussion about the foundation of natural law is presently going on. Today, there is no general acceptance of the metaphysical approach of natural law. There is even a kind of contradiction when you assume that all human beings share a common human nature, and most people in most cultures are not likely to recognize this human nature.

Margaret S. Archer

Some mornings I wake up and ask myself the question: 'Why did God create sociologists?', and the best answer I've ever received is: 'Perhaps to remind us that His Kingdom has not yet come on earth'. So, what I would like to introduce into this discussion is a distinction made very well by Max Weber between talking about a concept like democracy as a value, the *Wertrationalität*, in his terminology, and talking about democracy as a practice, the *Zweckrationalität*, or instrumental rationality, as the means to some end. And excellent as our papers were this morning, I mean that genuinely, what I found missing was *Realpolitik*. Policy is a dirty business, something we should not forget.

In particular, it is always possible to talk about the values that exist in society and then to assume that they are transmitted directly into our working social institutions, and this is never the case. There is no direct translation, there is no process of value osmosis. Sometimes this is a good thing. There are many things in my own country, which, if you took them as values and translated them into political practice, I think many of us would deplore.

For example, consistently over many years, as surveys show, the majority of the British population wished to have capital punishment reinstated. I'm delighted that this has never come to pass. Thus, the fact that there is not a one to one correlation or transmission of values into the political arena is sometimes good and sometimes bad. Nevertheless, I think we have to ask some very serious questions about political mechanisms which actually contradict normativity, contradict the realization of the common good and even contradict natural law, which many of our speakers saw as perhaps the ultimate justification for the democratic process.

So, if one talks purely about the developed world, and I'll leave it to those who live in other parts of our globe to refer to their own systems, I would just like to highlight three particular mechanisms in working democracies which are hostile to the representation and implementation of the common good.

The first of these is the sheer electoral process. In the developed world elections are cash dependant. Politics is a dirty business. (We've only to think of the scandals in my own country. Why do we read the papers? Largely to find out what the latest bit of political sleaze is, who has paid so many million pounds to have something implemented). It's often said about the United States of America that your very chance of being represented, let

alone your chance of becoming President, is dependent upon how many millions of dollars you can recruit to support your cause, which has nothing whatsoever to do with the validity and the value of your cause.

Secondly, what is one of the first things that one discovers about the workings of the political and democratic process? One discovers lobbying as a growing phenomenon, a whole new type of *Realpolitik* devoted to the advancement of particular and particularistic interests and causes. These are pests on the democratic body, but they are a growing infection against which we have very few controls, very little disinfectant.

Thirdly and finally, is the common good truly the ultimate justification of democratic politics? In my own country, Britain, two elections ago, the national Bishops produced a document called *The Common Good*, an excellent document talking about the well-being of the vast majority of people within the country. But, on the one hand, we had that exhortation from the Bishops, which was extremely important, while, on the other other, we had it in the national press as the guide to the ordinary voter. And what did the guide to the ordinary voter invite us to do? It asked us to check two columns. It said, on column one read off your income level, and then it said, follow across to column two and you'll find what New Labour will cost you, and you'll find what old Conservatism or existing Conservatism will cost you. The message to the voter was, 'Buy the party that will be cheapest for you'. In other words, that message was in complete conflict with the common good, whose prosecution may be an expensive matter. I think one of the things we should examine and examine our consciences about, is the whole matter of taxation. Should we not, in the interests of the common good, support a progressive taxation system? Whereas, what the papers were telling us to do was, 'Support a regressive taxation system. It will give you cheap government at low cost to yourselves'.

So, I think we have to put side by side the values that were very beautifully expressed this morning with the reality of politics. We should not just talk from the top down about what values would we like to see enshrined in our constitutions and political operations, but propose from the bottom up, and much more practically, what can we do, step by step, to make these political procedures, which go under rubric of being democratic procedures, much more responsive to the common good, such that the process of democracy can deliver what is good for the people, rather than what is good for the minority, or what is simply cheapest for us to achieve as voters. Thank you.

Chairman

Thank you very much for reminding us that there is some distance between Realpolitik and values. This underlines what we were saying, that there are non-negotiable values in democracy.

Partha S. Dasgupta

This morning's discussion has been very rich. I believe we all have learnt a great deal and are grateful to the three speakers.

It has been suggested that we ought to try to uncover the connections between the thoughts that were expressed this morning, with secular thinking on democracy. I shall try, briefly, to give you a sense of a few ideas that have greatly influenced contemporary secular thinking on democracy. But I cannot emphasise strongly enough that I shall only be able to give you a hint of those ideas, nothing more.

The two deepest and most influential works in political philosophy in the 20th century have been Kenneth Arrow's *Social Choice and Individual Values* and John Rawls's *Theory of Justice*. These are not merely monumental works, but they reflect well the convergence of views in the secular world and those that were expressed here this morning.

Since Professor Arrow cannot be here with us this morning, I shall speak about his book. The title of the book is revealing: *Social Choice and Individual Values*. Note the last word in the title. The book isn't about individuals' preferences, nor tastes, nor desires – it is about their values. The problem Professor Arrow set himself was to discover, if possible, ways to translate individual values into a ranking over states of affairs that satisfy certain ethical properties. As an example, we may imagine that citizens are to elect someone to represent them, say in Parliament. The various candidates have pledged to advance various policies that affect all citizens. So, one might say that the candidates embody certain 'values'. Each citizen is able to rank the various candidates in accordance with their own values. But the citizens' rankings are most unlikely to be the same. How should the different rankings be translated into a final ranking of candidates, one that could be the basis of the election itself, namely, one where the highest ranked candidate is elected?

As you all know, Professor Arrow showed that there is no mechanism (no algorithm) satisfying what many would regard as a set of minimal ethical conditions, that is capable of translating individual values into a rank-

ing of candidates on the basis of which a choice can be made. If citizens differ sufficiently in terms of the values they hold, societies are bound to face a deep ethical problem – at least in principle. However, if individual values are sufficiently congruent with one another (in a sense that can be made precise), all is well and societies do not face Arrow's dilemma.

Arrow's dilemma is faced by actual societies. In contrast, John Rawls considers a hypothetical situation where people rank in effect what are alternative states of affair without knowing whose personal circumstances they will actually occupy ('the veil of ignorance'). Rawls was concerned with identifying what he called the 'basic structure of society', more particularly, the principles of justice that would govern society and inform its institutions. In fact Rawls's hypothetical choice problem is so constructed that citizens' values are entirely congruent: they all want the same principles of justice!

As you also know, Rawls identified three types of liberty, the protection of which would be the central tenet of the Principles of Justice. They are civil, political, and socio-economic liberties. Rawls's two principles of justice are about them. Much of his book is an elaboration on (a) why justice would give primacy to them, (b) rank them in the way Rawls imagines they would be ranked by citizens behind the veil of ignorance, (c) the implications the principles of justice have for human rights, and (d) the various obligations citizens have toward one another.

It seems to me some of the problems Professor Archer has raised about the nature of democracy (if I have understood her correctly) would be softened by the rights individuals would enjoy in Rawls's scheme of things in the civic sphere. By the civic sphere I mean the kind of associational activities people engage in (when they are permitted to do so) at the local level. Errant politicians (even rogue politicians) can be brought into line if citizens have voice. Thus, it seems to me there is an instrumental value of democratic practice and civil liberties. The latter enable information to be pooled, in a world where information is costly. I would argue that some of the problems Professor Archer has identified in democracies, those that arise out of the kind of information the media likes to report (the trivialities and sensational news), are pretty much a price that we are forced to pay in order to avoid a far greater problem: censorship, which can protect rogue politicians far more effectively.

Chairman

Thank you for helping us to bring together the two approaches, the empirical analysis and the horizon of values and aims which we say are rooted in the nature of man.

Paul Kirchhof

In making ourselves aware of the weaknesses of a parliamentary democracy in the present time, the question arises: which institution can renew and improve representative democracy?

Our look falls on the Catholic Church, with the moral scales, 2000 years of life experience, and the responsibility for the real living conditions of human beings. We see that the Catholic Church is the most qualified institution for taking over the abovementioned task.

If the Church understands democracy as an apparatus which can serve indispensable values, but does not want to present a model for exercising political force, she will have to argue along with the reality of modern democracy. For that purpose I would like to propose four considerations.

People are entrusted to the Church, and at the same time they are citizens. Each person lives in one of the 200 states of this world, of which 180 are democracies or maintain to be democracies. This has considerable consequences for the affected people. It is decisive for their mental well-being as well as their physical life whether the state leads them in peace or in war, whether it protects life – at the beginning and the end of their human existence, whether it suppresses religion or brings it to development, whether it lets people starve or organizes social solidarity. The citizens and the state are always a community of culture and responsibility, and the functions of conservation and renewal depend on their inalienable values.

In the question of values, churches and modern constitutional states have a common starting point: The bible has taught for 2000 years that human beings were created in the spitting image of God (*imago Dei*), that they are entitled to personality and dignity because of His existence, from which individual freedom emerges, and that because of this freedom they are entitled to participation, also in political decision-making.

So far, this Christian idea of humanity has opened the way to understanding the reasons for democracy.

The modern constitutional states have one equal normative starting point called upon in their constitutions – the idea of democracy: the care

and protection of human dignity as a basic principle of the entire constitutional order. This idea of dignity was newly formed through enlightenment and secularisation, occasionally resulting in conflict with the conclusion of the principle of the Church. However, it means in the present time the same, it is what Christian dignity postulates.

Indeed, for the present time this basic principle must always be elucidated, developed and renewed. If modern gene technology, the reality of a broad migration of nations, the isolation of the elderly in social insurance systems of the western nations raise questions concerning conventional constitutional values, they must be provided with new answers. In the present time the constitution and the Bible win their creative power through the explanation of these values for life today.

Therefore, we must consciously realize that the proved and experienced wordings need some period of time to reach what they want to bring about.

When the French Convention of Human Rights emphasized the equality of all human beings, the National Assembly had to argue first of all the question whether this equality applies also to itinerant entertainers, executioners and protestants. This problem could be clarified quickly; however, the question of the equality of women and the people in the colonies remained a legal issue for decades. For that reason we should not be disappointed if the good wording does not lead at once to a commensurate beneficial reality.

The experiences of the Church teach that an order of values by itself does not suffice, this order of values rather needs institutions which enforce the values and make them relevant for today. For that reason it is obvious for the Church that principal values must be entrusted to institutions which guarantee the formative force of these values. Thus we question whether modern democracy is a support and whether it is the best guarantor of these values.

At this point we must consciously realize that under the term of democracy different patterns of organization of a state are understood. If democracy means that the respective majority masters and subjects the respective minority, we have to use all our power to fight against this submission system. Inalienable values are picked up poorly in a state in which the current majority can set the rights for the minority. In the institutionally supported democracy, in which the majority of the voters choose a parliament and a government, the parliament and government then ensure and protect the constitution and their values. If the majority of the citizens determine the politics, they elect the government which is legally bound by the constitution to protect the rights of the minority as

well as the majority. Under the constitution, the constitutional court has the authority to repeal unconstitutional acts or legislation. In this way the constitution is guaranteed and the central values fundamental to democracy are secured. At present it seems that the triumphal procession of such a constitutional state in Europe and all over the world has been initiated and the Church has the historically unique opportunity to participate in this renewal and improvement.

Of course the constitutional state is not protected from making gross errors. The Church tells us in the doctrine of original sin that each human being is faulty and for that reason must answer for his behaviour. For that reason we should not put in power a philosopher king, whom we do not have and never will have, but instead put in power a constitutional system which limits the risks of faulty human behaviour. For this reason we divide the power of a state among different government agencies, which ensures continual control of responsibility of those that govern. If human rights offer individual human beings freedom, they determine personally in which manner they accept this system of freedom. It depends on the way human beings are essentially impacted by Christianity and Christian values.

Jerzy Zubrzycki

As I listened to Professor Novak's brief presentation this morning introducing his splendid research paper, one point caught my attention – the point of tactics, namely the way in which we, committed, I take it, to Catholic social teaching, can somehow spread the good word about it. In the rubric 9, in the summary of Professor Novak's paper, he has italicized the word 'values' in the sentence which reads: 'The challenge to *values* in a pluralistic context'. Much the same point was made by Professor Kirchhof who refers to what he called 'die christliche Wertorientierung', or how Catholic values can be somehow brought to the attention of the very pluralistic world.

It's a point of tactics, since we should be aware of the fact that the pluralistic perspective in Catholic social teaching was already put forward explicitly in *Octogesima Adveniens* and was also, I think, a presupposition in *Laborem Exercens*. What it implies is that we must not expect some ideal system which will perfectly embody all the values of Catholic social teaching. Rather, we must recognize a variety of different systems, each embodying certain fundamental values perfectly, but other values imperfectly.

At the same time we cannot afford to neglect the dialogue with the major systems in the world today, and of course at this point of time my great personal concern is in the dialogue with the Islamic world. Thank you.

Michel Schooyans

Thank you very much, Mr Chairman, for giving me the floor and allowing me to react to some of the things that have been mentioned this morning. I would like to fix our attention on a point that perhaps has not been sufficiently discussed until now. It is about the question of the values, especially those connected with democracy. It would be important that we take a look at education and especially the teaching of the Holy Scriptures and the attitude of Jesus regarding this.

We've a tendency to consider that the teachings of Jesus on the topic can be summed up in just a few *sentences*, the one mentioned before, for example, 'Render to Caesar what belongs to Caesar'. We do remember that, but let's not forget that the teachings of Jesus on political questions, for instance those connected with democracy, these teachings are also to be found in his *attitude*, for example the attitude he adopts regarding the poor. There we definitely do find the idea of preferential options towards the poor, the sick or the marginalized people, towards whom Jesus manifests special attention. So, there should be this call to integrate in society a considerable segment of the population. We should take more explicitly into account the marginalized sections of society, those who are not considered and respected by the 'establishment' of the society they lived in, and are considered ignorant and mean. Some words pronounced by the Pharisees express this lack of respect for these kinds of people that were considered the scum of society.

Some such cases can be found in the Holy Scriptures. Something struck me a few weeks ago, while reading the Holy Scriptures in Liturgy. There were two accounts, one from an epistle and the other from the Gospel, and both are very familiar to many of us. The first was about the chaste Susanna (cf. *Dn* 13, 1-64). We do know about Daniel who confuses the two older men and saves Susanna from being unjustly condemned; Daniel saved an innocent woman. But in the story of the adulteress (cf. *Jn* 8, 1-11), Jesus does much more: he forgives the sins of those who are really guilty. Of course, Daniel rescues an innocent, and so we must do through the social institutions. But Jesus shows us that we must go further and forgive even those who are culpable.

Juan José Llach

I perceived a certain tension, a certain amount of tension after the papers read and expressed earlier today. I feel a certain amount of tension between two main positions, both of them valid, but in the practical life you have to make some choices, you have to opt for one over the other. I would like to get your reactions.

I believe that one of the positions is that we need to underline values and to distance the social doctrine of the Church from democracy as a form of government. The other position, maybe I would not qualify it as a position, but maybe the other tendency, is to know why we do not direct our energies and efforts towards the way we could improve democratic governments and government systems. Both positions are important, but they are not identical and, definitely, it is not the same thing to accentuate one or the other.

For example, in my country, Argentina, we have now a very difficult situation. Democracy does not seem compromised, but we have come very close to anarchy. Two Presidents, one elected by the people and the other by the General Assembly, were both fired, sent away. They said publicly that they had resigned, but they really were dismissed, maybe not in a very official way, but this is what happened.

At that moment we asked the Church to create, to establish certain conditions to begin, to initiate a certain strategy where we could encourage the convergence of the economic, social and political sectors, and start a consensus building process. The Church adopted the second point of view and decided to participate in the Argentine Dialogue process, even when the situation was very difficult and dangerous, and the Church did accept to express itself very clearly towards the corrupt politicians.

This is in sharp contrast with the past. In a country like Argentina, in the last seventy years we've had so many coups d'états, let's not forget that the Church in front of all these coups expressed an attitude that seemed as if she were choosing the first position in the sense of being absent and not pronouncing herself, waiting for events to develop. I think that this time the Church, by adopting the second point of view, has made the right choice.

Serguei Averintsev

Mrs Archer and other colleagues have highlighted a certain distance and gap between the ideals and values on the one hand and the political practices on the other. There is only one thing that can fill that gap – and

that is 'education'. Education, but not any kind of education, not just a legal form of education, not just an education in higher moral values, which are essential, but also intellectual education. Democracy is obviously a system consisting in a Constitution and so forth. But the basis of all of that is democratic man, *homo democraticus*. He possesses some features without which there could be no democracy. The democratic man, *homo democraticus*, does not wish just to be blindly led. He can be a bit stupid and ignorant, and still be and remain a democratic man as long no one gets anywhere near the sphere of his own nose. But today's media world is educating on a daily basis an opposite type of personality, people who are begging, requesting to be led by the nose. I think what is rather dangerous is the disappearance of the nuances. Even if someone is highly respected in the media world and appears on television, he or she is not allowed to make complicated phrases. There are nuances which are to be avoided and this constitutes a danger to democracy.

Well, I think that the role of the Church does not just consist in the pure spiritual and moral aspects of education, but also in intellectual education which has to do with moral education at all times, because they go hand in hand. So, the role of the Church has to be important in this area, and for this one needs a certain impetus.

Sergio Bernal Restrepo

I think that the basic problem, which is the feedback to our interventions, is the reality of human life. We are aware that we have tried to be good people, and yet the results are quite poor, and many of you have stressed this reality of the original sin. Catholic social thought is perfectly aware of this fact, and for that reason, for that very reason the teaching Church, if we can establish that distinction, proposes an ideal, knowing that it is impossible to reach that ideal. It is the 'already, but not yet' reality of history.

I was very happy to listen to Professor Archer, because her intervention was a very good answer to her question, 'Why did God create sociologists?'

And, coming back to the first statement, I ask myself quite often: can a good Catholic participate in politics? My immediate answer would be 'No', because politics is a dirty business, and we know that very well. And yet, Christians are called to commit themselves in politics. At the time of the famous 'Mani Pulite' affair in Italy, the person that played a leading role

stated that probably the answer to the serious problem of corruption under investigation would be to copy the American lobbying system, which, according to him, is an institutionalised form of corruption. Indeed it means that Congressmen are paid to protect the interests of corporations, not those of the people who elected them.

So the tension, the main tension is that of human reality and for that reason too the Christian person should maintain a critical attitude regarding historical models because we are aware of the relativity of any historical reality.

My position is clear. I think that generally, because of the influence of the media and the people in power, we all tend to identify democracy with one concrete model and there is a tendency to impose that model on the whole world. One of the great contributions of Catholic social thought is precisely the questioning of the true meaning of democracy. And the question is: what do we understand by democracy? I don't think that anyone has the answer, but we can offer a number of criteria, a number of parameters that would help us to assess any given model and to say: 'Yes, that could go', or 'No'. And in this sense the Church offers us some very valuable criteria or parameters.

There is an inner tension in the person that sometimes finds it difficult to live his/her reality as citizen on the one hand and as member of the Church and of a society on the other. *Gaudium et Spes* has tried to offer an answer to the problem. The Church finally gained awareness of the fact that she has to deal with some persons who are citizens and members of the Church. The same person has to be loyal to both society and the Church. The Council succeeded in establishing a clear distinction between the realm of the Church and that of the state which should not be in contradiction but should rather work in close cooperation maintaining the necessary freedom.

I would like to underline the importance of education in values, and I think that one of the great instruments to develop democracy is education, but unfortunately education in its present form is not aimed at democracy but rather, as I think Professor Glendon states, it is an education aimed at the reproduction of consumer values and behaviours, which is the only thing that counts today. So, I would like to insist on the role of the Academy. It was stated at the beginning that the discussion on democracy should not be concluded with the present discussion.

The future of Catholic social thought depends on the laity, and that has been recognized since the times of Pius XII. When commemorating

Rerum Novarum he said that social doctrine was in a way the outcome of the contribution of the laity. And only the people who are in the field of politics know what the hardships of politics are, and how difficult it is for a Christian to be honest in politics. And these are the people, and I think that you are the people, as experts in the social sciences, called to make a contribution to the further elaboration of Catholic social thought on democracy, raising fundamental issues that have to be addressed, and in this sense we answer to the question: who are the Church? We are the Church, and you are the Church, as Academicians, and you have this formidable challenge to help the Pope and the Bishops in your respective nations to elaborate and to try to give answers to very concrete historical questions today. Thank you.

Rudolf Weiler

Let me now react to the course of the discussion which is behind of us.

Insight into natural law or the law of morality. At the bottom lies the process of forming moral judgments. The formation of judgment proceeds from man's basic knowledge of moral truth, and it is only from here that he forms a judgment applicable to his moral behaviour. This basic understanding that in the life of man and society there is an ultimate knowledge of truth is due to every human's ability to come to an intuitive understanding, which subsequently leads to a synthetic judgment – proceeding from the moral-legal a priori – within a reality based on inner *and* outer experience (also see this reality expressed by Johannes Messner in the so-called 'existential purposes of life' that combine inner and outer experience).

In this experience of the 'light of reason' in human moral judgment, the views of A.F. Utz and Johannes Messner come very close to one another. The standpoint, ultimately only a formal one, taken by Kant in his metaphysics of morality (as opposed to David Hume's agnosticism and reliance on human sensory perception) does not convey this point!

Human rights and legal policy. The invoking of universal human rights, following their declaration by the United Nations in 1948, is proving to be increasingly imperilled by ethical agnosticism and relativism (empirically oriented 'hyphen ethics' or 'substitute ethics' or 'renunciation ethics' ...).

Remarkable here is the belated reception of this development of the modern-age idea of human rights in ethics by the Catholic Church, notably by Pope John XXIII (*Pacem in Terris*). The important role assumed by the Church in the enforcement of human rights at the relevant 'Panel I' of the

Conference on Security and Cooperation in Europe (CSCE) is often still insufficiently acknowledged.

The concept of the rule of law in conjunction with democracy overlooks the fact that the legal protection afforded by a merely formal juridical theory of law in the wake of pure jurisprudence does not satisfy the demands of universally comprehended legal philosophy and legal ethics. In so far, the alignment of legal policy with formal legal rules – for example in the ‘pure jurisprudence’ of Hans Kelsen (postulating a ‘basic norm’ / Julius Merkel) – does not suffice to meet the legal reality recognised in natural law.

This is manifested in particular in the assertion of legal conscience in political reality. Also the theory of natural law itself has shown in historical retrospection that errors in natural law have been overcome time and again, also on the part of the Church, and that legal progress was able to assert itself out of human conscience in the course of history. This is reflected in the successes achieved in Spanish colonial ethics or in the abolition of slavery, for instance in the United States (human rights of the black population).

Reflections on the question of methodology in the social sciences. By calling on the good will of humankind, the application of findings of the social sciences to the people living in a democratic culture is often based on assumptions that disregard general moral insight and religious transcendence, and thus also metaphysical reasoning in social reality.

Yet this addresses the question of humanity’s autonomy of conscience and, consequently, the renunciation of societal recourse to general religious insights or Christian revelations. As a result, the supplementing of moral insight by the Gospel message for the cognition of moral truths cannot be universally presupposed or taken as a possibility on passing moral judgment.

That means that the autonomy of human conscience, with reference to the Gospel message and Christian faith, cannot be sufficiently invoked for all human beings in a solely universal and binding manner within humanity for the cause of law and justice. It follows that the limitation of the moral truth of a statement to that of right or wrong cannot suffice in ethical argumentation.

Every person with a good will must thus be enabled to know good and evil, and to distinguish accordingly in generally valid ethics. Passing moral judgment on good and evil to meet the demands of moral truth is therefore to be advocated and substantiated, although numerous currents in present-day and modern-age ethics contradict this. The significance of, and the assistance rendered by, Christian revelation remains valid as a supplement to the moral capacity of knowledge – alone when referring to Vaticanum I.

In supporting the findings of the social sciences, this also means that, on the one hand, methodology must be confined to empiricism and analysis, but, on the other, that there must be a fundamental openness for the incorporation of natural law principles, as well as an openness for the expression of Christian principles and insights deriving from supernatural revelation in conjunction with the social sciences.

For Christians active in the social sciences, this moreover involves the dynamic and responsible quest for new approaches, methods and ways towards attaining the general knowledge of truth in ethics and social ethics according to natural law in tandem with the social sciences – that is, collaboration in independence and unity.

Michael Novak

In the world of fiction, Sherlock Holmes has shown us that sometimes a mystery can be solved by noticing the dog that did not bark. I would like to speak of two dogs that did not bark in our lifetime.

When I worked at the Rockefeller Foundation in 1972 we heard many papers predicting famine in India in 1984, and a team of people dedicated themselves to avoiding that. 1984 came and went, and there was no famine. In fact today India is a net exporter of food. That didn't happen by accident. People laboured mightily, inventing miracle rice and other grains and recommending changes in the tax policies and price control policies of the Indian Government, which hitherto had kept prices of rice low to please urban populations, but so low that it was not worth it to farm. Farmers reduced their efforts to the minimum needed to feed their families. They would lose money selling, so they didn't. In any case, these problems were solved; a better system went forward, and people had food.

Secondly, in Germany, in the worst days, in the early nineteen forties, a group of German scholars, economists, and philosophers, got together to develop an *Ordnungsphilosophie*, to envision what a system of liberty would look like after Hitler, and they did fantastic work. A very short time after World War II Germany was producing more than it ever had before, and was building a very firmly rooted and solid democratic order different from the American, or British, or French. So, again, we had a miracle.

Well, I think we face an emergency like that today. We've had about 160 experiments in democracy in our lifetime, since World War II, and many of them have failed, conspicuously in Africa, sometimes in Asia or Latin America. As a number of speakers have mentioned, and I think Professor

Pedro Morandé has remarked most recently, there are very bad signs among the mature democracies, especially the loss of a taste for life. In ordinary people and ordinary situations, that's a very bad, profound sign.

So, what does social science have to say? Never have we had such an interesting set of experiments. How do we weight these experiments? Surely there must be very interesting observations to draw about what has worked and what has not worked, and then some hypotheses about what might work.

And then, above all, what do Catholics who are social scientists have to say? We are living in a community of one billion people, having a lot of influence on the other billion who are also Christian. That's a sizable proportion of the world's population. I am accustomed, among intellectuals in America, a good many of whom are not religious, to recognize that when they say 'we' they mean 'we agnostic atheists', and I secretly think to myself: 'Yes, but I belong to a community of one billion people, and they do not agree with you on basic realities. You don't speak for everybody'.

Well, anyway, what do we have to say to the priest in Africa who wants to know: OK, we've got Catholic education, so which habits, which institutions should we be working toward that would work in Africa to prevent torture, to prevent tyranny, to make regular the respect for ordinary human dignity and ordinary natural life?

One writer once said that the greatest charity is not to give a hungry man a meal, but to give ideas that generate a system which gives daily meals to all. We need to give some advice to ordinary people about what efforts will make our systems work better in the next twenty years. Not paradise on earth, just better. And I'm sure there is a lot to do.

At the moment, our culture is failing us. The most highly educated people do not understand what makes democracy work, even in our own countries. We do not have good theories about what has prevented famines. Until a hundred years ago there were famines on a regular basis in major cities around the world, and famines have pretty much disappeared. How did we do it? There are manmade famines still, but that's due to political failure. There are so many people who don't understand the basics of how we came to where we are.

So, I most strongly recommend that we draw on the materials already in the three volumes we have. There is a lot of practical learning there, really a lot, and it needs to be reduced to a form that would make it a teachable instrument for other people, especially for scholars, who would also use it for materials for debate, for testing, for new hypotheses. I think we are sitting on a rich vein of materials already assembled, or easily assembled,

which could go rather far in practical catechesis, in practical help for ordinary people, in building a somewhat better world.

Now, please, if you look around in our world, is it the case that democracy is somehow dependent on a Judeo-Christian culture? Is it a matter of fact that cultures that somehow are rooted in, or have connections with, the history of Judaism and Christianity do best in producing democracy? Have we now a special need to turn our attention for the first time in history to the condition of human rights and democracy among our Arab brothers and sisters? For myself, I worried so much in the 1980s about human rights and liberty in Europe and in Latin America that I didn't think much about the Arab world. But it's time. People have suffered a much greater poverty in the richest countries of the world than anywhere else, and that shouldn't be. Rights are abused regularly, and that shouldn't be. And the Arab world is not so far, part of it is in Europe, there are millions of Arabs in Europe. Also in America, the Arab people are living in our midst. It is therefore incumbent on us to ask: what is the meaning of democracy for Islam, and of Islam for democracy? What has to be learnt and to be done?

Finally, I want to say a word, because I thought Professor Archer made a very important point: 'Politics is a dirty business'. I would add, human life is a dirty business, and democracy is a dirty business. Yet, the Lord humbled himself by taking on our form, so if it's a dirty business we have to undertake, He did too. Here is a concept right out of Saint Augustine, but formulated by a great American theologian of democracy, Reinhold Niebuhr: 'Man's capacity for justice makes democracy possible, and man's capacity for injustice makes democracy necessary'.

Professor Kirchhof also made a good point when he said that democracy is not just majority rule. In a democracy, one must protect minorities against the tyranny of the majority, one must add the rule of law, and one must add checks and balances to prevent man's capacity for injustice from destroying us. There majority rule is no real help. Majority rule can do terrible things; a majority – a mob – can be a mindless tyrant.

And then, finally, Professor Dasgupta made a very good point about a tension in the principle of subsidiarity. When the larger organization, the nation, goes to help the village, it's sometimes necessary, but every time it goes to help the village it also helps the village to deteriorate, at least in its own strength. In this way, it undermines the village. So, subsidiarity is a very hard principle to make work in practice for the common good. Our social welfare programmes in the United States are using up enormous sums of money that, if they had just been given to the poor, would have

given every poor family an annual income of thirty thousand dollars a year. Instead, we've invented an incredible array of programmes, which seem to generate more poor and put them in a worse situation than they had ever been before in history, at least among the young. For the elderly we've had good success in moving people out of poverty.

So many things that we tried to do for the common good end up injuring the common good. Trying to discern practical measures to get the tension back in balance is never ending. You solve one problem, then you create new ones.

So, human life is a very dirty business, but unfortunately it's all we have, so we have to preserve it.

II. DEMOCRACY AND CIVIL SOCIETY

Chairman: Roland Minnerath

Michael Novak

First of all, the experiment of the free society, in which republican governance of a democratic society is the political function, has at its heart the principle of *limited government*. That means that in a democracy most of the work of society will be done by the citizens themselves, not by Government. That is, by citizens in their joint capacities as social creatures, for whom association with one another is a natural right, from such natural institutions as the family to other mediating institutions such as the church, and every kind of voluntary organization, all those things which Professor Glendon put in her paper; all those institutions which lie between the individual on the one hand and the state on the other.

In modern times, philosophers and social scientists have paid attention to the two new phenomena of modern times, the nation state and the individual, and have left out of the examination for some generations that entire middle ground where in fact most of our life is lived. Now, the force of the pontificate of Leo XIII was, very largely in the face of the socialist threat, to call attention to those other social forms, associations, as the main solution to the social problem. Leo came to be known by at least some writers as the 'Pope of associations'. When Leo XIII looked for a basic text as justification for his emphasis on associations, he found it in the first known appeal to the right of association, the little paper by Saint Thomas

Aquinas in about 1260 defending the right of Dominicans and Franciscans precisely as associations, to teach in the University of Paris. The lawyers were trying to prevent the Dominicans and Franciscans from teaching there, on the ground that it was an unfair advantage that members of an association should be teaching. To which Aquinas answered that it is the right of human beings to form associations for various purposes, including religious confraternities.

Even in our own classical list of the rights of human beings, Catholic texts quite commonly leave out this one, the right of association, despite the fact that it has such a clear Catholic lineage. By the way, this right was being exercised publicly by someone often overlooked, Albertanus of Brescia, at the beginning of the thirteenth century, a very remarkable human being. He started a group of lay associations to mediate conflicts between the emperors, the kings and the bishops. They were legal assistants, auxiliaries, gathered in professional groups committed to prayer and a certain measure of common discipline.

Anyway, in presenting the theory of the democratic society, we quite often forget the immense social role played by these associations. There has been a movement in the United States in the last twenty or thirty years to bring this aspect of life to greater attention. It was aided and abetted by the efforts of Solidarnosc in Poland and 'Civic Forum' and other organizations in the Czechoslovak Republic and elsewhere in Eastern Europe to oppose the attempt by the Communists to stifle civil society, in order to put everything under the control of the Party. From many sources there has come in the last twenty years or so more attention to civil society than I remember in my earlier years.

Now, Professors Glendon, Therborn, and von Beyme pointed out that in Europe, particularly in the German-speaking lands, there has been a tendency to speak of civil society in different terms because of a quite different social reality, namely the quasi-official semi-statal functions given to many bodies of civil society. These were licensed or in some way given an official function, and in that way the reach of the Emperor or the reach of the Government could run right through associational life, giving it a quasi-official role. Thus, there is some debate in the field of civil society about the nature of the definition of civil society, concerning how official it should or should not be.

Professor Glendon makes a second distinction, between the mega-structures of civil societies such as large corporations, large foundations, and the large special interest organizations – between them and the small-

er communities of memory and mutual aid. Professor Elshtain is willing to include within civil society such associations as labour organizations and professional associations, social service networks, political parties. These already can be quite large. Likewise, I am also in favour of including even these rather large organizations under the concept of 'mediating institutions', because in any one location, and even cumulatively for that matter, they are rather small, nothing in comparison with the state. So I would tend to count all of them as parts of civil society. Thus, we come to think of civil society as composed of the associations closest to us, such as the family, the church, the unions and the associations that form the culture of people.

And let me conclude this first set of remarks by saying that in the years after 1989, when we began to talk about the *free society* in Eastern Europe, much too much was said about the *politics* and the *economics*, and much too little about the *culture* necessary for the free society. For to bring about genuine freedom, educational systems have to be changed, the preaching of the churches needs to address problems that the churches had not addressed before, and so forth. Where there is a moral vacuum of the culture, it's very hard for the political institutions to function. We have to be careful not to make that mistake again.

In particular, the culture-forming agencies which teach habits, goals, and systems of criticism and fraternal correction also need a great deal of attention. As Tocqueville put it: 'The first law of democracy is the principle of association'. It's through associations that the *mob* becomes a *people*. A mob is just a huge, dissociated, inarticulate band of individuals naked before the organized power of the state. When they have formed their own associations, their own little centers of power, decision-making, argument and discussion, they are much stronger against the state. It is these associations that make a mob into a people.

Now, the Academy was asked to pay some special attention to four different major fields of civil society, namely *religion*, *education*, *public opinion* and the *media*. These were extraordinarily rich discussions. In the field of religion, Professor Donati picked up on a point that Tocqueville had made in talking about democracy in America, namely, for the Americans '*religion is the first political institution*'. Really an odd statement, that religion should be a *political* institution. Tocqueville didn't mean anything like an established Church, not at all. What he meant was that the key ideas and the key moral principles which kept Americans from doing many of the things that by law they could have done, these were given by religion. In other words, religion prevented them from doing what by law they could

have done. He believed religion also to be a correction for the materialism that tends to go along with democracy.

Materialism goes along with democracy for this reason: that in a democracy, contrary parties go forward by compromise, by making a deal. It's easier to make a deal over material things. One gets so much of this, another get so much of that, everybody gets something, we go forward. By contrast, it's very hard to compromise on spiritual things. Let's take abortion: one cannot half-abort a child, it's just not a negotiable reality. Around the edges one can establish some conditions under which one cannot have an abortion, and so on, but still one can't negotiate the essential. So, a democracy depends on pitching its battles mostly around material things, and avoiding the spiritual things. So, there is a natural downward drag on culture in a democracy. I'm not giving the whole argument, but part of Tocqueville's argument.

Now, to continue, religion, with its sense of the imperishable value of every person, is extremely important to a free society because it's a main source of teaching that there is more to the human being than bread alone. Of course, experience also teaches that. Jacques Maritain predicted in the 1940s, when it didn't seem probable, that an age of affluence would teach people, in a way they had never been taught before, that man does not live by bread alone. When they had plenty of bread, they would see that bread is not enough to calm the restlessness of the soul. He predicted a great upsurge of interest in spiritual things in democracies, as the affluence grew. When people are materially very successful, they say to themselves: 'There has got to be more than this. This is not very satisfying', and they become much more interested in 'Who am I? What should I do? How can I make a real contribution in life?'. We see more converts today in the midst of success rather than in the midst of brokenness. I don't mean converts to a religion, I mean people who change the direction of their life in the moment of success, because success is not fully satisfying.

Professor Donati gave a paper of exceptional subtlety and brilliance. He pointed out how the state of democracy in the mature democracies has lost some of its spiritual force, and has become more a bargaining arrangement, a back-scratching arrangement among competing parties. Democracy has lost some of its special vigour, at the same time as religion in the last one hundred years or so has adapted to its new position in democracies, not as an established church, not as an established authority, but as a persuader of people who themselves can be active within democracies. He says the churches have better learned how to live with democra-

cy than democracy with the churches. I think that's a quite accurate observation. But Donati shows how in the new circumstance the democratic state, in becoming increasingly secular, has lost all sense of soul, interior vitality, and humanizing energies. Just at this time the Christian Churches, and in particular the Catholic Church, have developed a more complex, articulated and worldwide way of explaining human rights and their relationship with other aspects of life. The Catholic Church has become one of the main teachers of the human spirit, even for people who are not Catholic, because it is an advantage of the Catholic Church that she is able to speak two languages, both the language of the Gospels and the language of natural law and human reason, and to blend these languages into its own tradition in a comfortable way. My own opinion is that Professor Donati's paper really deserves much larger discussion. I would like to see a Conference just about that paper.

In education, Professor Zulu commented how a sound education provides a cognitive frame of reference, develops a people's capacities to think critically, and facilitates an understanding of the range of options. In political terms, education is important for teaching young people how political power and systems of compromise work, and from what principles they derive.

We have already said many things about education, so I'll speedily go to *public opinion*. Professor Ziolkowski pointed out two different conceptions of public opinion. One, *mass public opinion*. If there is some story in the news for several days running and then they do a poll on it, normally speaking, the poll is greatly affected by the way the news stories have covered the event. People do not want to seem stupid, and they reply the way they think they'll hear other people replying. So you can have a manufactured public opinion based on the emotions of the moment. But Ziolkowski also says there is another kind of public opinion, which is formed by extended and protracted argument in which many persons in the public listen carefully to reasons for and against, raise objections, listen to how these objections are met, and then slowly put together a reasoned view of the matter.

There needs to be the give-and-take of discussion forums throughout a society, and a society needs to multiply the number of forums in which this can take place, since we cannot count on the mass media for doing this. The labour unions in America used to do this very well. They provided forums in which the labour force could argue about things not connected with labour. They were really great schools of democracy. I'm not confident that the unions continue to do that as they once did.

Considering local television, universities, clubs and associations, today there are many other places sponsoring arguments, besides the many national and cable television networks. Debates now change public opinion significantly. We saw this happen in the stem-cell debate in America. It was wonderful to watch the way opinions changed after several weeks of this discussion.

And similarly, there is a procedure called partial birth abortion, a technique whereby a baby is brought to the opening of the womb and then the abortion is done, so it's technically an abortion, but it's clearly infanticide. Well, when this technique was described to the public and dramatized to millions of people, many could visualize the child that had been aborted. Quite stunningly, views on abortion changed, and so did the course of the debate in the United States. So, it is possible to reach people by argument, and on our side we typically don't influence in public arguments as well as we might.

Finally there was a discussion of the media, because like it or not, the media is like an ocean we swim in. When parents are in competition with Madonna for the attention of their own children, I'm afraid often Madonna wins. We don't have access to our own children the way our parents did. I like to say, I spent my whole childhood being intimidated by the look in my father's eyes, and now I'm spending my whole adulthood being intimidated by the look in my children's eyes. It isn't fair.

I didn't properly open up the further question of values in a pluralistic context, but that we did this morning. Thank you.

Chairman

Thank you very much, Professor Novak. You reminded us that before elaborating on democracy, the social teaching of the Church spoke very much of social associations, that means civil society. Already in *Rerum Novarum*, the importance of trade unions was stressed. Starting from the family up to other natural associations, Catholic thinking builds us the concepts of association and participation. On discussing the paper of Professor Donati of last year we wondered whether religion could have a role of shaping civil society today. If we look at our society in Europe, religion is free, no doubt, but nobody cares, and society is very much shaped without any reference religion, when religion is not considered with suspicion.

Rudolf Weiler

The concept of civil society, as well as that of *bürgerliche Gesellschaft*, has a philosophical origin and its history is rooted in the language of poli-

tics. Today it has become fashionable to use this term politically to describe individuals in their relationship to the purposes and means of state power.

Unlike traditional classical social philosophy, neither concept deals with the essential nature of man and neither focuses on his sociality, but only on his individuality. Thus these concepts serve those who employ them to enforce their own ideologically conceived, merely subjective political purposes.

If we proceed from the Christian conception of humanity and society, and the attendant philosophy, and critically examine man and his inherent nature, we arrive at the classical approach of natural-law social philosophy. Only then, however, can we truly apply the experience of political thought and discourse in history towards achieving progress in the knowledge of politics and, hence, of democracy.

The civil concept dates back to man as part of the polis (the *polites*) having economic autarky, to the *Cives Romanus*; in the Middle Ages it refers to the 'townsman/townswoman' enjoying certain privileges ('bourgeois'). The individual later becomes the 'citoyen' or subject and 'subditus' of the ruler who protects him. Finally he evolves into a free citizen with civil rights.

In the course of history, the bourgeoisie is criticised by the proletariat, giving rise to the demand for the universality of the concept to include every member of society and state. This process leads to an emancipative political understanding, combined with ideological elements (see *Historisches Wörterbuch der Philosophie*, vol. 1, pp. 963-966).

The Scottish enlightenment and classical liberalism sought to restrict the purposes and means of state power exercised by the political society, but also to enable individuals themselves to pursue their own happiness. In the classic liberal tradition, the government is subordinated to the civil society and derives its authority from that society. In this tradition, the civil society encompasses simply everything that is not government.

For Hegel, the *bürgerliche Gesellschaft* signified the difference 'between the family and the state', with the state perceived by him as 'the reality of the moral idea'. Towards the end of the 20th century, with its ideological mass political parties and their totalitarianism, the collapse of the Marxist-communist states led to a new search for the *Bürgergesellschaft* or civil society there, entailing the reconfiguration of state authority in society.

My question is: Does politics involve less state and more society as a *utopia*, or is there an underlying social-philosophical *concept*? If so, what is it? The concept of traditional classical social philosophy, social ethics and political ethics (based, in particular, on Johannes Messner, *Das Naturrecht*, Berlin 1984, 6th edition, pp. 529 f. and 725 f.) regards man as a social being

by virtue of his nature, possessing fundamental forms of socialisation that are by no means always the same; indeed, under new circumstances new forms of social life can develop. Fundamental forms in the sense that they are demanded by man's nature and his sociality per se are timeless. These are, however, indispensable to the prevailing cultural structure and form of the socialisation process.

The *common good, as the purpose of society, and the related social principles* express this fact. It applies to the family and other social units – that is, also to larger social entities, all the way up to the political community as 'society as a whole', the state and, ultimately, international socialisation. Of course, the latter must be seen in the perspective of the global historical development of humanity as a whole.

Overview of the forms of socialisation:

- the *family*, the *tribe* and the *nation* (initially in an apolitical sense), followed by 'society as a whole' embracing the smaller social entities, and the state;
- multifarious associations within the state existing on the basis of the *right of free association*; and
- *international socialisation* encompassing the whole of humanity – especially propagated in a social-theological perspective!

The *historicity* of socialisation shows that its forms are subject to historical change in accordance with the social nature of humans (i.e. 'secondary natural law' in the tradition of the concepts of *ius gentium*).

This process of socialisation leads to the disintegration of earlier association structures and also produces new forms – forms of organisation that ensue from pluralism in natural law (on the foundation of immutable 'primary natural law') and are always historically and ideologically influenced.

Two basic axioms of natural law theory must be observed:

- The first: *historically produced orders must not be read into the generally valid order of natural law.*
- The second deduction: with the emergence of new forms of socialisation, natural law theory is faced with the task of *developing*, on the basis of general natural law principles, *the concrete imperatives of justice which result for the new forms according to the nature of the matter ...* (*op. cit.*, *Das Naturrecht*, pp. 531 f.)

The *complexity* of this development, in particular for the individual human being, must be noted, as must its *growing density* in looser or closer human relations. The increasing density of socialisation brings about a higher degree of unification in the world, in the international realm – a process which has only recently come to humanity's full awareness (as globalisation).

The attendant peace order is the *prime idea of natural law theory* which the latter sees founded in the rational nature common to all humans, comprising the knowledge of human fundamental values (*op. cit.*, *Das Naturrecht*, p. 546).

The state as 'society as a whole' remains rooted in human societal matters and in so far, after the accomplishment of these matters, remains rooted in the society that provides the basis for this precondition. It is not, in contrast to Aristotle's thesis, a 'perfect society' by itself; as a nation state, it alone cannot exercise 'self-sufficiency in international cooperation'. Similarly its regulatory power, its sovereignty, in internal matters for the fulfilment of its state purposes is not absolute.

Thus the state does not possess absolute power vis-à-vis the societal forms described in natural law. This is manifested in the social process and is expressed by *natural-law social pluralism*. Proceeding therefrom, it is legitimate from the point of view of political ethics and natural law to pose the question of the right of resistance to public authority, as it is to respond to the 'Social Question' and the 'Peace Question' in states and in global society, and to criticise state authority on behalf of safeguarding fundamental rights and human rights.

In past history, the relevance of the Christian conception of humanity in questions of politics was often addressed in founding phases, and is frequently still done so today in traditional party programmes, especially regarding issues of social change and future developments that query the conception of humanity.

In principle, the Church sees no 'equidistance' to liberal-democratic political parties, but rather an attendant and stimulating and/or critical relationship, depending on the respective party's political line and, above all, on the question of reference to the common good and the often laid claim to 'social justice'.

'Christian democracy' has had its own history and merits, as well as crises up to this day. Many democratic states are witnessing domestic policy controversy over 'society's centre'. The process of secularisation is taking effect and has both negative and positive consequences for the Church and society. The times when the laity's apostolate was 'officially' embedded in the Church seem to be over; the earlier unity is no longer demonstrated in public, nor within the Church. Thus socio-political trends have emerged, also in the advocacy of the Church's social teaching and in the local interpretation of her relevant principles.

Christians perceive a broad spectrum, at least in Europe, of being indispensable in their commitment to party politics in the future in order to secure the legal and liberal framework conditions within which Christian value positions can be established in public life. In the process, the traditional Christian Democratic parties, too, are being challenged or impacted in their intellectual power of communication.

Formerly communist Eastern Europe is experiencing the after-effects of a policy that regarded the active participation of religious Christians in politics as Church interference. Thus, for decades, members of the faith were not present in public life. The people in these countries are accustomed to the fact that the Church keeps out of politics in order to avoid being taken into service for political purposes.

Cooperation between the Church and the state does not require a political party designated as *Catholic* or *Christian*, but what is needed by the parties and in political life is a *Catholic laity* for the enforcement of Christian religious truths in politics. This in turn requires the laity's responsible participation in the political life of democracies. What courses of action must the Church take in order to make her necessary contribution to political culture (e.g. in family or economic policy, or peace and security policy)?

A distinction must be made between the Church, as a social and supernatural community, and the association of political parties. Even so, the association in its own right formed by the laity and their moral principles is called upon to participate in society, especially with a view to achieving humanisation and transcendence in social values, but also as regards the commitment to the common good and to overcoming pure individualism and the economism of persons directed solely to the pursuit of individualistic self-interest, notably in the form of social (economic) interest groups and associations.

In newly emerging democracies, especially in the wake of dictatorships in developing countries, for instance in Africa, special care must be taken to avoid corruption, say, in the selection of candidates for party representation (election funding). National Bishops' Conferences have expressed their concern about such tendencies, above all in election announcements – but also in pastorals! The general fundamental principles set forth in Catholic social teaching have been put to local use here to provide practical assistance.

Hans Tietmeyer

We have already discussed some imperfections of the democratic system and in democratic practices. We have also approached the problems of a majority ruling in the interpreting and deciding of general values. In fact there is a problem we have to think about very carefully.

In this context I would like to come back to a topic which I find very important. It is the issue of the borderline between the responsibilities of the state and society. Within the competence areas of the state, decision-making is mainly based on the majority rule. Individuals and minorities have there to accept majority decisions, while in most other areas there is not such an obligation or limitation. So the question of the borderline is very important for the room of freedom.

Responsibility for the common goods has already been mentioned. But what is a common good? Views are differing in many concrete cases. And should the responsibility for common goods be solely in the competence of the state? Or can we leave at least some of the responsibility for common goods up to society? And according to what principles can and must society find solutions? So we come to the topic of civil society, or how ever we may want to call it. Civil society is of course raising a lot of questions about responsibilities and the appropriate organisation. There is especially one element that really matters to me, which is freedom of association. But freedom is only one side. The other side is responsibility for oneself and for the others. And responsibility not only for the needs of today but also for the future of society. This is the central issue for me when we talk of civil society.

As we've seen in recent times, civil society is frequently interpreted as a society mainly using the right of opposing to something. But this is a far too short or limited formula. The right to opposition is only one element of civil society, but accepting responsibilities and obligations is of even greater importance. That must be realised when we talk about the role of the family, the role of associations, the role of organizations and institutions in society. The combination of individual freedom and responsibility for others and for the future of the human society is the basic element of a civil society.

The relationship and borderline between state and markets is another important point. The economic sphere is normally best organized if we have as many free initiatives and forces as possible that can come into play. In most areas markets are the best way to coordinate the different activities and to respect different individual values in a peaceful way. Of course, even

in the economic sphere not all activities can be stimulated and coordinated best via market and competition. But according to the principle of subsidiarity the economic activities of the state should be limited to what cannot be done by individuals, families and civil groups.

The same is true for social and cultural activities. Taking care of the *bonum commune* is not the sole responsibility of the state. Especially a democratic state has to leave as much as possible in the hands of the individuals and the social groups. Democracy needs a civil society which is not only stressing the need for freedom but also accepting its responsibilities.

Hans F. Zacher

I would also like to return to the *concept of 'civil society'*. This term is now widely used for organisations or groups or movements which not only complement governmental structures, but, more strongly, establish a counterforce to them. They range from citizens' action groups and nongovernmental organisations to mass movements, civil disobedience, public resistance etc. Yet there is also another meaning inherent in '*society*' which describes the entirety of social life: starting with individual life and freedom, and going on to embrace all private entities (especially married couples and families, as well as kinship), including private interaction (like neighbourhood), collective units (e.g. enterprises) and corporations, but also informal processes (like markets or public opinion), and finally loosing visibility within the various structures defined by 'state' and 'government'. In this sense 'society' is first of all the normality of a free private and public life, based on the principles of autonomy and self-accountability, interaction and trust (but also mistrust). This notion of 'society' is a precondition for democracy – firstly, as a world in which people experience human freedom and responsibility, are able to pursue interests, and to possess goods and values; secondly, as a world in which endlessly much is done without state regulation and intervention, since no governmental machinery can provide the service for attaining a satisfying human life; and thirdly, as a world in which such a vital free society is *also* the fruitful acre needed to produce critical movements to correct the one-sidedness of governmental structures.

The background of the difference between 'civil society' and 'society' seems to be a linguistic one. The aforementioned broad concept of society has a German origin and history (Friedrich Hegel, Max Weber) expressed by the German word *Gesellschaft*. It has no problem with the broadness of terms like 'social' and 'society'. Hence the complementarity of society and

government in English-speaking countries was not the same as that of *Gesellschaft* and *Staat* in Germany. Indeed, the longstanding democratic traditions in English-speaking countries may have contributed to the fact that their idea of *Gesellschaft* was not so much felt as an essential complement to the state. It was only in the second half of the twentieth century, with its phenomena of post-fascist, post-colonial, post-authoritarian and finally, and most importantly, post-communist countries, that the need for a concept of *Gesellschaft* became obvious. As the linguistic difficulties inherent in the diverse notions of 'society' prevailed, the term 'civil society' became usual. Yet it was not filled with the broad and complex connotations of *Gesellschaft*. Let me put it this way: it was not understood that the dialectic between the democratic state and society must first of all be reflected in the broad and peaceful normality of interaction between individuals, within and between groups, and within and between associations. Activists who participate critically (or even militantly) in the democratic machinery may also form a part of this interaction, but it would be a mistake to restrict the term 'society' to polemic groups – their disputes and battles. If this mistake were made, the remaining broad and endlessly manifold sea of individual and collective action and interaction would have no name. In other words: there would be no topos to be filled by the values which are brought forth by society 'as such'.

The difference between the two concepts is of great importance to the work of the Academy. On the one hand, this is due to historical reasons. Preference for the term 'civil society' belongs to the old and weary western democracies. There, the 'normal' non-polemic society seems to be self-evident, whereas the polemic society is welcome to revitalise public debate. However, all the new post-communist, post-totalitarian, post-authoritarian and post-colonial democracies suffer from a severe lack of the so-called 'normal' society: their histories of authoritarian regimes never allowed an active autonomous society to grow; totalitarianism extinguished the 'normal' society, or at least reduced it to privacy; and pre-modern tribal societies were incompatible with a modern state within post-colonial borders, etc. For these countries, a thriving 'normal' society is essential. On the other hand, the moral requirements of the two concepts are likewise different. It is one thing – and under many circumstances a surprising and challenging undertaking – to teach or learn about the freedoms and responsibilities of a 'normal' society. And it is quite another to teach and learn about the critical, aggressive, and sometimes also usurping, 'civil society'. In any case, both meanings of 'society' or 'civil society' require an explanatory note.

Juan José Llach

I would like to speak about the subsidies that Professor Tietmeyer mentioned earlier, and if this principle could be applied to certain politics. We've spoken about subsidiarity and about the relationships between the market and the state, but we haven't insisted so much on what political institutions would be the best. I believe that applying subsidiarity to the state and to the way the state is organized would be one of the best ways that would allow us to improve democracy. Let's think about realism. In a world of 180 countries, only 27 of them are federal states. Some are very big, like Russia or the United States, and some are small like Switzerland or like Austria, for example. Federalism is a form of decentralization. Chile, for example, has a unitarian system, but they have a good municipal organization. In the United States they speak about devolution in the sense of the devolution of power, and if I've learnt well from Mary Ann Glendon, devolution of power means to recover power for the civil society for political entities of lower rank. So, you recover some of the power, which before belonged to the central entity. In other terms, it's an analogous concept.

I've to share with you that I've been working for the last two years on federalism, and I've dug deep, and I would like to tell you that there are some considerable bibliographies on this issue, referring to most countries, including Europe, where they speak now about the possibility of a European Federation. In the whole world it's a question, it's an argument that has a lot of importance currently. I am under the impression that it would be opportune to investigate, to discuss how we could apply the concept of subsidiarity in a better way than has been done until now, to apply it to the political sphere and to the way the state is organized, either through decentralization or through federalization.

Professor Archer has spoken about education. I believe that the example she gave was very interesting. I do not wish to speak about university level education, I would like to speak about just primary and secondary level education. I believe that it is evident, and I speak as former Minister of Education for Argentina, so I have a personal experience in this, that schools that function the best and give the best level of education to the children in poor regions are the schools which are deeply rooted within the community, schools where the parents participate and local authorities are involved with education. Therefore this is a question that should be handled by all of you.

I believe that we are discussing this having the weight of history in the back, and we are conditioned by history. Democracy coincided with the formation of the national states. But I am again under the impression that today it would be better to try to consider democracy through federalization-decentralization and, in the field of education, through the full application of educational reforms on a local level. Speaking now as an economist, I think that there are very few public funds which naturally belong to the central government, maybe defence, social security, but all the rest local communities could handle very well by themselves. Therefore a country where local communities, local powers, local authorities are responsible, because in the end it's these which are responsible for the services they offer, I believe that in such a country we could really renew democracy, give life back to democracy and to subsidiarity at the same time.

José T. Raga

I would like to continue a little within the consideration of a specific aspect of civil society; one of the terms most commonly used in recent times and not always with univocal meaning.

I am tempted to say that, as a very primary view, active civil society and its immediate visible effects, the association phenomena, are the fruitful results of a healthy and responsible community. At the same time, the association process is the social fruit of a real living democracy.

Let me just mention the contribution of Father Suarez to the theory of political power legitimacy. In fact, he breaks away from the theory by which the power comes from God directly to the Prince, establishing, the other way round, that the power comes from God to the community and it is society who transfers it to the Prince. This principle, even more evident in modern democracies, is essential if we want to speak about *subsidiarity*.

The principle of *subsidiarity*, as it is well understood by the Social Doctrine of our Church, formally proclaimed since Pius XI in *Quadragesimo Anno*, is the concluding remark of a model of society in which power belongs to people organised in communities. Only in this type of community the principle of 'not giving to upper level organisation the things that can be done by lower level institutions' is feasible. Strong civil society is the only way to guarantee the practice of *subsidiarity*, giving paths to people's communities and constraining the government to the fields in which the civil society is not capable of doing any more.

Associations and civil society, from this point of view, are acting as a kind of countervailing power in some sense: especially in the face of possible abus-

es of centralized state power. Civil society in this concern can bring the person's protagonism to the real and living world in which the anthropocentric view must replace the state oriented policy in social and political matters.

As Professor Novak said before, there is a cultural element in this model that we cannot neglect. Looking into this cultural element, we cannot fix ourselves on a naive way of community in which associations and civil society actively come out, spontaneously, as an end result of processes based upon needs and willingness of the community, bringing people together and pushing them to fulfil their aims and to accomplish their goals. I do believe that, in spite of this theoretical model, there are other much more realistic approaches for today's society.

We've heard Professor Tietmeyer and Professor Zacher in the sense that certain countries, which had, for example, a recent Marxian history, used to penalize the growth of civil initiatives. This is the reason why, in many countries, civil institutions and associations seem to appear as a reaction to the centralized state government, to their power, to their corruption, to their discretion in pursuing the common good. Nevertheless, in some cases as well, these reactions are an expression of, what we could say, perverse desires.

We need to distinguish which powers and which activities must be criticized, and whether these powers need to be submitted to democracy or whether they need to be constitutionalized in a democratic scheme; keeping in mind that civil society is, and must be, far from the way of doing of a political party. But the social responsibility of all institutions in social life is as strong as that of those acting in public and elected by democratic procedures.

I think that, at the beginning of the Third Millennium, we should devote some time to reflect on all these matters.

Wilfrido V. Villacorta

I am just wondering whether Catholic social thought has paid enough attention to democracies in non-Western societies which have different ontological and eschatological traditions. These traditions and belief systems cannot be conveniently consigned as non-democratic systems. I refer to Professor Novak's statement that 'Not all the problems of mature democracies are the same as those of cultures in which democracy is still in its infancy'.

Is the problem of democracy in non-Western societies attributable to the infancy of their democracy, or is it more due to the fundamental differences in their cultural make-up? I refer, for example, to a country like Japan, which

is supposedly a mature democracy, but whose political behaviour leaves much to be desired from the point of view of Western-style democracy.

The Pontifical Academy can better contribute to Catholic democratic thought if we look more closely into the democracies of non-Western societies. If it is really culture and not the immaturity of democratic development that is the case, then the question arises: is there room for democratic development which is not based on the values of the Judeo-Christian tradition, but which is rooted, for example, in Confucian or Buddhist tradition, or indigenous African, Asian or Latin American tradition? Thank you.

Partha S. Dasgupta

I would like to add just one small point. I think Professor Villacorta has somewhat overstated the sanctity of individual cultures. Today we see around us societies that appear to work, others that work less well, still others that don't work at all (where people have been killing one another for years). If we think culture (in the solemn sense of the word) has a lot to do with what a society experiences, then we would have to arrive at the conclusion that some cultures are simply not working today. Perhaps they are even dysfunctional.

Now that sounds awful, because we do not like to regard one culture as being superior to another. But it seems to me we take an overly solemn view of culture. I don't mean rituals (not eating on certain days, worshipping on certain occasions of the day, and so forth), which should be taken solemnly. What I think should not be taken so solemnly are what people call 'cultural values'. And there lies the difficulty. The moment we use the term 'values', we give it deep significance. But on close inspection, what often pass as 'culture values' are not much more than coordinating devices for individual actions. At an extreme are 'conventions' (e.g., driving on the left): they have no deep significance, but are hugely important if society is to function effectively. Fortunately, it is not easy to get emotional about the putative superiority of everyone driving on one side of the road over everyone driving on the other side. It seems to me social scientists could contribute greatly to human well-being if they were to uncover the coordination role played by many cultural values. If they were able to do that effectively, it would take away the emotional baggage that we carry with us as a result of our regarding the sanctity of cultural values. Maybe we would fight one another less if we began to see many of our cultural values as being not much more than conventions. After all, we don't go to war over conventions!

Michael Novak

Let me begin with the term 'self-government', as a way around the terminology of civil society and democracy. Self-government has three meanings in this context. It can mean the attempt to find representative institutions by which people can reach common decisions, as in the ratification of a Constitution or in the practice of normal decision making.

Secondly, self-government can mean, and does mean, habits of self-control. James Madison, one of our founders, once said (I cite from memory): 'If people cannot practice self-government in their private lives, how will they practice it in public life?'. A republican form of government demands a much higher level of virtue among its people than a monarchical, dictatorial, or other form of government, precisely because of the point brought up, I think by Tietmeyer, about responsibility. A self-governing people must take responsibility for decisions, otherwise the Government will.

Finally, self-government is an attempt to do as much as possible for ourselves by seizing our own responsibility, apart from appealing to the Government to do it.

People have to have a Government. Governments are necessary among men, says the Declaration of Independence of the United States, 'to secure these rights'. We had a severe problem after we won independence, and before we had a Constitution. We were governing ourselves worse than we had been governed under King George, and so it was necessary to form a government that could secure rights. So, government is necessary, but the project of self-government is to keep the government as small as it can be in order to widen the range of self-government for its citizens. The less we take responsibility for ourselves, the more the Government has to occupy that territory.

Now, this has some very practical consequences. I think of it in personal terms. My grandparents were born *subjects* of the Austro-Hungarian Empire in Slovakia. Perhaps it's an oversimplification, but I would like to say that they had three great duties in order to be good Christians and good subjects: 'pray, pay and obey'. If they did those three things they were pretty good citizens, even Christians. But when they came to the United States they became *citizens*, which means sovereigns. Now, if something went wrong, bad government, it was their responsibility. They were the sovereigns, they had to organize themselves and do something about it. And the path by which various reform movements have been begun in the United States, from ending slavery to universal suffrage, from building labour

unions to passing child labour laws and so forth, was a process of people forming political movements for themselves and changing the direction of Government.

So, thinking of self-government in this way gives another way of thinking about civil society, which could coincide with the post-communist experience. How, after communism, did people form an alternative, and how did leaders teach people who had been taught to be passive for seventy years to suddenly seize responsibility and begin to do things for themselves?

In Poland in the first six months after 1989, there were five hundred thousand new small enterprises formed. Who would have predicted it that they would do that much so quickly? And in the next six months another five hundred thousand, so that *enterprise* came back in the economic sphere. That process is not finished. Well, suppose that it were a project to strengthen local self-government for the next thirty to forty years, to empower people in the villages, at the grass roots, everywhere, and to encourage them to take responsibility for changing the conditions of their own lives insofar as they could. What would we have to do technically to provide more funds for them, to provide laws that allow them to operate more clearly and better, without having suits brought against them to prevent them from doing things and so on?

The controlling narrative line of the 20th century was the idea that we could improve the lot of people through concerted state action. That, at least, is the narrative of social democracy, that we can improve the lot of the people through the action of the state. Hegel made a great contribution in promoting that vision, and many others. Is it possible, then, that the controlling narrative line of the 21st century will be devolving some of those powers, because we have discovered that excessive reliance on a central state is a) extremely expensive, and there is never enough tax money for it; it always wants more; and, b) it is often counterproductive; the problems it means to solve get worse; and, c) it is impersonal. Personal relationships were done away with in favour of generally broadcast welfare programmes, which were impersonal, and consequently had perverse results. Despite being intended for the poor, most of the benefits went to government workers, who were responsible for the programmes. Their condition improved, but the lot of the poor did not. One of my friends commented: 'You shouldn't feed swallows by feeding the horses'. Still, it's worth experimenting with new designs of welfare programmes in this generation. We need new attempts to empower the poor and to achieve the good of civil society, in order to see if we can do it better than in the 20th century. A new war on

poverty, to be sure, but fought on different premises by different institutions. This fresh effort requires empirical thinking about the nature of particular laws and taxation policies, and how better to direct them. Voucher programmes and other programmes of that sort might in fact empower people in education and in other areas, so that they might regain a lot of the freedom they lost in the 20th century.

III. DEMOCRACY, WELFARE AND THE INTERNATIONAL COMMUNITY

Chairman: Michel Schooyans

We can now start our last session for today, and it will be dedicated to democracy, the state and the international community.

These are themes that we've considered before over the discussions of today, and we're definitely going to come across certain hot topics. We have to discuss subsidiarity, where the Church can find the very core of its social teaching. We also know how the state's intervention, the intervention of political power, can be invasive and actually destroy any hopes of democracy. We can examine how the European Union has in a sense turned over the sense of *subsidiarity*, giving prerogative and power to central Government to the prejudice of separate sovereign states. Another example is that of the United Nations itself: as we know, for several years the United Nations has been dreaming of a world government, a world governance, and has explicitly exposed this in the *1994 Report of the United Nations Development Programme*. There you can find a box by economist Jan Tinbergen, a Nobel laureate, who recommends that the United Nations should transform itself into a kind of world government. The UNO's agencies – he suggests – would be Ministries. There appears anew what kind of centralized political power could emerge, remembering the already quoted inversion of subsidiarity in prejudice of particular states.

And now we are going to discuss certain problems that we haven't discussed yet, for example the problems of management, intervention, aid, partnership, and education, with special mention of the weight of education in a democratic plan. And I stop my introduction here to give the floor to our experts and to the members of our assembly who would like to intervene.

Michael Novak

Let me begin with the quotation, which I use at the beginning of section ten, from Thomas Mensah:

When people are preoccupied with basic issues of nutrition, shelter, health and education, when they are unable to read and understand the most basic items of news on matters occurring in their own countries, let alone those on the international plan, it is unrealistic to expect that they will be particularly exercised by the activities of Government officials or the operations of big business or organized labour.

In other words, he is saying that economic progress is a necessary but not sufficient condition for democracy. There must be betterment in the lives of people lower on the ladder, the poor, and the lowest. If all democracy means is that they get to vote every year or two while there is no economic improvement, they will not long love democracy. It turns out that what people love about democracy is the economic betterment it brings. If it doesn't bring that, they soon sour on it.

Now, to match the fundamental character of democracy, the economic system needs to operate under the rule of law, to respect such rights as personal economic initiative, private property and the right of association. (Business corporations and labour unions, incidentally, are both forms of association). It also needs to encourage invention and discovery, because the main cause of wealth is the human mind. (See *Centesimus Annus*, 32)

By the way, economists often neglect this crucial event. If a country like Bolivia has five thousand new pigs born they say: 'Good, this raises the per capita income', and if there are five thousand new human beings they say: 'Bad, it lowers the per capita income. More mouths to feed'. But the truth is, five thousand new pigs are good for bacon and ham and then they are finished. Whereas, the five thousand new children with their brains and creative capacities, given a decent system, are able to create more wealth in their lifetime than they consume. People are the cause of the wealth of nations, not things. The greatest resource of a country is its own people – if the system is favourable to their own capacity to invent and create and discover.

In many countries of the world, unless you have a licence from the state, you can't start a business of your own, even a one-person business. Therefore, a majority of workers in many continents are 'illegals' or 'informal' workers, working in the black market, because they don't have a licence, and cannot afford to pay what it takes to get a license: visiting thir-

ty offices to get thirty different permissions and paying fees at each one. They can't do it. It seems a crime to punish your most inventive, creative, economically active citizens, but that's the way it is in most of the world.

So, there needs to be a change in the law in many nations, to allow the easy, cheap, and legal formation of small businesses. There also needs to be a cheap source of credit, because if you are poor you don't have capital to start a business, you need to borrow. Most businesses start with borrowed money. Borrowing is the mother's milk of new business, yet there are in many countries no institutions to provide loans to poor people.

A friend of mine, a priest in Bangladesh, has a small fund which allows him to lend one hundred dollars or two hundred dollars. There was a lady named Rose in a village in Bangladesh, to whom he lent a hundred dollars, so she could get some rose seeds and bulbs to plant, and fertilizer and some other flowers. She grows them, and Bangladesh is a country wonderfully favoured with water and sun, so she can take advantage of three or four seasons in a year. Rose takes the flowers to Dhaka and sells them and brings the money home. She has earned more than her borrowed one hundred dollars many times over, and repaid the loan quickly. Other women in the village seeing her success have begun to imitate Rose. They grow other vegetables and flowers. They, too, have paid off their loans. The priest keeps on lending the money to somebody else.

Sadly, there are too few institutions doing as he does. These are necessary institutions, if the poor are to exit from poverty.

A second topic that came up was the *welfare state*. A number of the papers were more focused on the European situation, as is appropriate. Professor Schmidt listed several impressive achievements of the European welfare state, how much better off the people of Western Europe are today than at the beginning of the century. Over the last century the transformation in their conditions marks one of the greatest economic transformations of history.

In *Centesimus Annus* Pope John Paul II recognizes those benefits (see *Centesimus Annus*, 48) but he calls attention to new problems arising from the social assistance state. These will be discussed in the Academy's seminars on Friday, on generational solidarity.

The next subject was *labour*. Since the great mistake of the 19th century had been the loss of the labouring classes to the Church, as Leo XIII commented, the Church made huge efforts to stay close to labour in the 20th century. In the 21st century there are unprecedented problems for labour that no one, not even labour union leaders, is sure how to deal with, name-

ly, more and more people have to get accustomed to the idea of having more than one occupation in a lifetime, even to working for more than one firm in a lifetime. So the practice whereby there could be one firm for which you work your whole lifetime, and in which you have a pension plan and so forth, is becoming less and less frequent. Part-time workers also are looking for benefits of various kinds, and they are much harder to organize in Unions. In light of these changes we must ask, as Colin Crouch did in his essay, whether growing and diverse occupations, especially in the private service sector, will find some form of institutional expression and protection.

The third factor is that many people in various specializations of labour are discovering that it works better if, instead of forming a Union, they form a company and hire themselves out to other companies, to perform certain kinds of work for them. Take a television group for example; a great number of independent crews, instead of working for a television company, hire themselves out to other companies on assignment. When NBC or ABC or CNN need to tape a story, they will contract with certain freelancers. Both sides find this a much better way of securing work. Besides, the new firm is now in business for itself, and enjoys this autonomy.

In brief, labour unions are under a great many pressures.

Finally, there were some papers on unemployment. It seems such a sad tragedy: if you go to many parts of the world, even in the developed countries, but especially in the still-developing countries, you see so much work to be done, houses to be built, or repaired, or redone after a hundred years, new wiring to be installed, schools to be built, clinics and sometimes simple sanitation systems put in. Meanwhile, there are millions of people unemployed or underemployed. What is missing is a way of bringing these two cold wires – work to be done and workers seeking work – together, so that they ignite a spark. This is the role of the entrepreneur; this is what entrepreneurs do. Yet we do not have a tradition of entrepreneurship everywhere. In many parts of the world, including some parts of Europe, we do not have institutions that promote it, and make it easy, and facilitate it.

I like the story about the glass of water. The priest sees that it is half full, the lawyer sees that it is half empty, and the businessman sees that there has got to be a market for smaller glasses. We need people who have that knack, who just see things to do before anybody else does.

If I may make a comment on my own in my summary of the papers. This section lacks a discussion of corporations. I believe it is the case that corporations, even large corporations, do not have a great effect upon employment. They do not employ most people. In the United States, for

example, the 500 largest corporations (the 'Fortune 500') hire about 24 million people out of a workforce of 139 million, so they are really not so dominant. Twice that many, about 50 million, are employed by businesses with less than 100 employees. However, the corporations do support a lot of satellite businesses that form around them, often those businesses with less than 100 employees, and those with several thousands, for instance. Cleaning companies that clean the offices, accounting offices that do their payment schedules for them, and food services and trucking services. All kinds of other small businesses have something to do because of the larger corporations, so the larger ones do have some 'snowball' effect.

Businesses are also the primary source of funds for civil society, i.e., for all those tasks people perform apart from the Government. They are the source of funds for the projects of civil society, for everything from building an opera company to a playground, to sponsoring cancer research, to research institutions, and so forth. These are funded not so often directly by corporations, as by people who have made money from the corporations, and made money chiefly through reinvestment in the company.

Yesterday we talked about maldistribution of wealth, but we overlooked the one point: that most wealthy people, Bill Gates for example, or others, don't carry their money around in their pockets, and it's not locked in their attic, it's *reinvested* in companies, so it's creating more jobs and it's again working for other people. If they are also benefiting, it's because they are benefiting lots of other people by their investments.

As you know, the most damning moral tale in history concerned the miser, who stored up gold in the attic. When gold was in short supply, when they locked it up in the counting house, it was not available for other people. Today there are no more stories about misers, because anybody who is storing gold in the attic is not considered greedy, but crazy. If they are not investing their wealth, they are foolish.

The last section of my report concerns the problem of globalization. Professor Russell Hittinger wrote recently that in 1500 there were 500 political units in Europe. When Leo wrote *Rerum Novarum* there were 25. Well, now there are a few more than that, but the number is still much, much smaller than 500.

Again, we see that the social democratic experiment of recent decades was based on nations becoming beneficent agents, though having some control over a self-contained economic system within their nation. Under today's new conditions, the spread of manufacturing and of rapid, even instantaneous, investment all around the world increases competitive pres-

sure on local companies such as Volkswagen or Daimler-Chrysler to invest elsewhere. They are motivated to take part of their operations elsewhere in the world, and so the individual national states are less and less able to control the economy within them.

This trend has both good and bad features. On the positive side, it opens up the world to more efficient, wiser use of resources, and makes possible the entrance of more third-world nations into the circle of manufacturing and production, who had previously been excluded. Colin Crouch made this point about the effects of globalization on labour. Globalization sometimes hurts local labour in the mature countries, and sometimes helps labour in the poorer nations that before never had manufacturing, so it has some good and some evil effects.

'Globalization' has many meanings. If you stress the economic dimension it can mean the diffusion of the products – of Toyota, McDonald's, Volkswagen, for example – of one country to many other countries. Sometimes, when I look around in the United States at the Toyotas, Mitsubishis and so on, I wonder who won World War II. I thought the Allies won, but so many of our cars are Japanese. When I visited Hiroshima, years ago, I was stunned to find you could buy products from anywhere in the world in the stores. There were five Italian restaurants within a mile of the garden now covering the original atomic bomb site. Worldwide trading patterns offer one meaning of globalization.

Other meanings are to be found in the immense increase in the volume of instantaneous movements of capital, competitive pressure upon local producers, the quickening tendency of large national corporations to move some of their activities overseas, the pressures on nations to lower their tax rates to competitive levels.

There is not just *economic* globalization, there is also *cultural* globalization. Professor Sabourin makes the point that the same Madonna, who is a threat in my own family, is a threat all around the world to other parents trying to raise their children amid the multiplication of television images. Thomas Friedman describes a friend of his in Syria who was delighted to see that CNN began listing the capital of his country on the weather reports every night, among the major cities of world. It is as though that city now suddenly exists for the rest of the world. Thus, global images have a very big legitimising effect.

But finally there is also the *political* dimension of globalization. There is, after all, a *Universal Declaration of Human Rights*, and as again Professor Mensah says in a really wonderful passage, with the improvement in the

global communication system, large segments of African populations have come to know much more than their Governments would have wished them to know. In this way they have learnt much more about the achievements and failures of different forms of government and economic system in other parts of the world, and the standard of life in countries with different political and constitutional systems.

They've grown aware of the increasing interest of the international community in democratic governance and sound economic management and have begun to put pressure on the political regime ruling them. This development has not only undermined the previously successful propaganda of governments, but also has given very powerful incentives and encouragements to those who fight for democracy in those countries. In the past, these persons were often discouraged by the fact that there was not much support at home for their efforts, or much interest in their struggle internationally. When they learn that such support exists, they can try to change their society so that people can participate more fully in it. So politically globalization has had many good effects.

Now, in the report thus far, I have mainly tried to hide my own convictions on these matters and just report from the papers of the group. I did add, a moment ago, my opinion on the business corporation as a major institution that we've been neglecting. It is a major instrument of democracy and of civil society, if it is used correctly. The failure to address business corporations means that people there don't get the instructions that they should have and guidance in using the discretion available to them.

A story that I was telling Denis Goulet before will illustrate this point. A friend of mine who was in charge of Coca-Cola in Africa thirty or forty years ago had had some very good training in Catholic social thought, and he took it upon himself at every possible opportunity to hire black Africans, or even to put them at the head of new businesses for the various aspects of Coca-Cola's work: small trucking companies, cleaning operations, food suppliers. Every small business that Coca-Cola would normally help start up, he tried to be sure was run by black Africans. He persuaded his superiors that this policy would be good for Coca-Cola in the future. His method isn't the only way to build a just society, but he had the discretion to adopt that method and he chose it. Somebody else might have chosen a different method.

The point I'm trying to make is that if we fail to appeal to the discretion that business leaders now have, to do things one way rather than another, so long as they show good business practices in what they do, we could miss the immense good that could be done by corporations in the develop-

ment of democratic systems. Catholics who work for corporations almost never hear homilies that help them use good discretion, such as that of the Coca-Cola executive I just mentioned, and so to become better Catholics in what they do in practical action.

Rudolf Weiler

Of relevance to the international community is the declaration in *Vaticanum II*, Part I of the Pastoral Constitution *Gaudium et Spes* (n. 12): 'According to the almost unanimous opinion of believers and unbelievers alike, all things on earth should be related to man as their centre and crown'. In the ensuing text passages the Council then refers to the Sacred Scripture according to which man was created 'to the image of God' and is thus 'by his innermost nature a social being'. It adds, however, that from the beginning of history man has been split within himself; all of human life – whether individual or collective – shows itself to be a struggle between good and evil.

The call to grandeur and the depths of misery, both of which are a part of human experience, find their ultimate and simultaneous explanation in the light of God's revelation (n. 13).

Thus the revelation proclaimed by the Church secures and facilitates the knowledge of the fundamental constitution of humanity and society. Given that humanity and society are always encountered in historical and social circumstances, the essence of humanity and society in conjunction with the problem of the conflict between good and evil is always attended by dependence on time and place, and mankind's dependence as a social collective – thus also comprising international life.

In the debate on moral order, the international community is ultimately faced with an ethical problem as to how the law of morality can be made the basis of common existence in international life, with the cliché 'co-existence' being too hackneyed and superficial. For the general discussion, our subject requires a reference to the law of morality that is no doubt applicable to all peoples, and hence an appropriate criterion of what is good for all humans as opposed to what is evil!

With reference to international ethics and thus the ethics of international law, the solution presented here is embedded in the classical tradition of natural law ethics accompanied by the criterion of every human being's 'existential purposes' for the law of morality in terms of the experience-based dynamic thesis postulated by Johannes Messner. Proceeding from human – here social – conduct, this criterion could be applied in

dynamic terms to place and time respectively, and hence be based on the ontic order. The prerequisite is a conception of humanity that perceives man as a physical, intellectual and spiritual being, possessing both intellectual and sensory, inner and outer experience.

General insight into principles can be combined with the concrete characterisation of human and social existence. According to such a scientific concept, which universally links philosophy and ethics to the humanities and theology as well as to the empirical and social sciences, it would have to be possible for our community within the Pontifical Academy of Social Sciences to do justice to the problems of international life from the perspective of ethics in general and social ethics in particular.

The point at issue is the applicability of moral natural law, or natural rights, to the order of international community life within humanity in conjunction with modern international law. Following Hugo Grotius and late Spanish scholasticism with its colonial ethics, international law in terms of natural law – from *ius gentium* to *ius inter gentes!* – in the course of its development came to be perceived distinctly as only the law of contract of states. In this context, a few remarks on the subject:

Democracy and the international community: humanity living in states and thus comprising ‘society as a whole’ did not already signify a type of super state according to the concept of society under natural law, not even if endowed with a charter constituting a legal statute and declarations (e.g. of human rights). Humanity can only find its structural order on the basis of an organisation of states and associations characterised by natural law pluralism; in this way, as a ‘society of states’, it achieves the unity of nations and their representatives.

The ‘nations’, however, do not have a democratic-political vote, since this right to vote is confined to the persons eligible, or the citizens respectively. All individuals, by their very nature, bear a legal form within humanity.

Global humanity remains universally constituted according to *ius gentium*. This prohibits the exclusion of individuals or ethnic groups from the legal community of nations – which is not the case under existing international law as the law of states.

The idea of the community of nations was only able to develop in the moral consciousness of humanity through inner and outer experience. Christianity’s contribution in particular, as well as that of technological development, is easily evidenced for the global community in a historical perspective; for example, see St Augustine or Dante, the representatives of late Spanish scholasticism. Modern references are shown – also in connec-

tion with Christian initiatives – by developments at UN organisations in the nuclear age.

These developments resulted from the adoption of natural law principles in international law: for example, all states' equal rights of existence, freedom and self-defence, their rights to their own economic and social orders, to material welfare, and to the protection of their dependants and their property abroad. References to these rights were already made during the era of the League of Nations and, of course, they are now declared by the United Nations. Currently still under development is the clarification of absolute claims to sovereignty held forth by individual states as soon as they derive a right therefrom to intervene by war within the community of nations.

Three kinds of international law can be distinguished: natural law, and customary and positive international law. The latter results in principles for the law of contract on the basis of the sanctity of contracts under natural law (see Rudolf Weiler, *Naturrecht in Anwendung*, Graz 2001; Johannes Messner, *Das Naturrecht*, Innsbruck 1966, pp. 46 f.).

Chairman

Effectively, like other speakers have said today, I believe that a return to natural law is a 'must' that we need to address over the next few years. Like others, I feel that the *Universal Declaration of Human Rights* of 1948 has been contested and attacked over the years. In 1948, real rights belonging to each human being were unveiled, declared, recognized, proclaimed. All the different states were invited to underwrite the same human rights. In the *Prologue*, it is stressed that men have been subjugated by totalitarian regimes scorning unalienable human rights. So – it is said – we need to avoid that such a situation repeats itself, and this is the reason why we declare clearly in this document the human rights

At least for the last twenty years – especially where the United Nations is concerned – there has been a return to a totally different conception of what human rights are, of what was proclaimed in 1948. This different conception has one of its most important sources in the ideas of Kelsen and his theory of juridical positivism. One of the inspirators of the *Charter of San Francisco* of 1945, Kelsen launched the idea that human rights depend upon the will of the legislator, abandoning the *realistic* conception of those rights. Something that has struck me is that in this positivist conception, human rights do not proceed from a truth in front of which we bow down, accept and proclaim. Human rights are bargained as it occurs in commer-

cial negotiations. Trade practices influence this *voluntaristic* conception of human rights.

Now, in the United Nations itself, some strange 'new rights' are stealthily introduced. For example, equal dignity of all human beings has been attacked. Not all men are considered equally. Some deserve better protection than others. It seems that some human lives are not protected at all. I come from Belgium, where euthanasia is about to be legalized and is already being practised. This means that there are some human beings who can be executed without any danger of punishment. This is what the German tradition calls *töten*: some are 'legally' allowed to kill in complete freedom. In 1920 a book was published by Binding, a jurist, and Hoche, a psychiatrist, arguing that freedom should be given, under some conditions, to destroy a life not worthy of being lived. These scholars were among the first theorists of euthanasia.

In that light, I now wish to pay attention to the present situation. Even nowadays the universality of human rights has been beaten down. It's the consequence, on an international level, of a kind of agnostic attitude. So, 'to each his particular truth'. We are moving in a relativist climate. We discuss, we negotiate, we do arrive today at a *consensus*. But tomorrow, we will start new discussions and negotiations to arrive at a different *consensus*. It doesn't matter what the intrinsic truth is. The goal is to arrive at a practical compromise which naturally is in itself the result of perpetual negotiations which continue to be dealt with.

In such a situation, democracy becomes very difficult. The actual protection of democracy, the ideal of democracy, with what that *truly* means – the recognition of human dignity, human equality – these fundamental truths are undermined, contested, attacked. In the light of this agnostic attitude, democracy comes to refer itself to the *rule of majority*. Majority rule was originally a working rule presupposing the adherence to a bulk of recognized truths about human dignity. But now there is a change at the international level: human rights should depend upon the consensus and the validation of the world Government.

So there is a danger that weighs heavily on the idea of democracy where there is a merely positivist legal construction, coming from upstairs and neglecting intermediary bodies and national states as well.

So we are finding ourselves in front of an internationalism where the key to power and to dominance is not only over financial, economical and political issues, but also, and definitely, *a new conception of what human rights* are. This truly deserves our attention as we discuss the situation of

the international community. If we want to build a society open to democracy, our general theory of human rights will be essential in the quality of the law, both national and international.

These are simply some of my observations that I wanted to share with you. Probably not all of you will agree, but that was a way to react.

Mary Ann Glendon

Msgr. Schooyans and others have offered such a wealth of penetrating reflections on the relationships among democracy, law, and the international order that I would only like to add a few words in favor of that much-maligned activity: politics. The discussions included a number of disparaging references to politics as sin-laden and dirty. It is true that the practice of politics is often unedifying, but I believe a word of caution is in order lest we fall into the error of treating politics as an unworthy human endeavor.

After all, politics is the avenue through which human beings must pursue many social and individual goods. As Aristotle taught, 'Man is a political animal'. Sinful and flawed as we human beings may be, we are nevertheless capable of imagining better ways of life, of creating norms to promote better ways of life, and even of orienting our behaviour toward those norms. That is a source of hope, even though we do not always succeed in orienting our conduct toward the norms we create.

Aristotle also reminds us that politics is not just about power and interest. At its best, it is about 'ordering our lives together'. The Academy's exploration of questions relating to democracy has focused on that very problem: how to order our lives together in society.

When we speak of 'democracy', what we really mean to designate by that term, most of the time, is not pure democracy, but various types of republics with democratic elements. There will always be a tension in such a republic between the need to preserve those democratic elements, and the need to protect individuals and minorities from majoritarian oppression. An underlying concern in our deliberations has been with the present status of the democratic elements in various nations that place a high value on individual liberty. When a country removes more and more decisions from ordinary democratic processes, at what point does the regime in question cease to be republican or democratic altogether?

At the present time, democratic decision-making is threatened by certain developments at both the national and international levels. At the international level, there is reason to be concerned about efforts of special interest

groups to by-pass local institutions in favor of norms generated by supra-national bodies whose operations are neither transparent nor democratically accountable. The UN's *Universal Declaration of Human Rights* of 1948 made democratic participation a fundamental human right. But many NGOs have tried to turn the UDHR into an instrument for removing important issues from ordinary democratic political processes at the local level. At the national level, similar efforts are underway in many countries to transfer more and more decisions from normal legislative processes to the judiciary.

These issues of institutional competence require careful attention to preserving the value of democratic decision-making while protecting human rights. In pondering these complicated problems, it is all too easy for supporters of human rights to downplay the importance of ordinary politics, and to forget that the ability to have a say in setting the conditions under which we live and work is itself an important human right. It is also essential to keep in mind that it is usually easier to correct mistakes through ordinary democratic processes, than it is to reverse a judicial decision on constitutional grounds. That is why European countries were wise to leave most aspects of abortion regulation to the legislatures, rather than to follow the United States Supreme Court's example of removing the issue almost entirely from the realm of democratic decision-making.

I will conclude just by mentioning three lessons that I think we have learned in the history of democracy. (1) Structures and institutions can be devised which help to maximize the advantages of democracy and minimize the disadvantages. (2) Culture (habits of self-government, respect for the rule of law, responsible use of liberty) is more important than law and institutions in preserving democracy and freedom. (3) The preservation of the world's democratic experiments requires continual practice in self-government, which means that we have to leave room for politics in the positive Aristotelian sense.

Bedřich Vymětalík

We spoke about democracy, basic democratic values and how Christians judge democracy.

However there remains the question of how to explain these approaches to people who do not believe in God and who cannot even distinguish good from evil anymore. There are plenty of such people in our countries. There persists the question of how to explain to them our approach to democracy, what values we try to achieve and what significance can recog-

nitition of Christian values have for their lives. The problem is that they think in different thought categories than we do.

I will give just one small example. I recently spoke with a friend of mine, whom I have known for many years. She knows my beliefs and respects them, she is an atheist. During our conversation she mentioned that she had seen in the cinema a film about the life of Jesus Christ. She liked it very much. She had, however, one objection. She said to me, 'At the end of the film it was said that Christ sacrificed his life for me. And this offended me. I do not need anyone to sacrifice himself for me'. I realised how big the difference was between our views and how difficult it often is to find forms of dialogue. It requires that the other party has the possibility of learning at least basic outlines of our ideas and of contemplating them. This is valid also for the ideas of the Church's social science. How can we cope with this issue when even worshippers are not familiar with these ideas? How can we do it in a situation when we lack experts who could give lectures about these ideas? How can we get funds for the necessary education about these ideas? Organisations of civic society can play a very significant role in this connection, but they too need financial support.

In addition, the influence of the media is so strong that nowadays even the faithful are often strongly influenced by the expanding culture of evil, which affects their attitudes and their behaviour even though they are not aware of it.

The thing is not to persuade the others. The thing is to show them different approaches and to give them opportunity to think about it. I think that the conclusions of the work of this Academy could contribute to it.

Chairman

Thank you very much, Mr Vymětalík and, regarding the second question that you've raised, I believe that it has been addressed in the first part of our session. Regarding the first question you've raised, how can we bring others to truly appreciate democracy, I believe that we have two elements. One of them is *education and instruction*, but there is also a point on which we've insisted, that is the question of *experience*. Experience does play a big part. We've to bring people to experience what democracy is, discovering in it a better situation to live in. It's better to live in a society that tries to go towards democracy than in one where you are oppressed, for instance a totalitarian regime. Historical experience is indispensable. We see that there is a slowly emerging tendency and aspiration, by all citizens, to *par-*

ticipate in every sense of the word: in the areas of culture science, religion, economy, political life, etc. You are right in mentioning this point, and it is also clear that we do have to address this as we go on.

*Cornelius F. Fetsch*¹

I wanted to join in with Michael Novak's remark, which to my mind highlights how great the differences are between the continents and states of the world. Your appeal that we need entrepreneurs, I found this excellent. This is an important statement, also for the Catholic Church and its social doctrine. It is in connection with *Centesimus Annus* that we gave up the concept of the entrepreneur. Is there a big difference between the employer and the entrepreneur? The employer is an entrepreneur, but the Catholic Church always saw him as building up capital and exploiting labour. This was based on Marx and to my mind, was too predominant in the social doctrine, because the opposing terms are wealth and poverty, and not capital and labour. Therefore I greatly appreciate what you've said, that we do need entrepreneurs.

Now, I would like to raise a question concerning the concept of human capital. I find that expression rather unfortunate because capital is one thing, and if associated with human beings I would consider it inhumane. I have no better proposal, but I did wish to make this statement. The next point I want to address is what you have to take into account when looking at the industrialization and globalization process: that it's very much a matter of power. Daimler-Chrysler was not created because there were a lot of synergies, and that was also proven because Daimler... well, sells Mercedes and not Chrysler and vice versa, and repair facilities have not improved by the fact that the two companies merged. It was clearly power aspirations that came into play, economic power – and that is an essential point that we need to take up in our studies here.

Louis Sabourin

I'm grateful to Professor Novak for having enlightened us on the relations that exist between democracy and internationalization. I would like to submit to your observation that there are two levels of analysis, here. On

¹ Councillor of the Foundation for the Promotion of the Social Sciences.

the one hand, we can talk about the internationalization of democracy and, on the other, we have to be concerned about the democratization of internationalization. These two aspects are both fundamental.

It is also important not to forget about the major phenomena that Professor Glendon spoke about. We certainly can look at democracy in an Aristotelean perspective, in a Western perspective where democracy is based on the general freedoms, like freedom of religion, of expression, of the press, freedom of travelling, of establishing an association, a political party, etc. In fact, such a type of democracy exists in a minority of countries in the world. I had the opportunity to travel and especially to teach in many countries in the third world where such a democratic system does not exist, where notably the judicial system is not totally independent. However, many of these countries call themselves democracies because they have adopted formal structures tied up to democracy like a constitution, formal elections and the existence of a Parliament. A lot of progress has been made in this direction in many parts of the world, notably in Eastern Europe and many countries of the third world. But we have to recognize that many obstacles face several countries in Latin America, Africa and Asia. Rapid population growth, lack of development, starting with the lack of education, and civil strife represent great hurdles.

Moreover, the notion of democracy is also changing. Many observers claim that economic rights have to be included in a new vision of democracy. In fact, the concept of 'economic development' is considered by many as either equally important as democracy itself, either as a prerequisite or a component of democracy.

My final point, related to the democratization of globalization, is the following: How can we proceed to make sure that the major international organizations will become more transparent, more democratic, more accountable? This is a great challenge.

Sergio Bernal Restrepo

This morning, according to the programme, there are a number of topics that we should address which are very closely related to each other. The division established obeys only to reasons of clarity. I am aware that many of the things that we might say today have already been discussed, thus I am not repeating my paper. I am simply trying to present some thoughts, provocative thoughts, as usual, for discussion.

Regarding the economy, democracy (politics) and economics should be considered as two separate domains which, although interdependent, must maintain their autonomy.

However, a real ideology has developed which considers the link between liberal democracy and the so-called free market economy inseparable as if one could not exist without the other.

Secondly, although this might appear in contradiction with the previous statement, the fact is that, as long as the economic system caters only, or mainly, to a privileged élite, it is not possible to speak of true democracy, because a significant number of citizens are denied the right to participate in the pursuit and enjoyment of the common good. There is no question about the fact that the economy constitutes an essential component of the common good. 'Prius est esse quam philosophari', the Romans used to say, 'If you don't eat, you can't think', would be a free translation.

However, the economy should be at the service of the person seen in his or her integrity, not simply as 'homo oeconomicus'. The Pope reminds us that the economy has to consider the spiritual needs of the person and that there are many human needs which find no place on the market. It is a strict duty of justice and truth not to allow fundamental human needs to remain unsatisfied, and not to allow those burdened by such needs to perish (CA 34).

This lack of justice, which characterises the world today, obeys in part to a wrong conception of the person. I think that what the Pope says about the socialist conception of alienation could be applied, analogically, to other ideologies as well. He claims that

[t]he manner in which needs arise and are defined is always marked by a more or less appropriate concept of man and his true good. A given culture reveals its overall understanding of life through the choices it makes in production and consumption. In singling out new needs and new means to meet them one must be guided by a comprehensive picture of man which respects all the dimensions of his being and which subordinates his material and instinctive dimensions to his interior and spiritual ones (CA 36).

Thirdly, nine years after *Centesimus Annus* things have not changed much, and that's why the Pope in *Novo Millennio Ineunte* reminds us that In our time there are so many needs which demand a compassionate response from Christians. Our world is entering the new millennium burdened by the contradictions of an economic, cultural and technological progress which offers immense possibili-

ties to a fortunate few, while leaving millions of others not only on the margins of progress, but in living conditions far below the minimum demanded by human dignity. How can it be that even today there are still people dying of hunger, condemned to illiteracy, lacking the most basic medical care, without a roof over their heads? (*NMI* 50).

This situation should stimulate the search for alternative systems of production and consumption that leave the way open to solidarity and responsible participation.

It is unacceptable to say that the defeat of the so-called real socialism leaves capitalism as the only model of economic organization. It is necessary to break down the barriers and monopolies which leave so many countries on the margin of development and to provide all individuals and nations with the basic conditions which will enable them to share in development (*CA* 35).

From the fact that the person is the subject of all institutions, the leading actor, I would say, derives the need to stimulate active participation of all citizens in a spirit of service that will offer a guarantee of transparency and honesty in the public service. Participation in political life is not optional; it is a right and an obligation of every citizen. A right and an obligation that, as the Pope reminds us, is rooted in something that is due to the person because he or she is a person.

The true common good is the outcome of the cooperation of all, not of a power élite. Hence, the need to assess programmes of formal education in order to free them from all those conditioning factors that make of education a process based on competition. Education should not be only at the service of production and consumption. Instead, it should be the true school where men and women learn to work with others and for others, making of work a form of participation in the construction of the human community.

The prevailing ideology proposes competition as a virtue, taking inspiration from the economic process. No question that competition may have a practical application in the economic domain, but this principle is becoming one of the rules, one that governs social interaction bringing back the older winning dominance of the strongest, often the most violent and corrupt.

This reflection leads us to think about the need to free the political system from its dependence on the economy. A good example of what is really happening is offered by William Pfaff who wrote in the *Herald Tribune* that the American political arena has been transformed from a system in which contending opinions and interests competed more or less

freely into one that guarantees corporate domination of national, economic and social policy, as well as a major corporate influence of foreign policy decisions.

In 1891 Leo XIII was concerned about the necessary autonomy of the state and its right to intervene well beyond the simple maintenance of law and order on behalf of the weaker members of society. In 1971 it seemed obvious to Paul VI that

[I]n the term 'politics' many confusions are possible, and must be clarified, but each man feels that in the social and economic field, both national and international, the ultimate decision rests with political power (OA 46).

Today, in the face of the grave situations present in the world, it is necessary once again to defend the autonomy of the institutions, autonomy that is to be defined according to service to people and the respect for their inalienable rights, especially the rights of those more exposed to exploitation and abuse.

In *Christifideles Laici* the Pope tells us that

[p]ublic life on behalf of the person and society finds his continuous line of action in the defence and the promotion of justice understood to be a virtue, an understanding which requires education as well as a moral force that sustains the obligation to foster the rights until these are reached and every one based on the personal dignity of each human being (CfL 42).

Labor and the poor. Work is a vocation of the person. Therefore, it has to be seen as a right and an obligation that have to be promoted and protected. High unemployment rates existing in most democracies today make of those systems fake democracies, because a significant number of citizens are denied their rights and duties. They cannot develop their personality in full through work, – the subjective dimension of work – nor participate in the construction of society through the fruit of their work, – the objective dimension.

Under these circumstances, the so-called indirect employer becomes one that favours exploitation and alienation. The Pope tells us that

[m]an cannot give himself to a purely human plan for reality, to an abstract ideal or to a false utopia. As a person, he can give himself to another person or to other persons and, ultimately, to God who is the author of his being and who, alone, can fully accept his gift. A society is alienated if its forms of social organization, production and consumption make it more difficult to offer this gift of self and to establish this solidarity between people (CA 41).

An analogy could be established between work and politics. Politics has as its aim the creation of an authentic human community. People work with each other sharing in a community of work which embraces ever widening circles.

It is man's disciplined work in close collaboration with others that makes possible the creation of ever more extensive working communities which can be relied upon to transform man's natural and human environments (CA 32).

Work must be performed in such a way as to make of the enterprise a community of free and responsible persons. When the necessary conditions to perform work properly are created, work becomes an important element for the development of civil society.

And, finally, in international democracy, in a world marked by the process of globalisation it would not make sense to speak of democracy limiting the discourse to single countries. One of the most urgent problems today is that of the total lack of democracy at the international level.

If we speak of the rule of law, international law cannot be set aside. However, countries that play a leading role in world politics are ignoring international law, accommodating it to their selfish interests, leaving weaker nations at the mercy of the powerful ones.

I must confess that for some time I was puzzled to read papal statements from the times of Pius XII to our days calling for some sort of world authority that could guarantee international justice and peace. Now it is clear to me that the Popes have understood the reality that the international systems in which the United Nations was created to maintain peace are the least democratic of all world organizations.

I think that it could be a good task for the Academy to help the Holy Father to reflect on this transcendental issue of the need for a reform of the United Nations if we are to be consistent with the commitment of the Church to struggle for justice at all levels.

As true Christians, we have to be free from certain loyalties that are in open contradiction with the Gospel. History has to be read from the situation of the poor, not, as it is usually done, from the perspective of the rich and the powerful.

No other has been the aim of Catholic social doctrines since 1891.

This solidarity must be present whenever it is called for by the social degrading of the subject of work by exploitation of the workers and by the growing areas of poverty and even hunger. The Church is firmly committed to this cause, for she considers it her mission, her

service, a proof of her fidelity to Christ so that she can truly be the Church of the poor (*LE* 8).

Christians should assume the commitment in politics in order to promote democratic systems based on solidarity at the international level. This goal calls for programmed and responsible efforts on the part of the entire international community.

Stronger nations ... must offer weaker ones opportunities for taking their place in international life and the necessary efforts and sacrifices and by ensuring political and economic stability. The certainty of better prospects for the future, the improvement of workers' skills and the training of competent business leaders who are conscious of their responsibilities (*CA* 35).

I would like to close these remarks with a question that might appear as a challenge to the Academy: what would be the interpretation of what John Paul II brings as a conclusion to the analysis of the situation of

[m]any people, perhaps the majority today, that do not have the means which would enable them to take their place in an effective and humanly dignified way within the productive system in which work is truly central (*CA* 33)?

Then I read a strong statement made in n. 35, which I think deserves serious consideration from the standpoint of the task of the Academy. There is a wide range of opportunities for commitment and effort in the name of justice on the part of trade unions and other workers' organizations that defend workers' rights and protect their interests as persons. These groups fulfil a vital cultural role enabling workers to participate more fully and honourably in the life of their nation along the path of development. In this sense, and this is what might scandalize someone, the Pope claims that

[I]t is right to speak of the struggle against an economic system if the latter is understood as a method of upholding the absolute predominance of capital, the possession of the means of production and of the land in contrast to the free and personal nature of human work. In the struggle against such a system, what is being proposed as an alternative is not the social system, which in fact turns out to be a state capitalism, but rather a society of free work, of enterprise and of participation. Such a society is not directed against the market, but demands that the market be appropriately controlled by the forces of society and by the state so as to guarantee that the basic needs of the whole of society are satisfied (*CA* 35).

I think that this challenge has a particular relevance all over the world. Unions are being degraded, they are losing their bargaining power, and the Italian case is quite emblematic. Next Tuesday Italy is going to be probably paralysed. The reason is that in a democracy – Italy is supposed to be one – the Government considers the protest as unacceptable political interference. Now, I ask myself: what is democracy? What is civil society? How are people to protect their rights?

Chairman

I now pick on a remark that was made several times in our exchanges, concerning the laws of the state. I've been struck by what Hans Kelsen wrote about the law of the state. I've already quoted this famous author yesterday. Kelsen says, for example, that even in the Soviet Union they had an *État de Droit*, that the law of state ruled, that there was state law, even at the time of Stalin. We can regret some of the aspects of the Soviet law system, but the Soviet Union was a state law.

What I want to stress is that this expression needs to be handled with care. The existence of a law in some state is not sufficient to guarantee the protection of human rights, and the respect of, for example, the 1948 *Declaration of Human Rights*. This point deserves to be handled very cautiously, because it often appears in international reports.

Hans F. Zacher

I cannot agree with the judgements which were passed on Hans Kelsen. Kelsen's 'pure jurisprudence' (*Reine Rechtslehre*) was an exaggeration, indeed, but a creative and fruitful one. As Kelsen taught that legality was the only measure to justify and evaluate the validity of law, he also made clear that a legal decision was no judgement about right or wrong, good or bad, or true or untrue in other (moral, technical etc.) than legal terms. Positive law does not assume a moral or technical responsibility. And immoral law is no excuse for a law-abiding person, who by obedience to such law commits a moral mistake – a sin. This may not be easy for a theocratic system to accept, but it is valuable for a modern secular state and a modern society to know.

By way of this theory, Kelsen also opened the door for the establishment of the specific structures of constitutional government (*Verfassungsstaat*). Thus legality can be complicated by a sequence of steps of law (e.g. from

above: constitutional law, parliamentary law, by-laws and the like), and these steps can be qualified by a hierarchy of requirements (e.g. parliamentary decision versus plebiscite; simple majority versus qualified majority). In this way it can be arranged that the more important decisions are produced by the more reliable procedure and legitimated by the more authoritative body. Developed in this direction, 'pure jurisprudence' proved to offer a framework of thought for protecting fundamental values in the best possible way. Consequently, Hans Kelsen should not only be judged by the simplifying effects of his positivism. He should also be seen from the perspective of the useful challenges he created and the new responses he made possible.

My second point refers to the acute dilemma of *human rights*. The enshrinement of these rights reflects the greatest secular endeavour to protect human dignity. Wherever conflicts between the individual and the community – mostly between the individual and the holders of public power – showed the individual to be vulnerable and the consequences were essential, human rights were found to protect the individual. I like to put it this way: human rights grew, and continue to grow, as the horny skin of human dignity where inhuman friction jeopardizes or injures that dignity. Although powerfully backed by philosophical thinking, the development of human rights was nevertheless a pragmatic process guided by experience and history, and brought forth by political and legal creativity. Human rights, at any stage of development, have always been a set of relatively concrete responses to relatively concrete challenges – they were never perfect in the sense of an 'arithmetic' system. Developing as fundamental texts bearing their authority in themselves or – an elementary difference – in the context of legal institutions (like constitutions, laws or courts), human rights were finally integrated into the system of constitutional government (*Verfassungsstaat*). Formulated as part of the constitution and ranking highly in the hierarchy of legal norms, human rights evolved into a specific responsibility of the courts, especially the constitutional courts. In the course of this long journey, human rights gained great authority, integrating society and becoming part of a common truth, if not a civil religion. This movement was usually driven by respect and reverence in an effort to find the right and the good – not without trial and error, but given the preconditions of freedom, rule of law and democracy, without the intention of abuse. So the social teaching of the Church – after a long struggle of resistance, hesitation and doubts – began to accept human rights as an approach towards truth, to use them as instruments to help people and to support values, and to propagate and defend

them. In short, I would say: the history of human rights, in this sense, was mostly a process of 'finding' them.

Yet there was always a danger inherent in that process – namely that human rights were *not found* but *made*. Thus it was common practice to legitimate communist totalitarianism by constitutions and fundamental rights which did not constitute individual rights, neither formally nor substantially. Other totalitarian or authoritarian constitutions no doubt used similar means, and still do. But also within democratic states, more and more particular postulates are being clothed as human rights. For instance, if some group has an interest or an idea, one of the most effective ways to give it social power is to seek to combine it with a human right – an already existing or a newly invented one. After a while, society becomes accustomed to its usage in that form. And there may come a time when initial doubts about whether a human right is actually at issue turn into convictions. Thus special-interest groups invent human rights and public opinion feels it unfair to reject them. However, there is yet another mainstream of deviation: the international community. Also the international community started off by *finding* human rights. The United Nations *Declaration of Human Rights* of 1948 was found, not invented. The UN pacts of the sixties may still have possessed a similar quality, but since then we have been able to observe the widespread practice of *making* human rights – mostly in special documents on limited subjects etc., and discussed and passed in special meetings. The great tradition of seeking the broadest common denominator is crumbling, as is the quest for eternal rules. Singular and temporally acute paroles are celebrated as human rights.

Human rights have become 'makeable'. And the temptation to produce them is great indeed. Thus Europe has long been in possession of the Convention for the Protection of Human Rights and Fundamental Freedoms, a formal international treaty implemented by the European Court of Human Rights. Notwithstanding, the European Union now also has its own Charter of Fundamental Rights – albeit a quite informal document. And then again the Treaty on the European Union refers not only to the European Convention, but also to the 'common traditions of the member states', with the European Court of Justice assigned the competence to implement this clause. Does such a 'human rights jumble' radiate the elementary character of human rights? Can such confusion possibly be the right way to serve human dignity? All in all, there are many dangers that threaten to devalue human rights – hence it is necessary to distinguish between human rights which have been 'found' and are respected, and human rights which have been 'made' and are instrumentalised.

Nevertheless, human rights play a vital role in detecting the truth about human dignity, society and the state, and in protecting these elemental values. The more human rights derivatives proliferate, entailing ever more confusion, the greater is the moral responsibility to defend and firmly establish human dignity by virtue of 'true' human rights.

Chairman

Thank you very much, Mr Zacher. I've myself studied closely the theory of Kelsen and published on it. However, I don't know his positions as defended by Mr Zacher. Even so, I would like to draw your attention to a particular point. Surely, Kelsen was one of the great innovators of a series of theorists of law and jurists in the 1920s. Certain positions of his theory contributed to forming the ideology of the Nazi movement. Kelsen's theory found itself coming out at an opportune moment, so to speak, when there was a call for such a theory in pre-Nazi environment. The very theory of law that he had put together then inspired the Nazi ideological standpoint on law, state and international relations. The irony of his personal history is that he had to escape to the United States to be able to continue with his career.

Pier Luigi Zampetti

This morning reference was made to the theory of Hans Kelsen, theorist of the pure doctrine of law. I am interested in this discussion because, *inter alia*, more than forty years ago I wrote a book on the concept of law and politics in the thought of the distinguished Austrian jurist.

First, it would be useful to recall that, according to Kelsen, law is pure rule. A rule defines the concept of a physical and juridical person. Consequently, the concept of the pure doctrine of law excludes from the juridical order any consideration of a political or ethical nature. In other words, a relativistic concept is at the basis of the pure doctrine of law. Such concept is also at the basis of the concept of democracy. Why do we vote and what is the meaning of majority? Decisions are taken by majority because there exists no absolute truth one may refer or conform to.

Kelsen recalls the talk between Jesus and Pilate. The latter asked Jesus what truth was. Kelsen states, in this regard, that differently from the Son of God we cannot be sure of the truth. Therefore, we vote. He states that 'when no absolute value is recognized as such, any opposite view has to be

appreciated as possible. Relativism is consequently the philosophical premise of democratic thought'. According to Kelsen there is analogy between formalism at the juridical level and formalism at the political and hence democratic level. In the former, the *homo juridicus* is an artificial man because rule is not part of man as a concrete entity. At the political level, voting is not part of man in the entirety of his dimensions.

Majority represents, therefore, an arithmetical majority of men abstractly counted. Without any supporting value, it can turn into a dictatorship. This cannot take place if man is considered in the entirety of his dimensions as a man-person, a natural man instead of an artificial man.

Therefore, before addressing the issue of the rights of man, we have to address first the issue of man and his rights. Consequently, a state must recognize such rights instead of granting them. Article I of the *Universal Declaration of Human Rights* states that 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience ...'. According to this article, the ontological structure of man constitutes the foundation of the *Declaration of Rights*. This is exactly the opposite of the contents of the pure doctrine of law which – even from this perspective – has become totally obsolete.

Roland Minnerath

Mr Chairman, maybe I'll help conclude this debate by saying a word on Kelsen and the effort to build up a systematic approach of legal norms. Some people deny the existence of absolute truth. Nevertheless we cannot develop the concept of a natural order without holding on to the concept of truth, meaning what is good for all. Coming back to Kelsen's commentary on the unanswered question raised in the Gospel of Saint John – 'what is truth?' – it seems important not to forget that our human condition is to be pilgrims not owners of the truth. Our society is afraid of the very idea of truth, because too often truth has been invoked to justify all kinds of powers and dominations. When a truth is imposed upon people, then it is likely not be a truth anymore. Truth must move the heart of man. Vatican II says that the truth imposes itself spontaneously, by its inner power of persuasion. We need to be careful and avoid giving the impression that we have the truth and want to impose it. Looking at the making of law, it was Rousseau who disconnected the law from its connection with the truth. The will of the majority creates law, irrespective of whether it fits with natural law or not. Today we need to be careful when

we are facing total relativism as a challenge to universal truth. Maybe the golden rule is what is common to all cultures. Neither total scepticism, nor legal formalism can be a foundation for the common values we need to share in order to organize a free and stable society.

Michael Novak

There is so much on the table from yesterday, I hardly know where to begin, but I think the most useful point to concentrate on is those questions that have to do with the poor of the world, and what social science puts us in a position to recommend.

If we reflect just for one moment that in the year 1800 there were approximately 1 billion persons on this planet, and the vast majority were very poor – so much so that even some thirty years later Victor Hugo, describing Paris of the 1830s, spoke of ‘Les Miserables’ – in those circumstances even thieves were considered fortunate. You can find descriptions of the ordinary diet of people of the time. The average age of mortality was about 27 for the oppressed sex and 24 for the oppressor sex, about which I often say one good thing was, there wasn’t much problem with divorce. When you promised to marry until death did you part it was no big deal, you weren’t giving away that many years.

If you look a hundred years later, not long after *Rerum Novarum*, the population was about 1.35 billion or so. Even in this case, almost all were living at the level of subsistence. In 1880 in the United States for instance, half the people were living on farms at or just above the level of subsistence, that is they did not have much cash, but they had food and a roof over their heads. The average age wasn’t much above forty.

In 2000, we’re barely two hundred years past the invention of a new kind of economic system, capitalism, and now the population is 6.1 billion, and the average age of death worldwide is about 60, and in all but the poorest countries considerably higher than that – nearly 85 in Europe for females, 81 for males. Bangladesh now has almost 130 million people, up from 33 million in 1945, almost entirely because children are not dying in or shortly after birth, but living into adulthood, and that’s a good thing. It doesn’t feel like a population explosion in Bangladesh, it feels like ‘members of my family living longer’. We’ve made enormous progress in the number of people who live out a decent number of years – and also in the growing number of people who are literate. But the most spectacular change lies in the fact that

about two-thirds of the world's population are no longer poor. During less than a hundred years, this enormous transformation has taken place.

Now, if we try to think about what can be done to bring, in the most rapid way possible, the remaining one-third into the circle of development, as *Centesimus Annus* encourages us, it strikes me that the greatest single necessity, the number one issue for social justice and Catholic social thought consists in three priorities: jobs, jobs, jobs.

People cannot move out of poverty in a sustained way without work, and yet in Latin America, for instance (when we in the US think about the poor of the world our eyes tend to go to Latin America, whereas in Europe I notice people tend to think of Africa) more than 100 million persons today are under the age of sixteen, and this means they will be coming into the workforce in cohorts beginning every year, this year and next year. They will enter into a world in which there are already about 100 million persons *unemployed* or *underemployed*. So, there is a tremendous need for new jobs.

On the other hand, there is already an enormous amount of work to be done. You have those two amazing phenomena, work to be done and workers needing work. How to put those two cold wires together? Well, it seems to me it is not going to be done through agriculture, because it is now much easier to produce more than enough food with few labourers. Secondly, it's almost certainly not going to be through large corporations. If I'm not mistaken, there is considerable disinvestment in Latin America from large companies. This greatest need is almost certainly going to have to be supplied by small businesses.

What is needed is the spark of enterprise. This is the function of enterprise to invent ways to put together creativity, productivity, those seeking work and work waiting to be done. Latin America needs 10-15 million new small enterprises, hiring an average of 8-10 persons each.

Earlier, I gave an example from Bangladesh about helping a woman to raise flowers. The same priest who helped that woman also bought a telephone for a woman in another village, who uses it to keep people in the village informed about market prices and futures prices for rice. With that information the villagers know when to bring their rice to market. They avoid having to go through middlemen, who might not deal fairly with them. They now have direct access, and in turn they pay a small amount to the lady who has this telephone. She has paid back her loan for this telephone and has a nice small business. The farmers now have a new and better contact with the world. It seems to me there are other ways to begin spreading these opportunities, to invite many volunteers from many parts

of the world to help teach these skills, and to provide the small amounts of capital needed for new businesses at the grass roots to employ people.

Now, another point to touch on is the connection between a dynamic economy creating jobs and democracy. This is an empirical question. It is not a matter of ideology. You can study those nations that have respect for rights, protection of minorities, the rule of law, and see what kind of economy they have. In fact, Peter Berger, in his book *The Capitalist Revolution*, examines fifty propositions having to do with questions of this type, lays out the social science evidence on both sides of the question, and reaches for himself a judgement about the best hypothesis to explain the reality. So that's an empirical, not an ideological question.

The third point I wanted to touch on was the question about liberty and licence. To my mind, the most graphic answer to the question of liberty, very much contested in free societies, was given by the French in the 19th century. A group of French liberals – that meant the antisocialists, descendants of La Rochefoucauld and Tocqueville among others – wanted to build a symbol of 'liberty under law', distinct from the symbol of *liberté* at the time of the French Revolution, the prostitute on the altar of Notre Dame. So they designed what turned out to be the Statue of Liberty, and in the end they decided to put it in New York. It showed a lady, like Lady Wisdom, carrying a torch in one hand, symbolizing liberty under reason, and in the other hand carrying the book of the law, symbolizing liberty under the law.

This is what the Holy Father in his first visit to America described as its great contribution to civilization, the idea of 'ordered liberty', that is liberty ordered toward the good, under reason and under the law. It's very important to keep enunciating that difference between liberty under the law, liberty under reason, versus liberty to do whatever you feel like doing. It's one of those key ideas we always have to keep fighting for.

And, finally, if I may just say a word on the question of lobbying, why is there lobbying? The US Catholic Conference in Washington has a powerful lobby, the Lutherans have a lobby, the Methodists have a lobby. Not only businesses have lobbies. The National Organization of Women has a lobby. Why does everybody flock around Washington like a hive of bees? Because that's where the honey is. If you have a big government dispensing a trillion dollars every year, that's where you have to go, and that's where decisions are made every day by GS 14s, fairly low paid government workers. It is their decision to close factories, or to frame a regulation that kills an entire industry, stops this technology and favours another technology. These deci-

sions are made at very low levels, and somebody has to pay attention to what government workers are doing.

You can either eliminate faction, in which case you eliminate liberty, or you can control its effects by multiplying the number of factions. Somebody used the expression 'buy a senator'. Oh, you have no idea how many lobbies are trying to buy a senator, but it's not so easy to buy a senator. It's even harder to buy him and keep him bought. Then, incidentally, when we say 'buy', what we mean is contributing to his election campaign. We still spend a lot less in 'buying' our political officials than we spend financing a national football champion every year. I don't find it shocking in a free society that there is money in politics.

To repeat, one way to control factions is by increasing the number of competing factions who are making their appeals.

Sergio Bernal Restrepo

Pontius Pilate became today one of the actors of this meeting, and I think he was not really interested about the truth, and his question was probably a political question. That's why he didn't expect an answer.

Now, I ask the assembly: how interested are we about the truth? John Paul II has built a social magisterium on two pillars: truth and freedom, and it's interesting to go through all his Encyclicals, and realize how these two pillars come back again and again.

Professor Zacher rightly spoke about our truth as Christians. I would like to make a few remarks. First of all, we take too many things for granted. We find our discourse quite logical, not realizing that the logic we find in it is not so much due to reason, as it is to the fact that we've received the gift of faith, and because of that gift, which we cannot buy, which we cannot produce through our own effort, we find logic in the Christian discourse, which on the one hand is a reason for thanksgiving, but on the other hand is a challenge: how are we going to share this truth with non-believers, with people who don't care about the truth?

The Pope builds again his whole discourse on the three great mysteries of creation, incarnation and redemption, not taking them as independent from each other. I think that this is a wonderful thing the Pope has done. In a way he has broken away from the whole Aristotelian reasoning, and he is bringing back Catholic faith to its real origins. He is not so much interested in understanding the mysteries, as some theologians pretend to do with great pride. His concern, as well as ours these days, regards the practical effects of

these mysteries on human life, on human history. Perhaps I insist too much on this because Catholic thought was extremely indebted to Aristotelian reasoning. The Pope has challenged us to take revelation for what it is.

What does it mean for us to construct our discourse on truth and freedom? Pope John XXIII had a great success with his Encyclical *Pacem in Terris*. For the first time a papal Encyclical was published in *Izvestia*, and the reason was that he made an appeal to that which the whole of humanity has in common, namely humanity.

I'm bringing back this idea because I think that this offers us an opportunity to start a dialogue with people of all races, cultures, nationalities. We do have in common the fact that we are men and women. Let's start from that. And of course we have our own conception of it. One of the Encyclicals that should be read and studied is *Ecclesiam Suam*, the programmatic Encyclical of Pope Paul VI who invited the Church to a dialogue with the whole world. No question, this Encyclical had an impact on *Gaudium et Spes*.

Now, regarding the issue of human rights. You have expressed your concerns, your right concerns about the fact that rights are not created by the state, they are not the outcome of the majority rule, and yet everything seems to be a right, and this is what is happening. I mean, a civil ethic is growing, which is a result of the majority rule. How are we going to face that, if we assume truth and freedom as the necessary framework of our discernment?

And, finally, the Pope has understood the key problem today. It is a wrong anthropology that is taking over, a wrong conception of the human person, which is not casual. There are strong motives to develop a conception of the human person that will legitimate any violation of human rights.

IV. THE MESSAGE OF THE ACADEMY: TO WHOM SHOULD IT BE ADDRESSED AND HOW SHOULD IT BE PROPAGATED?

Chairman: Hans F. Zacher

Now, the last hour has come during which we will be entering into dialogue on democracy. This morning we had a dispute about Kelsen. Well, he is not a Father of the Church, as we know. He is not an object of research of the Academy. But our Academician Schambeck was intimately acquainted with him.

Herbert Schambeck

One says a professor can talk about everything, but not longer than 45 minutes. To speak about Hans Kelsen within this period of time is not easy, too varied is his importance. His work concerns the subjects of public law, above all constitutional law and international law including the theory of state, political sciences and philosophy of law. Kelsen was born in 1881 in Prague as a child of a Jewish family; German was his mother-tongue. Already as a child he came to Vienna, where he became – after his doctor's degree in law and his habilitation in 1911 – a lecturer for constitutional law and philosophy of law at the University of Vienna Law Faculty. Afterwards he became associate professor in 1917 and full professor at the University of Vienna in 1919.

In Vienna he taught until 1930 and, in addition to his regular duties, he was a member of the Austrian Constitutional Court from 1920 to 1930. From 1930 until Hitler's seizure of power in 1933, Kelsen was professor at the University of Cologne, later at the German University of Prague and, in Geneva, at the Institut Universitaire des Hautes Études Internationales. With the last ship he emigrated in 1940 from Lisbon to New York; in Portugal his professional colleague, the later prime minister Prof. Marcello Caetano, was helpful.

In the United States Kelsen taught first from 1940 to 1942 as a lecturer and research associate at the Harvard Law School and afterwards, until his retirement in 1952, at the Political Science Department of the University of California in Berkeley, first as visiting professor and from 1945 as full professor. After his retirement Kelsen remained in Berkeley, where he died in 1973 at the age of 91.

The works of Kelsen comprise more than 600 publications, many of which were translated into almost all leading languages of the world and were published in many editions. Concerning the concrete topic of our Plenary meeting of the Academy, I refer in particular to his book *On the Essence and Value of Democracy*.

Besides I would like to mention his globally acclaimed commentary about the Charter of the UN and, as Austrian, I would like to point out that Kelsen was the legal adviser of the last Emperor of Austria Kaiser Karl, and subsequently of the State Chancellor Dr Karl Renner upon the founding of the new republic. Kelsen played a major role in the drafting of the Austrian *Bundes-Verfassungsgesetz* (Federal Constitutional Act) of 1920, as well as in the introduction of the judicial review of the constitutionality of laws as a competence of the Constitutional Court. The prerequisite for this testing of

constitutionality was the theory of the hierarchical structure of the legal order (= *Stufenbau der Rechtsordnung*).

This theory goes back to a scholar and later colleague of Kelsen, namely to Adolf Merkl, who lived from 1890 to 1970 and, for decades, was Professor of Public Law at the University of Vienna. This theory postulates that there are various forms of legal rules: general-abstract legal norms such as constitutional law, ordinary statutes and ordinances, as well as individual-concrete legal norms such as judicial judgements, administrative acts and executory acts, all of which stand in a relationship of overriding or subordinated importance and express a delegative connection in so far as they give concrete substance to the constitution. Kelsen made the Constitutional Court responsible for the control of those connections of legal norms and thus contributed decisively to the effectiveness of the democratic constitutional state.

This judicial review of constitutional jurisdiction by the Constitutional Court found its way worldwide into the jurisdiction of supreme courts of public law of various states. Besides this contribution to public law, Kelsen also achieved significance in the theory of law through his so-called 'pure theory of law'. In Kelsen's own words this is the methodology of positive law – that is, the methodology that interprets individual legal rules only in a normative way. Kelsen therefore rejected every influence of extra-legal criteria for interpreting and judging positive law, such as religion, ethics, philosophy, ideology and philosophy of life. In this manner he was a legal positivist as well as a neutralist and, concerning political science where he supported only one theory of constitutional law, a monist.

For Kelsen only the normative connection of positive legal norms was decisive; his reflections on law referred to the form, and not to the content of a legal norm. For Kelsen the equality of legality and justice was given in so far as, for him, every act of state based on a valid legal rule was just.

The consequence of this interpretation of law was the acceptance of every formally correct act of state irrespective of its valency, for instance with a view to fundamental rights like freedom and human dignity. This interpretation of law and the state by Kelsen was therefore applicable to all states as far as their acts were in conformity with the rules of law, that is, the delegative connection between the individual legal rules was complied with.

This legal positivist basic position made possible the acceptance of authoritarian and totalitarian states. Kelsen himself experienced such states as the regime of the National Socialism in Germany, from which he fled first to Czechoslovakia and Switzerland and afterwards to the United States. He also was able to observe communism in its state systems of dom-

ination. When in 1968 the *Prager Frühling* (spring uprising in Prague) was ended through the invasion of Soviet troops, Kelsen was so frightened that he did not fly from Chicago further to Europe to receive an honorary doctorate in Salzburg, he turned back!

Besides his 'pure theory of law', that is, the value-neutral interpretation of law and the state, Kelsen took a critical look at the ideology of authoritarian and totalitarian states and their political systems, without, however, refusing them their state and legal character in assessing the justice of legal norms or legal form, and without calling their legal obedience into question.

Kelsen was not a Christian but an Agnostic, who nevertheless knew the Holy Scriptures very well. He quoted the Easter Gospel in his already mentioned paper *On the Essence and Value of Democracy* in connection with the formation of will in democracy and emphasized that relativism was the ideology of democracy. He illustrated this in connection with Christ's Passion by referring to the 'plebiscite' that was decided in favour of Barrabas and not Christ, as Pilate asked the people whom they wished to be set free. Interestingly enough Kelsen criticized the tendency of democratism to overestimate the method of formation of state will. Nevertheless Kelsen never gave up his value-neutral basic position towards the state and law, in contrast to Merkl. Merkl demanded after the Second World War that the 'pure theory of law' be complemented by a reflection on the content of law, declared himself in favour of the ethics of law and state, and recognized natural law as prepositive law, a view Kelsen had always rejected.

In Kelsen's legal theory Merkl has achieved a lasting importance because with this concept of a hierarchical structure of the legal order (*Stufenbau der Rechtsordnung*) he had implanted a dynamic element into this theoretical concept of a 'pure theory of law'. Many fail to see that this worldwide acknowledged concept of a hierarchical structure of the legal order (*Stufenbau der Rechtsordnung*) had been formulated by Merkl and not by Kelsen. Kelsen himself often emphasized this important contribution of Merkl to his own 'pure theory of law'. The last time he did this was in the honorary volume of the 'Österreichische Zeitschrift für öffentliches Recht' (p. 313) which was dedicated to Adolf Merkl on the occasion of his 70th birthday in 1960.

More than once Kelsen experienced the phenomenon of relativism as one can often experience in politics in general and in a democratic political system in particular: in 1933/34 the Austrian democratic constitution, the *Bundes-Verfassungsgesetz* of 1920, which to a great extent was formulated by Hans Kelsen, was replaced by a corporate authoritarian constitution

which was enacted in an authoritarian way by Federal Chancellor Engelbert Dollfuss. Dollfuss saw this as the only way to guarantee the existence and the function of the Austrian governmental system after the Austrian National Council, Austria's democratically elected parliament, had been dissolved after the simultaneous resignation of its three presidents on March 4th, 1933. However Hans Kelsen himself was no longer in Austria at that time and already fleeing from Hitler's regime.

This so called 'corporate constitution' is based on concepts of the Encyclical *Quadragesimo Anno* of Pope Pius XI in 1931, who had intended to balance out class conflicts between employers and employees through the integrative interests of a common profession. Dollfuss, however, did not realize that this social Encyclical was mainly intended to help build up a new social order and not primarily aimed at forming a new constitutional order for the state.

Kelsen never wrote a constitutional draft for an authoritarian or totalitarian regime – on the contrary – he suffered prosecution from such regimes and criticized such regimes as a political scientist and legal philosopher. Nevertheless concepts of Kelsen's 'pure theory of law' as a scientific method to deal with positive law have also been used by authoritarian and totalitarian as well as by democratic and liberal political regimes, because this positivistic legal doctrine can be used, so to speak, as an 'anatomy of positive law' by all states and political systems likewise.

It has to be noted that, based on this positivistic and value-free position of Kelsen, his 'pure theory of law' can be taken advantage of by all parties in a pluralistic democratic political system. This circumstance also explains the fact that Kelsen was able to prepare a draft for the new Austrian constitution in 1920 which could be accepted by the many different political parties which were then represented in the Constituent National Assembly.

Kelsen had abstained from any normative value judgements that would go beyond organisational regulations and procedural rules necessary in a state.

However in his private life Kelsen very much accepted values and followed ethical norms and moral standards.

Over and above the scientific work of Kelsen, which is available for reading in various languages, I became personally acquainted with Kelsen on Good Friday in 1967 at his home in Berkeley, Los Angeles Avenue 2126, during my visiting professorship, and subsequently remained in touch with him. As I was the last assistant of his scholar and later colleague Merkl, who had contributed to the 'pure theory of law' the concept of a hierarchical structure of the legal order (*Stufenbau der*

Rechtsordnung), I felt close to him as far as his theories of public law were concerned.

However, concerning his neutralist view of legal positivism and his rejection of natural law I cannot agree with him, because in my opinion natural law is, as my teacher Merkl had already written in 1915, a 'regulative principle for positive law'. In this respect it is important to have a thorough look at the legal theories of Hans Kelsen in a conference dealing with problems of democracy, because his positivistic legal theories were also influential and fateful for many states and the people living therein.

Chairman

In this last part of our discussion we are called upon to structure the Academy's final resolution. We have set ourselves the objective of providing our results to certain addressees, or to the public. Yet who are the right addressees? What is the right way to approach them? What is the right project in terms of content? Until now the Academy has not produced any resolutions, so that we have no model to go by. But we do have the responsibility to design a fitting example for possible future practice. The central basis for our deliberations is laid down in the second sentence of Art. 1 of the Academy's statutes:

The Academy, through an appropriate dialogue, thus offers the Church the elements which she can use in the development of her social doctrine, and reflects on the application of that doctrine in contemporary society.

In our case we must neglect the last part of this sentence, for it was beyond the Academy's possibilities to launch an empirical research programme. Thus the Academy has no verified basis enabling it to report on 'the application of that doctrine in contemporary society'. This does not mean, however, that observations on the practice of Catholic social teaching about democracy have been excluded from the Academy's work. Quite the contrary, they were well reflected by the rapporteurs who in the usual course of academic investigation discussed the possibilities and necessities of 'elements' which the Church 'can use in the development of Her social doctrine' on democracy. The only reservation is that there was no systematic study on 'the application of that doctrine'.

Starting from Art. 1 sentence 2 of the Statutes we should first ask: who is 'the Church' to whom the Academy has to address itself? Here, so many answers are possible. Certainly this is the Pope. His is ultimately the deci-

sive voice that pronounces the content of Catholic social teaching. But is He alone 'the Church'? Could one also think of Vatican authorities (like congregations or councils)? Then there are the Bishops – each for himself, but also the Council, as well as the synods and national conferences of Bishops (many of whom are especially active in social teaching). Not to forget the researchers and academic teachers, all of whom are priests whose pastoral functions include the interpretation and application of Catholic social teaching. And finally, the central Christian way of dealing with democracy is the responsibility of the laymen – perhaps not the social teaching as such, but the right practice of democracy, the theory of the right practice, and reflections on the experience gained in the process. In raising this question, it is not my intention to decide upon the right addressee; it is merely an attempt to gain ideas for further questions and possible answers.

A second question might be: what are the 'elements' which the Academy could 'offer'? The first sentence of Art. 1 of the Statutes seems to be helpful here. Immediately following this sentence the Academy declares 'the aim of promoting the study and progress of the social sciences, primarily economics, sociology, law and political science'. That not only makes the Academy's disciplinary basis clear, but also hints at the underlying aim of the interplay between the Academy and 'the Church'. The 'development of her social doctrine' is a pastoral responsibility. As a scientific discipline this constitutes a sort of theology, which in turn implies a certain degree of rationality – but not as a part of the social sciences. Social teaching itself involves translating the Gospel into the context of social life. The experience of facts and rules of social life must meet with the inspiration. Here the Academy can contribute by clarifying the experience of these facts and rules from the platform of the special competence of the social sciences, thus viewing this experience in the light of comprehensive, systematic knowledge. That is what can be expected from the Academy.

As regards the 'elements' which can be contributed, the Academy prepared these in three sessions: one workshop and two plenary meetings, the essential details of which have been recorded in the proceedings. Consequently, do these proceedings not already embody the 'elements' expected? In a certain sense, yes. The common knowledge of the Academy is indeed described in these volumes. Yet all individual knowledge of the Academicians, or their smaller circles, does not derive from the Academy as such. In this sense, the proceedings are not suitable to serve as the expected 'elements', since they consist of individual presentations. The Academy must therefore assume the responsibility of summing up and

guiding the reader through the 'elements' incorporated in the proceedings. That, I believe, could be the task of a resolution formally passed by the plenary of the Academy. Nevertheless, it is up to this plenary meeting to discuss all these questions.

Rudolf Weiler

Just two things. You spoke of the Church's social doctrine, which is of course older than *Rerum Novarum*. The Church establishes Her social doctrine on the basis of tradition, the Holy Bible, the Revelation and also Her longstanding history.

I would like to tell you an anecdote, for a special reason. In 1973, when I was at the Academy in Moscow and we discussed Christianity and Marxism, I experienced the following dialogue: a Russian colleague said, 'You Catholics have a social doctrine ...'. 'We have one, too', another added. 'Where?', we asked. 'With the Church fathers'.

And that is a fact. You can read about the social doctrine of the Eastern Church, but it remains stuck there; it stayed with Caritas and the Russian pilgrims.

In our case matters were different, and I would like to remind you what the Catholic social doctrine expects of scientists. The Church wants results that can be trusted and that lead to a dialogue with other representatives of the social sciences. What is needed is material; also needed are the people able to create links between the various disciplines. Among social scientists there are numerous atheist currents, as well as agnostic tendencies such as displayed by Kelsen, but nonetheless one may hope to enter into a dialogue and to discuss the truths with them – with the help of good intermediaries. That is why I said we need anthropologists to take part. I cannot enter into a dialogue with social scientists about philosophers without including anthropology, since anthropology plays an important role in their theories.

I think we need to elaborate that part in order to give the Church a broader basis for entering into dialogue with contemporary social scientists. Only then can we discuss the points which have emerged over the past two days on the topic of Church and democracy. Restrepo has provided us with numerous Church documents which already contain a great deal of information, but in realising all this we see that there is very much to be done. The Holy Father said we need a new link with tradition, a dynamic link, in order to reintegrate it into ecclesial circles where too much has been given up in seeking to keep pace with the times.

Michael Novak

Twenty-five years ago, while he was President, Jimmy Carter was widely recognized as a serious Christian. It was also observed that he felt most at home when he could speak directly, face to face with world leaders, so they could talk about what was in their hearts. He felt it hard to formulate religious language for larger groups, and for society itself, for society at different stages of its development. He felt it hard to formulate a theory of social change, and a theory of how evil works in society. So, he tended to limit himself in speaking of Christianity to discussions about conversion of the heart. This background has persisted, so that in ecumenical discussions in the United States today it often happens that from many different sides even those who are not Catholic turn to Catholic social thought for some of the conceptual apparatus they need to speak about how Christianity should address the social problems of the contemporary world. Catholic social thought supplies useful terms such as subsidiarity, solidarity, social justice itself, the subjectivity of the person and the subjectivity of society, the right to personal economic initiative and other terms.

Thus, the core principles of Catholic social thought, having been developed over more than a hundred years, incorporate the wisdom of societies in different stages of transformation. From an agrarian period, when almost everybody worked in agriculture, to a period when more and more people were moving to the cities to work in industry, and on into the modern period, in which more and more people are working for government and, in intellectual work of various kinds, and in service industries, rather than in manufacturing industries, Catholic social thought has itself changed and progressed, as it addressed ever new issues.

The history of the Church's judgement of democracy, traced by Monsignor Schooyans and also by Monsignor Minnerath in their papers, shows a rather negative judgement in the beginning, followed by hesitancy during the first decades of the 20th century. Father Luigi Sturzo, founder of Christian Democracy, was in effect sent into exile at the time of the Concordat with Italy. Then during World War II, in his Christmas messages of 1942-1944, Pius XII became much more positive about democracy, seeing the totalitarian alternatives so starkly.

In our time, Pope John Paul II, in his many visits around the world, has become an active voice of human rights and of democracy. I remember that Professor Morandé recalled to us the Pope's early visit to Chile and the impact that it had, and his early visit to the Philippines, and the tremen-

dous impact that it had. Professor Samuel Huntington of Harvard has written of the 'third wave' of democratization, as a largely Catholic wave, sweeping through Catholic countries, from Asia through Latin America, and on into Eastern Europe.

Well, I say that by way of background, because in *Centesimus Annus* Pope John Paul II described the sources of papal teaching in this way: 'Leo XIII drew inspiration from the teaching of his predecessors, as well as from the many documents issued by Bishops', for example von Ketteler, in Germany, and others in France and Germany, 'from scientific studies promoted by members of the laity', and he could well have said from scientific studies and propositions put forward by people who were not Catholic at all, 'from the work of Catholic movements and associations'. For example, in *Rerum Novarum*, the original thinking of Leo XIII tended to be rather negative towards labour unions, because of the communist and socialist labour unions in France, Belgium, and Germany. But in a conversation with the Cardinal of Baltimore, Cardinal Gibbons, Leo XIII learned that in the United States there were Catholic labour unions of considerable strength and force, with the result that working people in America tended to be quite loyal to the Church. It is said by historians that the study of such movements also influenced the way in which Leo XIII formulated *Rerum Novarum*.

In another passage in *Centesimus Annus*, John Paul II notes that the principles of Catholic social thought really do come from the Gospels themselves, and so fall properly under moral theology. There are other principles that have to do with the meaning of society, the state, and of other worldly realities that are learned from the social sciences. Then there is finally the need to make concrete judgements about what the Church should say about historical figures, for example Adolf Hitler, or such movements as 'worker priests'.

And so the Church must at the same time always be clarifying how it understands the Gospel in new situations, It asks consistently whether the old principles by which the Church understands state and society are still valid. Sometimes, as happened in the 19th century at the time of *Rerum Novarum*, there were such great changes in state and society that whole new conceptions were called for.

As Pope John Paul II writes, 'in the sphere of politics, the result of these changes was a new conception of society and of the state, and consequently of authority itself'. In such contexts, the Church must take account of concrete circumstances and recognize that the same word can have a very different meaning in different parts of the world. Just the day before yesterday

I took part in another conference here in Rome, and I heard Professor Buttiglione make the observation that, when the first settlers arrived in America, they didn't find a Holiday Inn waiting for them, or a church from the 13th century. If they wanted a church, they had to build it, if they wanted a roof over their heads, they had to build it. 'Enterprise' became a positive word in America. But in many parts of Europe, by contrast, the first capitalist institutions tended to be developed by an already existing aristocracy. They seemed like an extension of the old class structure. Capitalists belonged to the old ruling elite. Buttiglione mentioned some of the great capitalist families of Italy. For such historical reasons, the name 'capitalism' became pejorative in many countries in Europe, while it retained a favourable connotation in America, where circumstances were so different.

Thus even if the Pope wished to commend enterprise and small businesses, he could not use the word 'capitalism' in places where it would be rejected outright. In this fashion, the whole Church has to be observant of differences. In our conversations during this meeting, we have all seen how on many themes we must be careful that what we intend is understood accurately in Africa, in Latin America, and elsewhere.

To whom should our work on democracy be addressed? You asked me for some guidance on that question.

One reason why the Holy Father felt the need for a Pontifical Academy of Social Sciences is the tendency in theological schools for the discussion on Catholic social thought to be so abstract, and so focused on religious principles, that there is neither enough knowledge about the concrete social orders in different parts of the world at different stages of development, nor an adequate analytical method to take stock of concrete situations. My guess is that the Holy Father was hoping that the Academy could supply scholarly materials that would add important scientific information to the teaching in the theological schools, which are the main locations where Catholic social thought is transmitted. It seems to me, therefore, our task is to direct our findings on democracy to the Holy Father as the first addressee.

Next, having in mind our duty to address some of our peers in the social science community, we, as a body of social scientists representing many different parts of the world, and trying to reflect for a Catholic community of one billion people, must draw on the resources of our tradition to shed some light on newly arising problems of globalization, inequality, and democracy.

Thirdly, we must do this in a manner that is sufficiently practical and really useful to all people of goodwill who are interested in democracy and how to go about building it. Why do democratic projects so often fail? What

makes them fail so often, and how can we take precautions to make them more likely to succeed? That audience too could be addressed.

I showed some of the Academy's papers to a friend who is highly involved in the National Endowment for Democracy in the United States, which tries to assist democracies around the world. He found our work really fascinating. He thought some of the ideas reported in the documents of the Pontifical Academy would be of wide use to people in every part of the world. Many would like to know that such studies are available, he thought, and perhaps on the Internet.

Finally, my report ends with two recommendations for particular kinds of new studies. Why couldn't the Pontifical Academy commission, elicit, sponsor, or encourage a number of monographs on important practical subjects composed by a committee of three or four persons, or even by one person? The Pontifical Academy would look over these monographs and simply commend them as reading material on subjects of importance, not exactly giving them an imprimatur, but on the other hand allowing them to appear under the imprint of the Pontifical Academy, without binding all members of the Academy to all their contents. These little monographs will reflect different points of view, offering important arguments within the social scientific community and within this Academy. If we concentrate on a number of highly readable, short studies and simply encourage our members to produce them, we'll provide, I think, a useful service. They could be put on the Internet, too, and without involving the whole Academy in long, two- or three-year long discussions.

Now, I commended two subjects for special attention. In reviewing what had already been done in the three books by the Pontifical Academy, I found a great deal of practical information and clear statements of important principles, only needing one more step to be made more immediately useful. If you took for example the twelve headings that I mentioned and prepared a little booklet of 40 or 50 pages, with three or four practical principles under each of those headings, it would be very useful in the hands of young students in every region of the world. In Slovakia and in Poland, in Nicaragua, in Nigeria and in other places, study groups are hungry for practical principles concerning how to make democracies work. They want to study the ideas that need to be understood, discussed, and assimilated throughout the society.

We could propose more than one such document. For instance, one could be addressed to the more mature democracies and the crisis that all the world's democracies are likely to encounter in the 21st century. Bad

times may lie ahead for democracy, fiscally and otherwise, and we will need to deepen and refresh the roots of democracy everywhere. By contrast, another set of reflections could be offered for developing societies, where there have not been traditions of democracy or preparatory institutions, but where the hunger for them is very keen.

A third type of study that I recommended in the paper, because I'm constantly made aware of it, regards the growing distance between Europe and the United States. The Pontifical Academy could serve a very useful function by helping to bring these new diverging traditions into closer engagement. For example, a couple of our papers pointed out how civil society tends to be understood quite differently on the Continent than in the United States.

In Catholic circles the concept of economic rights is often brought into conjunction with political and civil rights, without noticing that the word 'right' must then be used in a quite different sense. For some of the economic 'rights' are actually 'desirable goods' or 'claims'. They name certain ideals that, if a country has enough resources, would be desirable to supply, and indeed important claims of individuals upon those resources. But they don't designate 'rights' in the sense of properties and capacities in the individual that cannot be infringed upon. They represent, rather, the very different conception of needs or claims that the individual needs to have fulfilled. The intellectual roots of these different languages about 'rights' need to be sorted out. The language of 'rights' in secular and Catholic circles is often quite different. American meanings differ, as well. It would be well worth exploring some of those differences. No other worldwide institution could play so useful a role here as the Academy.

To summarize, I favour promoting many more short monographs to make the work of the Pontifical Academy more visible, more usable, and, without involving enormous discussions or trying to get a consensus on each piece, to liberate the creative energies of our group to think in a concerted way about the bearing our Catholic faith on the structures of the society we'll be trying to build and to defend in the 21st century. We represent at least a billion people; it is not a negligible constituency. It imposes on us a high responsibility.

Wilfrido V. Villacorta

I suggest that the Academy also look into the cases of non-western, fledgling democracies. These young democracies try to copy the best practices of mature democracies, but there also seems to be a tendency among

many young democracies to ape the excesses of western democracy. For example, there seems to be a trend towards decriminalizing drugs. With respect to gender rights, they would like to emulate some western countries in legislating same-sex marriages. Then there are the excesses of the press, sensationalizing crimes and scandals. The freedom of choice is sometimes interpreted as the right to abort the fetus, which they claim falls under the rubric of gender rights. Governments try to be popular by lifting censorship of films and allowing pornographic websites on the Internet.

So, I think that the proposal of Professor Novak is worth considering, that we study the democracies in infancy and relate them to the requirements of a mature democracy. Thank you.

Bedřich Vymětalík

I would like to present a short remark concerning questions of publicising the work of this Academy.

Of course it is good for the Academy's material to reach schools and universities. Our main concern, however, should be that it should serve as a conclusion for our Holy Father and for the Church. We therefore should try not to make the social sciences of the Church our top secret but see that they get large publicity and that people themselves take up an interest in them. The issue is how to spark this interest.

I will mention one small personal experience. I had an opportunity to participate in the work of a team who prepared a Letter of the Czech Bishops on social issues, entitled Peace and Good. The letter was published on the Internet, it was publicised on television and in newspapers. In spite of that it raised only rather weak interest. Only approximately two months later on an Internet website there appeared a sharp criticism of the letter, written by one of our well-known leading politicians. After that, similar criticisms appeared also in newspapers.

And it was just this criticism that provoked the interest of the general public. People tried to get the original publication, we had to make additional prints of it and broader discussion started.

This confirmed that in our present media age it is worthwhile to provoke a criticism in order to raise interest.

Discussion about the Letter of the Bishops gave us another interesting lesson. In spite of the fact that in our country the majority of the general public is not only atheist, but even openly oriented against the Church, part of the non-believers showed certain interests and even sympathies for ideas

contained in this Letter. Discussion itself has shown that, due to experience gained during the ten years after the fall of communism, people have started to realise that society and economics must after all respect ethic rules and that compliance with these rules is beneficial for society. And this is a promising finding, which should be reasonably used.

The third lesson, which resulted from the discussion, is the need for a shorter and less demanding treatment of social issues in such a manner that they are comprehensible to the widest possible public. Particularly the faithful very often expressed their interest in such an approach. We should think about it.

I think that the findings drawn from the discussion of the Letter of the Bishops in the Czech lands can be interesting also for the Academy.

DEMOCRACY IN DEBATE: THE CONTRIBUTION OF THE PONTIFICAL ACADEMY OF SOCIAL SCIENCES

*Final Document of the Pontifical Academy of Social Sciences
Approved at its Plenary Meeting on 3 May 2004*

1. THE INTENTION OF THE DOCUMENT

1.1. *The Task of the Academy*

The Academy's mandate is to promote 'the study and the progress of social sciences' and 'through an appropriate dialogue', to offer 'the Church the elements which she can use in the development of her social doctrine' (Art. 1, sentence 1 and 2 of the Statutes). From the very beginning of the Catholic Church's modern social doctrine, as elaborated by Pope Leo XIII in his Encyclical *Rerum Novarum* in 1891, the Church did not confine her messages to religious and theological issues. Driven by a deep concern for the conditions of social and political life, she strove to keep her social teachings in close touch with social reality. But from authority to authority, subject to subject, and situation to situation, it has become an increasingly complex task to discern how the interpretation of the Gospel and the rational understanding and explanation of reality flow together under constantly changing economic, social and political conditions. So it was an important step when the Academy, upon its foundation in 1994,¹ adopted Statutes based on the assumption that a deeper and more continuous dialogue between the Magisterium and the social sciences should be possible.²

This development should not, however, be overestimated. On the one hand, a prudent awareness of and reflection upon reality is not limited to

¹ Original version in: *Human Equality*, pp. 19-22; revised version (1998) in: *Questions*, pp. 35-38.

² Arthur Utz OP, 'The Dialogue Between Catholic Social Doctrine and Social Sciences. The Task of the Pontifical Academy of Social Sciences', *Human Equality*, pp. 205-208. Weiler: *Final Discussion*, p. 230.

the sciences, especially not the social sciences. The prudent and rational observation, understanding and explanation of social life are, or should be, within everyone's competence. On the other hand, the scientist cannot and should not disregard the context in which his findings become relevant. For the interaction between Catholic social teaching and the social sciences there is thus a challenge posed by social reality and the Gospel alike: the guiding principles must come from the Gospel, but must correspond to reality. Pope John Paul II insisted on that point in 1998 when he received the members of the Academy, assembled for its Fourth Plenary Session, which in turn marked the first Plenary Session on 'Democracy':

The Church's social doctrine is not called to concern itself with the technical aspects of the various social situations, in order to formulate her own solutions. The Church proclaims the Gospel and wants to manifest in all its richness the newness that characterizes it. The Gospel message must permeate the various cultural, economic and political situations. In this effort of inculturation and spiritual reflection, the Academy of Social Sciences is also called to make its particular contribution. As experts in the social disciplines and as Christians, you are called to play a role of mediation and dialogue between faith and science, between ideals and concrete situations; a role that is sometimes one of pioneers, because you are asked to indicate new paths and new solutions for solving in a more equitable way the burning issues of today's world.³

Thus there is no clear borderline between the social sciences and the social teaching of the Church. The Statutes insist on the special role the Academy is to play, but do not speak about the share the social sciences should have in Catholic social teaching in general. The wording of the Statutes is very careful here. The social sciences as a whole are addressed only through the Academy's task 'of promoting the study and progress of the social sciences'. The responsibility for transmitting knowledge from the social sciences to the Magisterium of the Church and her social teaching belongs to the Academy. And the ultimate aim of this transfer is to assist the Church's social doctrine: 'Through an appropriate dialogue' the Academy 'thus offers the Church the elements which she can use in the development of her social doctrine'. Against such a broad background, roughly described by terms like 'social sciences' and 'Catholic social teaching', a process is

³ *Questions*, pp. 25-27 (26).

finally structured and defined by terms like ‘Academy’, ‘offer’, ‘Church’, and ‘doctrine’. Together, that background and this foreground form the picture in which this document has its place.

1.2. ‘Democracy’: *The Selection of the Subject*

One of the first decisions of the Academy was to undertake a study of the urgent and complex issues arising under the heading of ‘Democracy’, to begin that study by inviting the social sciences to discuss problems and solutions, and then to offer the Church elements for a further development of her social doctrine. This decision was influenced by three main considerations:⁴

First, the central and manifold importance of *democracy* for everybody’s life and the many implications connected with the term, the concept and the reality of *democracy*, including:

- the meaning of the modern state⁵ for the individual, for his or her private environment, for the family,⁶ for society,⁷ its actors and its structures of integration;⁸ and especially,
- the significance of the fact that the democratic state is a product of all these individuals, groups and factors, just as their conditions of living and acting are a product of the law and the politics which they themselves create through *their* state, *their* government, *their* courts, *their* administration, and *their* army or police;
- the very different meanings this word ‘their’ has for the majority and the minority:⁹ for those who dominate (through money, media, reli-

⁴ *Democracy*: esp. Zacher: *Preface*, pp. 7-10 (7 f.); id.: *Common Questions*; Novak: *Final Discussion*, pp. 148-152.

⁵ For different continental and sub-continental aspects, see Rémond: *Western Europe*; Suchocka: *Post-Communist Countries*; Floria: *Latin America*; Villacorta: *Asia*; McNally: *Africa*; Zulu: *Africa*. For systematic aspects, see Rémond: *Relations avec l’Emploi*; Tietmeyer: *Demokratie und Wirtschaft*; Crouch: *Democracy and Labour*; Schmidt: *Welfare State*.

⁶ Zampetti: *Il Concetto di Stato Democratico*; *Solidarity*.

⁷ Elshstain: *What is ‘Civil Society’?*; Glendon: *The Ever-Changing Interplay*; Therborn: *Ambiguous Ideals*.

⁸ von Beyme: *Mediating Structures*; Zulu: *Education*; Ziolkowski: *Public Opinion and the Media*.

⁹ Schambeck: *Ethnische Strukturen*; Malik: *Religious Communities*; Kirchhof: *Final Discussion*, pp. 163 f.

gion, ethnicity, etc.) and for those who do not, for the active and the passive; and finally,

- the relevance of the modern state and its democratic character for religious personalities,¹⁰ religious groups,¹¹ Christians, the Christian community¹² and Christian churches, for laypersons or priests, for the bishops, and especially for the Catholic Church;¹³

the many changes in the implementation and experience of ‘Democracy’:

- the histories of non-democratic (communist, fascist, authoritarian, colonial) regimes which since the end of World War II have embarked on the endeavour of democracy;¹⁴
- the alterations of democratic rules, structures and procedures,¹⁵ of their use and their effects, of their social basis and their social structure; but also
- the fatigue of democratic traditions, the abuse of democratic structures and the decay of democratic morality;¹⁶ as well as
- the multiplication of national states, accompanied by the growing dynamics of supranationality¹⁷ and internationality,¹⁸ and by competition and conflict among national, regional,¹⁹ continental,²⁰ and global²¹ systems of governance;²²

¹⁰ *Donati: Religion and Democracy.*

¹¹ *Malik: Religious Communities.*

¹² *Donati: Religion and Democracy.*

¹³ *Zacher: Preface*, in: *Democracy*, pp. 7-10; id.: *Der Stand der Arbeiten*, pp. 16-18. See note 24 below. *Weiler: Report 14-17. Bernal Restrepo: Final Discussion*, pp. 168 f.

¹⁴ *Democracy*: esp. Suchocka, Floria, Villacorta, McNally, Zulu (note 6). *Novak: Report 30.*

¹⁵ *Democracy*; *Schambeck: Demokratie, Rechts- und Verfassungsstaat.*

¹⁶ *Democracy*: esp. *Schooyans: Teaching of the Popes*, pp. 35-37; *Rémond: Western Europe*; *Elshaint: What is ‘Civil Society’?*; *Glendon: The Ever-Changing Interplay*; *Therborn: Ambiguous Ideals*; *Novak: Report 30.*

¹⁷ *Bartolini: European Integration.*

¹⁸ See *Globalisation and Inequalities; Concerns; Governance.*

¹⁹ *Zamagni: Universality and Particularism.*

²⁰ *Mensah: International and Governmental Structures.*

²¹ *Palley: Economics of Globalisation*; *Øyen/Wilson: Formal and Informal*; *Delcourt: Nouvelle Architecture*; *Lyon: Value of Work*; *Sabourin: La Mondialisation*; *Schooyans: L’ONU. Social Dimensions*; *Globalisation and Inequalities.*

²² *de Montbrial: Interventions Internationales*; *Braga de Macedo: Institutional Change*; *Griffith-Jones: Financial Architecture.*

the relationship between the tradition of Catholic social doctrine and democracy:

- the relatively short history of a positive relationship between the Catholic Church and democracy, especially between the Church’s social doctrine and democracy, a sometimes still reserved wording of the Church’s social doctrine on democracy;²³ and finally
- the immense burden on the Magisterium, which is asked to provide answers that are both valid for all of mankind and its global relations and institutions, as well as useful and convincing for the extremely diverse situations in potentially all states and regions of the earth.²⁴

1.3. Responsibility for ‘Democracy’: A Standpoint for Evaluation

Democracy thus is a term denoting a central responsibility.²⁵ It stands for a hopeful opportunity for human life²⁶ – for values which human beings should strive for, and for values which can be followed and implemented by human beings.²⁷ Seen from another perspective, *democracy* denotes an option for approaching the *common good*.²⁸

Where there is no democracy, striving for democracy may thus be a path toward improving human life. Or, where there are deficits in the recognition and implementation of social values, striving for democracy may offer the most effective path towards achieving the recognition and implementation of the missing values. It is, however, never enough technically to establish a democratic machinery. Democracy may be viewed as a garden in which values may grow, flourish, merely survive, or die. In order to flourish, democracy requires values. It needs a value-borne, value-bearing, and

²³ Schooyans: *Teaching of the Popes*; id.: *Droits de l’Homme*; id.: *Démocratie et Valeur*; Minnerath: *Introduction*; id.: *Le Développement de la Démocratie*; DiIulio: *Contemporary Democracy*; Utz, Schasching, Floria, Vymětalík, Betancur, von Beyme, Minnerath: *Discussion papers*, in: *Questions*, pp. 65-68. Novak: *Report 4*; Weiler: *Report 10-16*.

²⁴ Bernal Restrepo: *Report 9-11*; id.: *Final Discussion*, pp. 141-146.

²⁵ Minnerath: *Le Développement de la Démocratie*, p. 412.

²⁶ Bernal Restrepo: *Report 3-8*; Novak: *Report 5-9*.

²⁷ DiIulio: *Contemporary Democracy*; Kaufmann: *Democracy Versus Values*; Kirchhof: *Strategien zur Entfaltung*; Weiler: *Final Discussion*, pp. 154-156.

²⁸ Bernal Restrepo: *Report 4*; id.: *Final Discussion*, pp. 141-146; Weiler: *Report 1*.

value-cultivating society.²⁹ It needs a certain consensus on values. Without this precondition, democracy hardly will thrive.³⁰

In present times,³¹ the majority of countries call themselves ‘democratic’ and try to be ‘democratic’ in one way or another.³² Even international organizations are seeking ‘democratic’ legitimacy. *Democracy* has become a normative concept. In this context, the normative question is not whether to opt for or against democracy, but rather to ask: ‘What kind of democracy?’³³ There are always differing opinions about what a *true* democracy is. And there are always differences between the norms and institutions of a given democracy and the reality of its practices and effects.³⁴ Thus the responsibility for understanding and implementing democracy is crucial, even in states that are called democratic, even when governments claim to be democratic, and even where the people express the desire to live in a democracy and feel as if they do.³⁵

This responsibility is manifold. It is the responsibility of those who run the state’s administrative and legal machinery: the politicians, judges, other officials, experts, and advisers. It is the responsibility of the whole civil society:³⁶ of all individuals, all who live in families,³⁷ all who belong to groups or act in organizations,³⁸ all leaders and all followers, and especially all those who – for instance through the mass media³⁹ – influence the attitudes and sentiments of others.⁴⁰ And so it is a responsibility also of the Church.⁴¹ Democracy is never the achievement of the government and its leaders

²⁹ Nojiri: *Values as a Precondition*.

³⁰ Bernal Restrepo: *Report 5*; Novak: *Report 17*.

³¹ For history see Novak: *Report 10*.

³² Sabourin: *Final Discussion*, p. 208.

³³ Schooyans: *Teaching of the Popes*, esp. pp. 32-38. Novak: *Report 7-9*. Bernal Restrepo: *Final Discussion*, p. 168; Glendon: *ibid.* p. 204.

³⁴ Bernal Restrepo: *Report 3, 4*.

³⁵ Glendon: *The Ever-Changing Interplay*.

³⁶ *Democracy*: esp. Zacher: *Common Questions*, pp. 128-134, 137; von Beyme: *Mediating Structures*; Elshtain: *What is ‘Civil Society?’*; Glendon: *The Ever-Changing Interplay*; Therborn: *Ambiguous Ideals*; Novak: *Final Discussion*, pp. 174-176; Weiler: *ibid.*, pp. 179-183.

³⁷ Zampetti: *Il Concetto di Stato Democratico*.

³⁸ Rémond: *Relations avec l’Emploi*; von Beyme: *Mediating Structures*; Crouch: *Democracy and Labour*.

³⁹ Ziolkowski: *Public Opinion and the Media*.

⁴⁰ Zulu: *Education*.

⁴¹ Donati: *Religion and Democracy*; Kirchhof: *Strategien zur Entfaltung*.

alone. It is never accomplished by constitutional regulations⁴² alone. Democracy is always an achievement of government *and* society, accomplished by law and many varieties of social behaviour. There is a constant interchange between the process of establishing orders and structures, the process of administering and implementing them, and the process of adapting and developing them. And these processes take place in the course of organizing the state, determining its politics, deciding upon and applying its law, as well as by laying the groundwork for privacy and society, by creating room for a civil society, and by recognizing and fulfilling human rights – especially by granting and establishing freedoms and bringing them to life.

Therefore, the responsibility for democracy is of the utmost complexity and the utmost variability. And ultimately it is always the responsibility of the individual – whether an official or a judge, a member of a social group, or a single citizen. This responsibility cannot and must not be shirked by reference to orders and obedience. Only in a minimum of situations can responsibility for democracy be met by receiving and obeying commands, or by way of pure passivity. Meeting the responsibility for democracy normally involves activity, discretion, initiative and a readiness to take risks.

Whoever wants to promote democracies – that is, ‘democrats’: people who live in a democracy or people who long for democracy – by lending his or her assistance has to be aware of this responsibility: of its generality and individuality and of the essentially active nature of democratic participation.⁴³ The primary aim of any such assistance has to be to encourage, to motivate and to explain. The presence of uncertainties, the risk of mistakes, or the danger of following a wrong path should not be deterrents. As long as a ‘truly democratic’ form of government is possible, there is no alternative to pursuing it, and caring for it. As long as ‘true democracy’ is possible, it is morally right to implement the existing one, to make the best of it, to improve it. We leave aside the question of whether there are extreme circumstances under which some other form of responsible government may be preferred to ‘democracy’ that exists in name only.

This insight is especially valid for the Church’s social teaching. Meeting one’s responsibility for democracy should be recognized as a moral effort,

⁴² Zacher: *Common Questions*, pp. 125-127; Schambeck: *Demokratie, Rechts- und Verfassungsstaat*; Kirchhof: *Strategien zur Entfaltung*.

⁴³ Bernal Restrepo: *Report 15*.

and regarded as a virtue.⁴⁴ One might even think of special democratic virtues – embodied by politicians, judges, officials, social groups and their leaders, citizens, or simply individuals and the members of their private communities. In spite of all differences, every dedication to democracy should be presumed a service to social values and human life. To fail that responsibility for democracy may be merely erroneous; but to abuse or to adulterate democracy should be condemned as a moral fault.

1.4. *Truth Versus Discretion: The Central Difference*

The responsibility for democracy is grounded in the human and social values democracy implements, recognizes, establishes, protects, gives room to, and to which it offers an opportunity – either directly via the structures and procedures of the democratic regime or indirectly via the law, the politics and the living conditions it fosters.⁴⁵ If ‘authentic democracy’ means having the vision of an optimal democracy, a democratic system which corresponds positively to a ‘right’ or to an ‘optimal’ set of values may be felt to be an ‘authentic democracy’.⁴⁶ But neither the ‘right’ or ‘optimal’ set of values nor the adequate structures and procedures of democracy are given a priori. These values and structures have to be found and decided upon. But who decides? And what limits should there be on these decisions? Before answering those questions, however, a preliminary question must be addressed. The subject of these decisions may be regarded as more or as less essential, with consequences for the competence and the commitment of the decision-making authorities. But by what standards are value questions to be resolved?

In terms of positive law, the deliberations have to start with simple democratic majority rule.⁴⁷ Yet this gives rise to doubts. Is there enough caution, enough consideration, enough dignity and respect in pure majoritarian decision-making?⁴⁸ Can values be made, invented and decreed? Or can they only

⁴⁴ *Schooyans: Teaching of the Popes*, pp. 33, 35. *Weiler: Report 3*, 6: ‘a matter of ethics, according to the principles of natural law’ (3).

⁴⁵ *DiIulio: Contemporary Democracy*.

⁴⁶ *Novak: Report 11*.

⁴⁷ *Dasgupta: Democracy and Other Goods*. See also *Novak: Report 23*.

⁴⁸ *Zacher: Common Questions*, p. 126 f.; *Schambeck: Demokratie, Rechts- und Verfassungsstaat*; *Kirchhof: Strategien zur Entfaltung*.

be discovered and put into words? In response to these questions, an amply diversified culture of techniques has developed, especially since the end of the 18th century, designed to give statements on values an adequate degree of legitimation and expression.⁴⁹ This culture was nourished by the French and the American declarations on human and civil rights, the constitutions of the 19th century, and the new role of some courts in protecting fundamental rights. Its 20th century manifestations include constitutions that are increasingly enriched with new types of statements about values, programmes, and principles and the proliferation of constitutional courts. These courts have become major forces in democratic regimes – both by clarifying and activating the written and unwritten law of values in national law, and by drawing upon values in international documents to supersede national law. Lawmakers, courts and legal science have also invented numerous additional ways to identify, implement and protect values, even without an explicit declaration. The common thread among all these developments has been to render the democratic order more complex by making statements on values more deliberate, more respected and more stable. Democracy and the rule of law have developed together, and the concept of legal values as well as sophisticated forms of constitutional governance have become important ways of countering the risks of pure majoritarianism in democratic regimes, though not without a certain risk of undermining the democratic elements that are the very essence of these regimes.

Altogether there are a multitude of devices that have been used to establish a positive relationship between democracy and a relatively optimal set of values embodied in positive law.⁵⁰ However, one cannot say that all democracies make use of these instruments. At least, one cannot say that all democracies use them in a satisfying way. And one should not overlook the fact that supranational and international communities and organizations are not always competent and reliable trustees of values.⁵¹ The common tradition on which value-carrying documents should be based is often too weak, if not absent altogether. The competing or conflicting interests that need to be accommodated are often too diverse and the experiences demanding value-borne answers often too recent to produce a balanced view of the values involved. In consequence, ideological fashions of the day,

⁴⁹ *Schambeck: Demokratie, Rechts- und Verfassungsstaat*. For important – especially critical – aspects, see also *Schooyans: Droits de l'Homme*; id.: *Démocratie et Valeur*.

⁵⁰ *Weiler: Report* 1-4, 7.

⁵¹ *Schooyans: Droits de l'Homme*; id.: *Démocratie et Valeur*; id.: *L'ONU*.

needs dictated by the circumstances, and temptations resulting from narrow political constellations may predominate.

In the context of Catholic social teaching, however, the problem of democratic legitimacy goes far deeper. The Church's social teaching is firmly based on the principle that there is an ultimate, objective truth⁵² that should be reflected in social life as well as in politics and law. This principle also constitutes the background for the discussions of the Pontifical Academy of Social Sciences⁵³ as reflected in this document.⁵⁴

⁵² *Bernal Restrepo: Report 7, 8.*

⁵³ The Holy Father emphasized it when he addressed the participants of the Sixth Plenary Session of the Academy – the second one on Democracy. *Responsibility*, pp. xxxv-xxxviii (pp. xxxvi ff.):

At the drawing of the Third Millennium, a serious question confronts democracy. There is a tendency to see intellectual relativism as the necessary corollary of democratic forms of political life. In such a view, truth is determined by the majority and varies in accordance with passing cultural and political trends. From this point of view, those who are convinced that certain truths are absolute and immutable are considered unreasonable and unreliable. On the other hand, as Christians we firmly believe that 'if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism (*Centesimus Annus*, 46).

Thus, it is important that Christians be helped to show that the defence of universal and unchanging moral norms is a service rendered not only to individuals but also to society as a whole: such norms 'represent the unshakable foundation and solid guarantee of a just and peaceful human coexistence, and hence of genuine democracy' (*Veritatis Splendor*, 96). In fact, democracy itself is a means and not an end, and 'the value of a democracy stands or falls with the values which it embodies and promotes' (*Evangelium Vitae*, 70). These values cannot be based on changeable opinion but only on the acknowledgement of an objective moral law, which ever remains the necessary point of reference.

3. At the same time the Church refuses to espouse that extremism or fundamentalism which, in the name of an ideology purporting to be scientific or religious, claims the right to impose on others its own concept of what is right and good. Christian truth is not an ideology. Rather it recognizes that changing social and political realities cannot be confined within rigid structures. What the Church does is constantly to reaffirm the transcendent dignity of the human person, and constantly to defend human rights and freedom. The freedom which the Church promotes attains its fullest development and expression only in openness to and acceptance of the truth. 'In a world without truth, freedom loses its foundation and man is exposed to the violence of passion and to manipulation, both open and hidden' (*Centesimus Annus*, 46).

Bernal Restrepo: Report 7-13. Schooyans: Final Discussion, pp. 202-204.

⁵⁴ For the presentation of that truth by the concept of 'natural law' see *Weiler: Report 1-3, 7, 14, 15*; id.: *Final Discussion*, pp. 153-156, 169-171, 200-202. For a critical comment see *Minnerath: Final Discussion*, p. 157.

The implementation of this principle, however, gives rise to difficulties which cannot be ignored or concealed.

The principle might be more easily applicable if the people organized in a certain state were homogeneously Catholic. But democratic societies rarely approach that degree of homogeneity. In the case of heterogeneous societies, democracies have to be conceived and practised as a common government and a common order for *all* inhabitants. The essential features which make a democracy valuable for the citizens, according to *Centesimus Annus* (43) – ensuring ‘the participation of citizens in making political choices’, guaranteeing ‘to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate’ – must apply to all of the people. A Catholic majority that seeks to subdue a non-Catholic minority simply because of ‘its’ truth would already conflict with this value of democracy. For the minority, which might have its own, different, vision of truth, must be respected. And it is also possible that the minority does not believe in a comparable truth, that it only argues on the basis of its own values, goods, interests and opinions. Even then democracy must respect it. Likewise, a Catholic minority should not have to fear suppression simply because its arguments are rooted in its own truth. The kind of truth Catholics are to pursue in the social and political arena is not confessional; it is a universally valid truth based on human nature.⁵⁵

From these simple examples one can already see that the responsibility for democracy includes the endeavour to create and implement an order enabling people to live together in spite of differing interests, experiences, opinions and visions⁵⁶ – a common order for people possibly believing in different truths, a common order also for people believing in ‘their’ truth and for people denying an objective truth about social values and rules. The basis of this order must be the freedom of conscience and opinion: everyone’s right to think ‘his or her’ truth, to speak about it, to explain it, to argue in favour of it, to act as a consequence of it. This freedom, however, is also the freedom to embrace different truths: everyone’s freedom to believe in his or her ‘own’ truth. And finally, there is also the freedom from official truth: the freedom not to believe in an imposed truth concerning matters which are possibly decided and regulated by the government and law. Such

⁵⁵ *Bernal Restrepo: Report* 8, 13.

⁵⁶ *Glendon: Final Discussion*, pp. 204 f.; *Vymětalík: ibid.*, pp. 205 f.

pluralism need not deny or even suppress objective truth – neither the concept of objective truth nor the maintenance of objective truth. On the contrary, it should be understood and designed as the maximum opportunity for achieving the social effect of the assumption of truth. Such pluralism merely recognizes the coexistence of different convictions of objective truth and the incompetence of the state to decide between them.

Even among Catholics, the principle of an objective natural truth has its free play and open-endedness with all the personal responsibilities that entails. Let us repeat: there can be no doubt that the possibility of objective truth is part of our common conviction. But what is apprehended as a truth can in many ways be open, vague or uncertain. There is a priori the fundamental difference between the revealed truth and the natural truth found by analysis. That may be because of the source of the truth: because of the authority behind it or its wording and interpretation. Or it may be because of the distance between the generality of the truth and the specificity of its implementation. The Church therefore respects the freedom and autonomy of the layperson in secular life – in the fields of government, law, society, private life, international cooperation and organization etc.⁵⁷ In their efforts to apprehend the ‘truth’ about secular life, the laity should indeed be advised and guided by their ‘spiritual shepherds’: the Holy Father, the Bishops and the priests. Yet the Magisterium must at the same time respect the autonomy, experience, concerns, and competence of the laity. The pastors must advise and guide laymen and women in such a way as to preserve their autonomy and their responsibility.⁵⁸ Since the principle of objective truth leaves wide room for discretion, interpretation and concrete application, all Catholics have their own sphere of competence and responsibility within this room – not only for their individual lives, but also for social, legal and political arrangements. Thus Catholics – individually or within groups, organizations, parties, etc. or together with other Christians and non-Christians – share the benefits and the burdens of the pluralism that is a necessary feature of life in a heterogeneous society that aspires to be democratic.

To sum up: there is a tension between the principle of objective truth and ‘democracy’.

⁵⁷ *Apostolicum actuositatem*. See also *Lumen Gentium*, 30-37; *Gaudium et Spes*, 40-90.

⁵⁸ *Apostolicum actuositatem*, 7; *Gaudium et Spes*, 43; *Lumen Gentium*, 37. *Rémond: Western Europe*, p. 44.

- Yet in approaching this problem one must realize that even for people who – whether as Catholics or non-Catholics – share the same background of truth, this truth is not a perfect ready-made programme simply to be implemented.⁵⁹ The objective truth normally gives ample room for personal responsibilities and decisions, for agreement or disagreement with other Catholics, as well as with non-Catholics. Thus, against the background of a common objective truth, a culture of pluralism must be a precondition for mastering life in a democratic society.⁶⁰
- Despite the tension between them, the principle of objective truth on the one hand and ‘democracy’ on the other are not incompatible. On the contrary, given that perceiving objective truth is essential for human life, and that democracy is an essential way of human life, the paths toward apprehension of truth and the establishment of authentic democracy must be compatible. And indeed, many pragmatic ways have been found to reconcile them. But there is a lack of positive understanding that entails a certain danger. Therefore, Catholics and their Church, especially in her social doctrine, should strive to contribute to a culture of coexistence between objective truth and democracy – a culture which not only makes them compatible, but also allows them to be of advantage to each other.⁶¹ The techniques used to recognize and protect human and social values as legal norms provide examples of possible solutions. The example with the longest history is that of human rights. And it is not by chance that human rights were invoked by the Church much earlier, much more frequently, and much more emphatically than democracy as such.⁶² Even here, however, new constellations of issues demand new strategies.

⁵⁹ *Minnerath: Final Discussion*, pp. 218 f.

⁶⁰ *Minnerath: Final Discussion*, pp. 152 f.; *Bernal Restrepo: ibid.*, pp. 99 f.

⁶¹ *Nojiri: Values as a Precondition*, pp. 95 f.; *Malik: Religious Communities*; *Novak: Report 23*.

⁶² *Schooyans: Droits de l'Homme*; Giorgio Filibeck, *Human Rights in the Teaching of the Church from John XXIII to John Paul II*, Vatican City 1994. A new edition: Giorgio Filibeck, *I diritti dell'uomo nell'insegnamento della chiesa. Da Giovanni XXIII a Giovanni Paolo II*, Città del Vaticano 2001.

1.5. *The Focal Points*

Democracy is an ongoing project, and not only a social, political or legal one. Democracy is also a moral project.⁶³ Once established, democracy is not a machinery which automatically operates in the best interest of the people and is guided by the 'right' values. Democracy is a very vague, uncertain term covering the utmost variety of government forms. Moreover, there is an endless range of conditions that are decisive for making democracy a success or a fiasco, a history of suffering or a tolerable experience of imperfection. But under current conditions is there a realistic alternative to trying it? If not, then democracy is *the* political challenge of our times. And it is a challenge especially for the social doctrine of the Catholic Church. This challenge today is more pressing than ever before in history.

Democracy is such a multifaceted concept that to speak about it requires making a selection. The discussions of the Academy have shown three complexes of issues to be most urgent.

- First: *the relationship between democracy and values*.⁶⁴ This is the most profound and, not rarely, the most painful Catholic concern. Has not democracy time and again betrayed central Christian – central Catholic – values? This observation has prompted the most influential critiques of democracy. On the other hand, does not democracy offer the greatest possible opportunity for Christians, for Catholics, to convince others of 'their' values, to promote the voluntary acceptance of these values, and to enable others to live their values in freedom? And are not elementary values like self-determination, participation, responsibility, and equality already inherent in democracy? Democracy and values are joined in a relationship that is as complex as it is essential.
- Second: *civil society*.⁶⁵ The term democracy is primarily associated with organization, and legal structures and procedures. Yet democracy cannot succeed without the dialectic between governmental and legal structures on the one hand and a free, vibrant civil society on the other. The self-determination promised by the term democracy cannot be implemented merely through participation in governmental structures and

⁶³ *Bernal Restrepo: Report 14.*

⁶⁴ See below 2 = pp. 252-273.

⁶⁵ See below 3 = pp. 273-291.

procedures; the more important act of implementation occurs via the freedoms fostered by a democratic society. Nor can the common good promised by the term democracy be produced by the government alone. The common good is only possible as a joint achievement of government and civil society. It is a serious problem, therefore, that the cultural preconditions for this constructive use of freedom are missing in so many countries. Catholic social teaching could be important for a motivational understanding of civil society, and for heightening awareness of the real and moral relevance of the individual and collective use of freedom.

- Third: *transnational movements, interactions, communications, supranationality, international cooperation, and organization*.⁶⁶ This topic is a very new one and is closely related to the globalization process. Therefore, Catholic social teaching on this subject-matter does not reflect the same experience and history as does the discussion of national social questions (especially with regard to the old industrialized countries of the northern hemisphere). National democracy has lost and is still losing ground, whereas transnational, supranational, and international processes and institutions increasingly influence the functions of national democracies. Over and above this development, there is a great deal of irritation, resistance, and helplessness when it comes to transposing the merits of national democracy to a supranational or international level. The storehouse of morally convincing, legally reasonable and politically promising ideas is not as yet a rich one. All the more necessary is it, therefore, to mobilize competence, consciousness and responsibility.

2. DEMOCRACY: THE VALUE AND THE VALUES

2.1. *Democracy: A Value in Itself*

2.1.1. *Historical Lines*

The reflections of the Academy have partly concentrated on democracy as a value. The idea of values initially found its way into the social sciences via economics where it connoted the utility of goods which may

⁶⁶ See below 4 = pp. 291-308.

be used or exchanged (Aristotle). The concept of ‘values’ has maintained this utilitarian dimension in Anglo-American thinking, while *Werte* or *valeurs* have acquired strong normative, moral connotations in continental thought. In the passage from pre-modernity to modernity, however, the objective vision of the world based on God and Revelation has gradually given way to a subjective vision of truth based on the individual. In the realm of politics, the idea of objective truth gave way to the consensus of the citizens as the source of legal and social norms. Then, as a reaction to the subjectivism of Kant’s categorical imperative, the ‘philosophy of values’ of Max Scheler and Eduard von Hartmann postulated a realm of objective values that are imperative for all of us. These values are so widely perceived as being self-evident that they are almost beyond discussion at the present time.⁶⁷

Although thinkers such as Joseph P. Schumpeter (1942) and even Samuel P. Huntington (1996) still analysed democracy in the sense of a means or a procedure, it is regarded more commonly today as inseparable from the notion of the common good and the protection of human rights. As Robert D. Putman (1993) puts it, democracy is both a method of government and an objective to be attained.⁶⁸ It is both a form of government and a ‘mental attitude’.⁶⁹ From the middle of the 20th century onwards – in the face of communist totalitarianism – democracy has become the symbolic concept of dignified societal life and a policy which adds an ethical dimension to the central position it awards to the human being.⁷⁰

In our *post-modern* era, the value of democracy has acquired a still deeper, all-embracing significance. Its values are connected to particular cultures.⁷¹ They constitute symbolic systems of conduct that are linked to organized activities.⁷² With the phenomenon of globalization, however, a counter-tendency is observable with the spread of modes of thinking that tend to promote conformity of judgements and values.

⁶⁷ Kaufmann: *Democracy Versus Values*, p. 117.

⁶⁸ DiIulio: *Contemporary Democracy*, pp. 71-82. Floria, Morandé, von Beyme, Villacorta, Betancur, Mensah, Zacher: *Discussion papers*, in: *Questions*, pp. 83-87.

⁶⁹ Nojiri: *Values as a Precondition*, pp. 92-93.

⁷⁰ Weiler: *Report 14*.

⁷¹ Bony: *Culture et Démocratie*; Villacorta: *Discussion paper*, in: *Questions*, p. 85; id.: *Final Discussion*, pp. 189 f.; Dasgupta: *ibid.*, p. 190.

⁷² Kaufmann: *Democracy Versus Values*, p. 119.

2.1.2. *Democracy Versus Relativism*

Where ethical reflection on democracy is concerned, two related problems arise. First, in order to promote democracy as a governmental system, the values democracy presupposes must be sown or developed. Moreover, if the value of democracy becomes an aim in itself that forgets its origins, it runs the risk of turning against itself.

Democracy in the sense of a governmental system requires particular conditions:⁷³ a democratic culture of mutual respect, a foundation of common values, and an anthropology which perceives individuals as free subjects capable of participating in decisions concerning all of society. It also requires a social system that favours responsibility, an economic system that allows for free enterprise, as well as a vision of society where social power establishes itself from the bottom upwards – where citizens are not reduced to infantilised subjects of an all-powerful state. Moreover, if democracy is to function properly, it must respect the rules on which it is based. It cannot challenge the principles of the equality of citizens, the orderly transfer of power, etc. Hence democracy needs to live these values and to ensure their presence in society.

Is democracy as a system possible under the rule of democracy as a supreme value? This question arises in connection with the manifold stream of contemporary thinking about the relation between democracy and ethical relativism. The systems of thought which postulate the existence of an objective truth, especially in the field of anthropology and natural law, are considered by some thinkers to be enemies of democracy. The idea of a horizon of truth is understood as constituting a threat to the pluralism of ideas and values and hence to democracy itself. From this point of view, democracy would appear to be a result of pluralism as well as its guarantor.

But a pluralism that does not refer to a foundation of common values is pure relativism. And pure relativism is socially untenable. If citizens are free to adopt and express every possible opinion, they need a social order guaranteeing this freedom.⁷⁴ Can pluralism and relativism go to such lengths as to challenge this freedom itself? To put it more starkly: can society afford to ignore those who, for example, support the idea that political totalitarianism and freedom ought to be placed on an equivalent footing? A society that chal-

⁷³ Zacher: *Common Questions*, pp. 128-137.

⁷⁴ Novak: *Final Discussion*, p. 221.

lenged the foundations on which it is based would destroy itself. The boundaries of absolute relativism are thus evident. One cannot claim freedom and at the same time destroy the social and political conditions that are required for its exercise. Such is democracy's dilemma.⁷⁵ As an absolute value, it destroys what it is thought to protect, i.e. the freedom of the citizens.⁷⁶

In order to best grasp this difficulty, it is advisable to first isolate its epistemological aspect, that is, to begin by reflecting on the idea of truth. To assume that there is no truth would be absurd. By scientific analysis, however, man only obtains truths partially and gradually – preliminary truths are subject to their replacement by a more perfect truth. Freedom is thus necessarily limited by acquired and unequivocal knowledge. This knowledge demands that our minds adhere to it. In the humanities and social sciences, where, as Aristotle pointed out in the *Ethics*, 'we must be content ... to indicate the truth roughly and in outline', nobody is bound to follow a single line of interpretation. Freedom is required by the nature of these fields of knowledge. But this freedom is by no means arbitrary; it must observe rational criteria that can be communicated to and verified by everybody. For the case at issue here, namely the value of democracy, the search for truth must always take into account the inevitable limitation to which the freedom of citizens is naturally subject, namely the necessity for citizens to live together. That limitation, which grounds the golden rule and is of a moral nature, shows where pure relativism goes astray.

Democracy as a value still awaits discovery by cultures that have merely adopted formal democratic procedures.⁷⁷ The above debate reflects a North Atlantic problem. Even today most people in the world do not enjoy the benefits of a democratic system in which the very value of democracy is understood and implemented. In many places democracy as a value remains alien.⁷⁸ Thinkers in such places ponder over the origin and transmission of values which permit the true exercise of democracy. They ask

⁷⁵ Bernal Restrepo: *Report* 16-21; Novak: *Report* 8-12; Weiler: *Report* 1-7.

⁷⁶ Mimmerath: *Final Discussion*, pp. 218 f.

⁷⁷ Villacorta: *Asia*; id.: *Discussion paper*, in: *Questions*, p. 85; id.: *Final Discussion*, pp. 189 f.; Mensah: *International and Governmental Structures*; id.: *Discussion paper*, in: *Questions*, pp. 86 f.; Sabourin: *La Mondialisation*, pp. 387-393; id.: *Final Discussion*, p. 208; Nojiri: *Discussion paper*, in: *Questions*, pp. 111-113; Elshtain, Villacorta, Morandé, Llach, Glendon: *Discussion papers*, in: *Questions*, pp. 365-370. See also Bony: *Culture et Démocratie*.

⁷⁸ Bernal Restrepo: *Report* 4.

themselves whether the democratic system can provide the necessary values and whether democracy – as a supreme value – favours or destroys the values on which it depends.

2.2. *Forms and Realities of Political Democracy*

Empirically, there has never been only one form of democratic government.⁷⁹ The systems thus referred to only have their name in common. A democracy that is consistent with the modern culture of human rights requires the rule of law, an active citizenry, an alternation of those in power, free elections, freedom of speech, and the separation of powers. When citing the emblematic experience of Athens in the 5th century B.C., it must be noted that this democracy only involved a very small share of the city's population, the remainder being either slaves, foreigners, minors or women.

An experience of democracy re-emerged at the end of the 18th century in the self-governed townships of New England and other North American colonies, amidst the religious non-conformist communities that drew their civic and social values from the Bible. In Europe,⁸⁰ the first democratic practices were dependent on census voting, with women excluded until the 20th century. It is understandable that the Catholic Church remained reserved towards the first claims of democracy, which were often tinged with hostility toward religion, and in any case were more theoretical than practical. The spiritual authorities took a stand against the theories of certain philosophers of the Enlightenment for whom the source of law resided in changing majorities, and not in natural law, i.e. universal principles accessible to human reason and toward which human beings are inclined by their nature as rational, social beings.⁸¹

Representative, parliamentary democracy has become a widespread phenomenon. It can exist with different degrees of direct democracy, which are sometimes thought to jeopardize the parliamentary form of expressing the general will.⁸² Moreover there still exist systems which call themselves 'peoples' democracies', but are plainly and simply dictatorships or are dominated by a single party and by ideologies such as dialectical materialism

⁷⁹ Novak: *Report 10. Id.: Final Discussion*, pp. 11 f.

⁸⁰ *Minnerath: Introduction*.

⁸¹ *Schooyans: Teaching of the Popes*, p. 16; *Minnerath: Introduction*, p. 58.

⁸² *Schambeck: Demokratie, Rechts- und Verfassungsstaat*, p. 164.

that are alien to democracy. Democracy constitutes an ideal type of approach, which is quite appropriate, given that it must be brought to life under quite different conditions in different places. All the ideal conditions for its implementation will rarely if ever be combined. A persistent dilemma arises from the fact that all national territories contain minorities. Are the latter to be recognized in their specificity, or are they to be assimilated by force, or are they to be left without rights?

In Europe, democracy has prevailed over the forms of 20th century totalitarianism. A real community of values and procedures is widely shared among the members of the European Union and the Council of Europe. However, many citizens have expectations which have not been satisfied. They desire more democracy at the level of civil society, and more transparency and democratic control at the level of the European authorities. They deplore the power of the media, which often lacks a counterbalance. A certain degree of dissatisfaction with democratic institutions resulting from the discrediting of the political class must be taken into account as well.⁸³

Some of the post-communist countries have not yet surmounted the dichotomy between declarations of principles and democratic practices. Although their new constitutions affirm the values once ridiculed by official communist ideology, democratic culture is often not yet sufficiently ingrained in the minds of the people. For instance, in the governmental systems of the post-Soviet republics there has been a strong trend towards 'presidentialization', while the countries of Central Europe have managed to resist this trend. Moreover, the market economy often frightens part of the population, especially those who regret the loss of certain privileges and state subsidisation. One must also bear in mind that the attainment of democracy and the concomitant political changes went hand in hand with the ambivalent effects of public finance reforms and adverse employment developments. Thus the spirit of enterprise has not yet had the chance to unfold its full potential.⁸⁴

Latin America is haunted by a lack of social cohesion as well as by experiences of ineffective leadership. The firmament of possible common values is unsteady. The period between 1989 and 1996, and thereafter, was marked by economic crises. Returning to democracy in politics is no guarantee for economic recovery. Democracies have suffered from the immediate conse-

⁸³ Rémond: *Western Europe*, pp. 41-52.

⁸⁴ Suchocka: *Post-Communist Countries*, pp. 53-68.

quences of their difficulties in coping with economic distress. Shock therapies were instituted by governmental committees without the adequate consultation or participation of the social partners. Latin America needs a revitalised civil society, pluralistic participation in political institutions, and economic stabilization. But the question remains: is democracy able to combat corruption efficiently?⁸⁵

In Asia, traditional values are highly important. What they mean for democracy, however, tends to differ greatly, to say the least. Their rational exploration is thus to a great extent difficult. Economic and political structures tend to favour certain forms of paternalism and corruption in office. Furthermore, grinding poverty impedes democratic maturation. Elections take place, but the voters are poorly informed about what is going on, and political power collides with economic oligarchies. Many of the elected representatives consider themselves more accountable to their sponsors than to those who have voted for them. Democratic processes become more challenging the more education progresses.⁸⁶

Africa wants to address development before addressing democracy. It falls far short of the experience of good governance that looks after the well-being of the people.⁸⁷ Its values are a mixture of traditional heritage and colonial as well as postcolonial imports whose effects are difficult to predict and control. Africa lacks civil society and a strong middle class. Its elites, often formed outside the country, rarely have a bearing on the traditional processes of decision-making that are not replaced by democratic institutions. A superposition of models leads to powerlessness.⁸⁸

To what extent is any nation governed democratically? Pressure groups and the media decisively impact democratic discussions. Local democracy does not exist everywhere. Democratic societies are rarely able to influence the economic constraints of globalization. Large sectors of the financial markets elude every democratic control of their actions. The major international financial institutions have no obvious democratic legitimacy – at least the democratic background of the governments representing the member states is not guaranteed.

⁸⁵ *Floria: Latin America*, pp. 68-85.

⁸⁶ *Villacorta: Asia*, pp. 87-96; id.: *Discussion paper*, in: *Questions*, pp. 365 ff.; id.: *Final Discussion*, pp. 189 f., 235 f.; *de Montbrial: Discussion paper*, in: *Questions*, pp. 368 ff. See also *Mensah: International and Governmental Structures*.

⁸⁷ *McNally: Africa*, pp. 97-107.

⁸⁸ *Zulu: Africa*, pp. 109-118; *Bony: Culture et Démocratie*; *Mensah: International and Governmental Structures*, esp. pp. 344-362.

The rule of law, as set forth in the *Universal Declaration of Human Rights* and the instruments of international law, is characterized by the self-restraint of the various legal actors and institutions, as well as by respect for the spheres of freedom and autonomy of the individual. Law itself finds its source in the human being and his or her dignity. The state is an instrument and not an end in itself. This promising vision of democracy still remains to be disseminated in the minds of mankind.

Catholic spiritual authorities have addressed the democratic system with care and always in regard to the current stage of development. Thus, for instance, Schooyans⁸⁹ distinguishes three phases: first of all, in the emerging industrial society there was an awakening towards *social* democracy and especially the workers' right of assembly. Secondly, in his 1944 Christmas Message, Pope Pius XII declared that democracy was the only system 'in conformity with the dignity and freedom of the citizens', 'a natural postulate called for by reason itself'. Finally, with the Encyclical *Centesimus Annus* (1991), John Paul II dispelled every doubt about the Church's preference for the democratic system in terms of implementing the programme of human rights. 'The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate'.⁹⁰ He equally stressed the need to respect the necessary preconditions for democracy and to avoid its deformations.⁹¹ The Catholic authorities have always emphasized that the human being is the centre and goal of social life and that the essential task of political institutions is to ensure public welfare as far as justice, solidarity and subsidiarity are concerned.⁹²

2.3. *The Values that Define Democracy*

As a form of government, democracy draws on common ethical views that are highlighted in public discussions and in turn constitute the cri-

⁸⁹ Schooyans: *Teaching of the Popes*, pp. 15-32.

⁹⁰ John Paul II, Encyclical *Centesimus Annus*, 46.

⁹¹ Schooyans: *Teaching of the Popes*, pp. 17-32; Minnerath: *Le Développement de la Démocratie*, pp. 409-412; Novak: *Report* 4-9.

⁹² Bernal Restrepo: *Report* 8-14.

teria for the establishment of common values.⁹³ Values can neither be completely absolutized nor relativized by democratic dialogue. This dialogue does not repudiate a horizon of truth, but admits that nobody is in complete possession of truth in its fullness. Dialogue implies respect for the opinions of minorities.⁹⁴

As an 'intellectual attitude', democracy assumes that man is a rational, relational and spiritual being, which Christian tradition calls the person.⁹⁵ The vision of man as the image of God accounts for the idea of the equality of human beings and their rights. Other conclusions can be drawn from individualism and scepticism which claim a freedom of values independent of a horizon of truth that is valid for everybody. The fatal flaw in the theoretical relativism of values is that it does not present a single argument against the movements that deny and combat democracy itself. In effect, democracy can only develop together with the ideas of the person, responsibility and solidarity.⁹⁶ The values underlying democracy have their roots in the depth of consciousness as formed by experience, reflection, and religion. They derive their strength from a vision of the human person and its constitutive, social dimension. These values at any rate precede the practice of parliamentary democracy. Europe and North America were both in a special way prepared to progressively put into practice this form of government because they had matured on the basis of Christianity and a vision of the human person which had encouraged them to do so. The values that lead to the creation of democratic regimes are rooted in people's minds before being translated into a political system. Yet that path of history should not be overestimated. Democracy is a challenge for the whole of mankind. Thus every society should be able to discover its aptitude for democracy and to find the form of democracy which fits best with its own cultural background. Democracy's challenge is to prove its worth as an opportunity for the whole of mankind – and to show that mankind will always achieve more humanity through democracy.

Before asking where the values that lead to democracy come from, it seems desirable to inquire which of them appear more indispensable than others.

First of all, there is the respect for others – in other words the recognition of the same dignity and rights for all members of society. Power can-

⁹³ *DiIulio: Contemporary Democracy.*

⁹⁴ *Nojiri: Values as a Precondition*, pp. 94-98; *Novak: Report 16.*

⁹⁵ *Nojiri: Values as a Precondition*, pp. 98-106.

⁹⁶ *Nojiri: Values as a Precondition*, pp. 98-106.

not only be monopolized by a few who aspire to it by birth, knowledge and know-how. It concerns everybody. All citizens have the right to participate in the decisions facing them.

Testing democracy requires examination of the integration of ethnic minorities. Along with the family, national democracies must protect the cultural groups who, according to natural solidarity, live within their borders. At the same time, however, such groups cannot be allowed to claim privileges that are incompatible with the common good of the entire community to which they belong.⁹⁷

Sharing the same fundamental values does not necessarily imply having the same conceptions of life. Political Islam, for example, can prove incompatible with democracy, although in the Ottoman Empire, there was a fleeting moment of democracy in the community systems of *millets*.⁹⁸ In Islamic states, generally, the 'People of the Book' are treated as *dhimmis* or 'protected guests' who are obliged to pay taxes, but remain second-class citizens. Islam takes a hostile view of the outside world (which it calls the territory of war: *Dar-el-Harb*). Believing that it alone holds the truth, it makes a clean sweep of the civilizations it conquers. In parts of the Middle East, where national identity takes shape on the basis of religion, it has been proposed that minorities should have the right of self-administration in their own communities and that the state should become a federation of communities. Under that solution, minorities could escape the status of *dhimmitude*, and Islam would confine the *sharia* to its members.⁹⁹ To find solutions for a peaceful and productive way of living together by discerning universal conditions applicable to the entire society, including its pluralistic diversity and respecting those particularities which do not fragment the entirety, poses a formidable challenge. The outcome will be decisive for the future of mankind as well as of individual peoples.

After the aberrations of the Second World War, the international community solemnly proclaimed that the foundation of peace is the recognition by all nations and peoples of 'the inherent dignity and of the equal and inalienable rights of all members of the human family'.¹⁰⁰ In order for peace

⁹⁷ Schambeck: *Ethnische Strukturen*, pp. 281-303.

⁹⁸ Rémond: *Western Europe*, p. 44.

⁹⁹ Malik: *Religious Communities*, pp. 367-400.

¹⁰⁰ Cf. *Universal Declaration of Human Rights* (1948), Preamble.

to take root, it must rest upon foundations that can only be found in the nature of man himself.

When reviewing the elaboration of the social doctrine of the Church since the end of the 19th century,¹⁰¹ one becomes aware that the subject of participation by far preceded that of democracy. This suggests that democracy, as a governmental system, is the result of a set of values and practices.¹⁰² In fact, the idea of participation can lead to the practice of democracy, while remaining situated upstream of democracy. Participation, with its many different concrete applications, responds to the exigencies of the social nature of man, and is a corollary to the principle of basic equality of all human beings. Participation is a principle that inspires democratic experiences. It extends to all fields where decisions must be taken collectively: in the company, the community, associations, and at the local level. Participation in a democracy is not confined to electoral matters; indeed a vibrant democracy is characterized by citizen involvement in many public activities. Nor is participation in a democratic society confined to the public sphere. As Tocqueville observed, participation in various private associations – even those not organized on democratic principles – fosters habits and skills that nourish a healthy democratic polity.

Pope Pius XII emphasized that democracy presupposes the existence of a nation, i.e. of responsible citizens able to take free action for the common good. The communist systems talked about the Lumpenproletariat, unformed masses who are easily manipulated and who lack the ability to make informed political choices.¹⁰³ Half a century later, John Paul II reasserted the ethical conditions of democracy, pointing out that ‘As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism’.¹⁰⁴

Democracy starts with the assumption that those proposing solutions and putting them into action assume responsibility for them. The persons elected are responsible to the population, and the government is responsible to those elected. The government is judged according to its actions. Responsibility increases with the degree of involvement of the citizens and of the government. For instance, Max Weber emphasized that in democra-

¹⁰¹ *Schooyans: Teaching of the Popes*.

¹⁰² *Minnerath: Introduction*, pp. 58-63.

¹⁰³ *Schooyans: Teaching of the Popes*, pp. 22-24.

¹⁰⁴ John Paul II, Encyclical *Centesimus Annus*, 46.

cy there must prevail what he called the ethics of responsibility. The ethics of conviction is of course beneficial to a homogeneous society that shares the same values, but the ethics of responsibility correlates with pluralist societies, where alliances change according to objectives, and where governing requires the ability to craft well-balanced compromises and mechanisms to assure responsibility for their consequences. Democracy requires reliably informed social and economic perspectives.¹⁰⁵

What is still more deeply ingrained than the integrating concepts that emerge from political debates is the list of archetypes that form mentalities. Archetypes are boundary values or reference values that are so widely shared that they are seldom queried. They come from the inmost depths of a community's culture, mostly from religion. Even where Christianity is no longer practised, it has left its marks on habits and attitudes. The different forms of the Enlightenment in the European culture reflect debates with Christianity, its morality, its institutions and its role in society. The authors of the first declarations of rights consciously or unconsciously took up elements of a deeply ingrained anthropology forged by biblical thought. Although these values were often subject to deformations (e.g., the idea of the person reduced to that of the individual), the origin remains the same. Sometimes deeply rooted concepts have been revived in order to shape more authentic concepts. Such, for example, is the idea of human dignity inscribed in the *Universal Declaration* of 1948, even though it has since undergone some distortions.¹⁰⁶

2.4. *The Values Promoted by Democracy*

Within the teaching of the Church, the test of legitimacy for every political system is its capacity for promoting the common social good. Since the encyclical *Pacem in Terris* (1963) of Pope John XXIII and the Second Vatican Council (cf. Constitution *Gaudium et Spes*, 26), the common good has been conceived in its universal dimension and embraces all conditions that allow for the realization of every person's rights and obligations. Pope John Paul II has insisted on this point.¹⁰⁷ The common good is the prime value which the public authorities must clearly identify and adopt.¹⁰⁸ This

¹⁰⁵ Dasgupta: *Democracy and Other Goods*, pp. 21-28.

¹⁰⁶ Minnerath: *Introduction*, pp. 60-61.

¹⁰⁷ Schooyans: *Teaching of the Popes*, pp. 22-24.

¹⁰⁸ Possenti: *Ethical and Philosophical Perspectives*.

process cannot be taken for granted. It requires institutions adapted to that end and rigorous ethics on the part of the political leaders.

Does democracy favour values? In Anglo-American thinking, democracy is commonly regarded as an institutional means of promoting *utilitarian* values, inclusive of individual values, through the mechanisms of separation of powers and checks and balances. In this context, values are seen more as objects of conflict than objects of consensus. On the Continent, the state – to a much greater extent – assumes the role of a protector of values.¹⁰⁹ In democracies, traditional values tend to give way to modern values such as progress, innovation, pluralism, adaptation, and learning.¹¹⁰ In all cases, democracy rests upon beliefs and common values such as universal suffrage, British and American democratic procedures or the relation to constitutional norms on the Continent, and the idea of democracy as better able to assure justice and peace.¹¹¹

The balance of the relations between democracy and ethics can appear mixed. In the beginning of the industrial era, liberal democracy promoted inequality and was relatively unconcerned with the proletariat's destiny. At that time, democracy had not succeeded in avoiding wars. At present, it can be observed that democracies seldom go to war with one another, but that market values have become pervasive in social life. Values of solidarity – and especially the solidarity between generations – have correspondingly declined. The sense of responsibility and the notion of the common good are no longer mobilising forces. Huge industrial groups or financial syndicates represent mega-structures on which society and the state have limited influence. They can interfere with the functioning of democracy and though exercising sovereign-like power in many ways, they are not subject to the same restraints that democracies impose upon political sovereigns.¹¹² One non-democratic power with increasing influence over society is the mass media, which can contribute to one-sided thinking. These are the main causes of friction between the desire for democracy on the one hand and the challenges it faces on the other: in order to remain democratic and pluralistic, society should be careful about any discussion that pretends to propose a universally valid truth that is at the same time restrictive of free

¹⁰⁹ Kaufmann: *Democracy Versus Values*, p. 121.

¹¹⁰ Kaufmann: *Democracy Versus Values*, pp. 126-136.

¹¹¹ Kaufmann: *Democracy Versus Values*, pp. 123-125.

¹¹² Glendon: *The Ever-Changing Interplay*, p. 115.

expression.¹¹³ A number of thinkers have drawn attention to the menace of nihilism pressing down on societies that have established democracy as an end in itself. Democracy can lead to the destruction of social values.¹¹⁴

These challenges, however, should not lead to pessimism.¹¹⁵ There is no alternative to the democratic system. Democracy is the only system that makes the rule of law possible.¹¹⁶ Only democracy allows society to contest its actions, to submit social questions to public debate, to alter governmental majorities, to educate the public in respecting differences, and to recollect the values that constitute democratic life itself.

2.5. *What Institutions Produce Social Values?*

What forces produce the values that democracy requires? Here are to be mentioned: religions, humanist philosophies, legal traditions, and customs of fair behaviour in economic and social life. Distinctions have to be made in this respect. Democracy starts in human consciousness, where deep convictions are forged.¹¹⁷ Principles of social ethics do not obtain their validity by democratic procedure and regulation. They were there before. They have their foundations in human nature. Democratic practices ensue from conceptions that precede democracy.¹¹⁸ As Ernst-Wolfgang Böckenförde well concluded, 'The liberal, secularised state lives on the basis of presuppositions that it cannot ensure'.¹¹⁹

Social values are maintained and provided by those elements that, taken together, constitute civil society: the individuals and all the various social systems in which human beings act and interact. This cosmos of civil society is part of the essence of democracy and has therefore still to be studied more comprehensively.¹²⁰ Obviously, not all social systems by which human beings act or interact are relevant for the realisation and

¹¹³ John Paul II, Encyclical *Centesimus Annus*, 46. *Schooyans: Teaching of the Popes*, pp. 29-31.

¹¹⁴ *Schooyans: Démocratie et Valeurs*, pp. 49-53.

¹¹⁵ *Kaufmann: Democracy Versus Values*, pp. 125-136.

¹¹⁶ *Glendon: Discussion paper*, in: *Questions*, p. 224.

¹¹⁷ For 'value awareness' see *Weiler: Final Discussion*, pp. 155-157.

¹¹⁸ *Glendon: Discussion paper*, in: *Questions*, p. 224.

¹¹⁹ E.-W. Böckenförde, *Le droit, l'Etat et la constitution démocratique*, Bruylant L.G.D.G., Paris 2000, p. 117.

¹²⁰ See below 3.

the transmission of values. The deliberations here have to be concentrated on the elements which are able to discern, articulate, spread, practise, or also destroy or undermine social values. Only the most evident examples should be mentioned:

- The family is in an incomparable position to form the human person, for better or worse. It can provide the experience of social virtues and mutual trust. It can implant convictions. In other words, the family can bring forth personalities who are able to contribute substantially to the ideas and the reality of civil society, and to participate in democracy.¹²¹ The drawback is indeed that families may be impaired, and thus become sources of failure and deviation. In any case, the family is decisive for the social reality of values. The family is the ‘cradle of democracy’ – but not in the sense of a training model for democratic structures, procedures and decisions. Authoritarian or not, paternalistic or not: families are not an analogy to the democratic state. But the contribution of families to the moral culture of civil society does not depend on such an analogy. The moral culture of a society may well depend upon the adequate complementarity of democratic state, market economy, and the ‘seedbeds of civic virtues’ such as the family.¹²² To play their role effectively in the ecology of democracy, these seedbeds need not be democratic, egalitarian, or liberal; their highest loyalty need not and should not be to the state, and their highest values need not and should not be efficiency and productivity.¹²³
- The transmission of the values required by a healthy democracy occurs to a great extent through education. The Greek city owed its civic culture to the *paideia*. One is not born as a democrat but one is educated to be one. Education, however, can only transmit and build upon the knowledge that has already been acquired in a given society. Democracy does not automatically ensure democratic education. Education may remain accessible only to the few, it may reproduce a model alien to the local culture, or it may perpetuate a model of a citizen who is passive, consuming, and hedonistic rather than of one who is active and responsible. Education is the key to the survival of values that both transcend and

¹²¹ *Zampetti: Il Concetto di Stato Democratico.*

¹²² *Glendon: Discussion paper*, in: *Questions*, p. 224.

¹²³ *Glendon: The Ever-Changing Interplay*, p. 115. *Bernal Restrepo: Report 10.*

secure all democratic practices. Education must not be determined by interest groups. On the other hand, it is extremely difficult for education to promote values that are not present in society. Who has the ultimate responsibility for choosing what values are to be taught at school? What are the criteria? Democratic societies have adopted legal instruments of reference such as the declarations of rights and the preambles and charters of their constitutions. Knowledge about these instruments should be imparted to everybody. Teaching must also focus on the roots of those principles and values in which societies recognize themselves. Education in a democratic society must aim at developing critical intelligence, i.e. at rearing citizens capable of accounting for their choices and of resisting manipulations to which they may be subjected.¹²⁴

- Also central to the knowledge and the practice of values are the churches¹²⁵ and religious communities.¹²⁶ They can make people aware of the responsibility for the stewardship of Creation. And they can illuminate individual and social life with the light of the wisdom they are transmitting. In fact, religion must be a dynamic force behind human society and must safeguard the human functioning of democracy. The difficulties which the churches and other religious communities may encounter in their relationship with the State are evident: In the first place, religion relativizes the power of the state. Moreover, the message of the churches – even when general in itself – is usually socially a particular one, whereas the cohesion of a democratic society needs general values that are potentially common to all citizens. In certain contexts, therefore, modernity has rejected religions as active elements of civil society. Even so, religion has proved to be essential – not only for the persons concerned and thus for the citizens; but also for the commonwealth itself, which cannot do without the unique value-bearing and motivating influence of religion.
- Public opinion¹²⁷ is the main and most general support of democratic life. Observed precisely, it comprises two aspects: first, the amorphous,

¹²⁴ Zulu: *Education*; Kirchhof: *Strategien zur Entfaltung*, pp. 86-90; Novak: *Report 19*.

¹²⁵ Weiler: *Report 16, 17*.

¹²⁶ Donati: *Religion and Democracy*; Kirchhof: *Strategien zur Entfaltung*, pp. 77-83; Malik: *Religious Communities*; Novak: *Report 14, 18*.

¹²⁷ Ziolkowski: *Public Opinion and the Media*, pp. 173-202; Novak: *Report 20*; Weiler: *Report 15*.

spontaneous inter-personal communication – that is, public opinion in the narrower sense; and second, the organised production of information, opinions and feelings by the media and other agencies (enterprises, public and private institutions, authorities) – that is, ‘published opinion’. The interdependence between both is evident. Public opinion is the basis of all democratic decision-making, but ‘published opinion’ can – for better or worse – influence public opinion and democratic decision-making in the most effective way. Thus the responsibility for finding, defining, defending and enforcing values is a very complex one: it is the responsibility of all who make use of the media, who manage and finance the media, and who legally or politically define the conditions for a fair functioning of public opinion in general and the media in particular – but it is also a responsibility of every member of society. In today’s information age, public opinion is easier to manipulate than ever before. In democracies, there is a great need for accurate information, but since information is abundant, pluralistic and contradictory, it gives rise to debates. Public opinion can be based on prejudices or on disinformation. How should a society that launches into irrational actions be governed? Mc Luhan pointed out that the media is the message itself. Can ever more sophisticated communication technology transmit the essential values that allow democratic society to survive?

Values are entrusted to everyone. In general, every individual has to meet his or her responsibility in more than one role, in more than one manner, and within more than one social framework. Finally, it is the individual’s democratic right to insist on adequate policies that do justice to the values held by him or her and others. It should be a principal task of Catholic Social Teaching to assist believers as well as ‘all men and women of good will’ in understanding this complex context and in meeting their various responsibilities.¹²⁸

2.6. *The Indispensable Role of the Democratic State*

Yet society in itself is not able to implement the value cosmos produced by society. Society itself is not in a position to overcome the diversity of the values it generates and the contradictions between them. Even to implement unanimously accepted values may lie beyond the competences of society.

¹²⁸ *Bernal Restrepo: Report 10; Weiler: Report 11-17.*

From another angle, since the state is at the service of the people, it is also at the service of the values these people offer, seek and obtain from society. A well-functioning democratic state selects, clarifies, implements, and protects the values that integrate society: 'The value of a democracy stands or falls with the values which it embodies and promotes'.¹²⁹ Though the state cannot create values, it is of utmost importance in assuring their effectiveness.

Given that good policies are presumably of service to the values entrusted to the state, there is still the open question of what values deserve this service. On the one hand, Catholic Teaching declares: 'that the defence of universal and unchanging moral norms is a service rendered not only to individuals but also to society as a whole',¹³⁰ as such norms 'represent the unshakeable foundation and solid guarantee of a just and peaceful human coexistence, and hence genuine democracy'.¹³¹ 'Those values cannot be based on changeable opinion but only on the acknowledgement of an objective moral law'.¹³² On the other hand, there is the democratic predicament of how to identify values – socially, politically, and legally – given the lack of conclusive evidence, the dissenting views about values, the contradictions between values, and the difficulty of achieving peace and compromise.¹³³ There certainly are people who regard 'intellectual relativism as the necessary corollary of democratic forms of political life'.¹³⁴ There certainly are people in whose 'view truth is determined by the majority'.¹³⁵ And there are certainly people who would like to make democracy 'a substitute for morality'.¹³⁶ There is the problem of tyranny of the majority¹³⁷ as well as the tyranny of consensus.¹³⁸ It is not only right, it is necessary to reject these aberrations. But the question remains: how can the state find the values to

¹²⁹ *Evangelium Vitae*, 70. Quoted by John Paul II in his Message to the Participants in the Sixth Plenary Session of the Pontifical Academy of Social Sciences, in: *Responsibility*, pp. XXXV-XXXVIII (XXXVI).

¹³⁰ John Paul II: Message etc. loc. cit.

¹³¹ *Veritatis Splendor*, 96. Quoted by John Paul II in his Message etc. loc. cit.

¹³² John Paul II: Message etc. loc. cit.

¹³³ *Archer: Final Discussion*, pp. 159 f.; *Zubrzycki: ibid.*, pp. 164 f.; *Bernal Restrepo: ibid.*, pp. 167-169.

¹³⁴ John Paul II: Message etc. loc. cit.; *Bernal Restrepo: Report 13*.

¹³⁵ John Paul II: Message etc. loc. cit.; *Bernal Restrepo: Report 13*.

¹³⁶ *Evangelium Vitae*, 70.

¹³⁷ *Schooyans: Démocratie et Valeurs*, pp. 47-49 (48); id.: *Final Discussion*, pp. 202-204; *Novak: Final Discussion*, p. 173.

¹³⁸ *Schooyans: Droit de l'Homme*, pp. 50 f.; id.: *Final Discussion*, p. 203.

be acknowledged, to be defended and protected, and to be put into effect? The search for answers to the question of values is a deeply human endeavour. To undertake that search on behalf of the state should be a common endeavour of all people concerned. Therefore, democracy offers itself as an adequate procedure of fostering the search for values.¹³⁹

That does not, however, simply signify majority rule, but rather the full use of all opportunities which make the common endeavour, in spite of its collective character, a human one, and which make the search for values an interactive experience among equals, of listening to each other and of mutual regard,¹⁴⁰ and of keeping in mind the common good. That in turn does not signify 'pure democracy', but rather various types of republics with democratic elements' – including 'the tension in such a republic between the need to preserve those democratic elements, and the need to protect individuals and minorities from majoritarian oppression'.¹⁴¹ What it does signify, in other words, is:

- constitutional government;¹⁴²
- familiar elements like due process of law and 'democratic deliberation';
- legal arrangements to assure an adequate relation between majority and minority: general rules and special rules, rules and exceptions, and between the unified state and local autonomies;¹⁴³ and finally,
- the need for great care in establishing a hierarchy of norms – assuring adequate protection for *all* the values in the hierarchy even when these values are in tension with one another.¹⁴⁴

A very important element is the legal control of political and administrative functions. This implies permanent exchange between the experience of general regulations and individual decisions. Equally important is the division of power: the relation among legislation, administration and court decisions, as well as among the legislators, the administrators, the judges,

¹³⁹ Zacher: *Common Questions*, p. 134. Novak: *Final Discussion*, pp. 148-152.

¹⁴⁰ Nojiri: *Values as a Precondition*, p. 95.

¹⁴¹ Glendon: *Final Discussion*, p. 204.

¹⁴² Zacher: *Common Questions*, esp. pp. 126 f.; Schambeck: *Demokratie, Rechts- und Verfassungsstaat*; Kirchhof: *Strategien zur Entfaltung*; Novak: *Report 12*.

¹⁴³ Schambeck: *Ethnische Strukturen*; Malik: *Religious Communities*.

¹⁴⁴ Schambeck: *Demokratie, Rechts- und Verfassungsstaat*.

and the people who argue with them and before them. All this, however, draws its vitality from the complementarity of the state and society.¹⁴⁵ Society is open for the endless variety of individual opinions and concerns. Society is the last resort for materialising and experiencing values that are not accepted by the state. And society always offers a horizon for the critical appraisal of values that are politically and, above all, legally accepted by the state. Values as they are discussed here do not exist apart from living human beings. Thus the liberal democratic state cannot acknowledge, protect and materialise values which are not alive in society.

There is no way to arrange an adequate relation between values and the state apart from promoting the structures and procedures of democracy and the rule of law. One might argue about how to optimise them, but aside from that, there is no alternative. Their design and their use is part of the responsibility deriving from democracy: to enable people to live together. But it is also part of the responsibility which human beings have in relation to values: to investigate their truth carefully. The structures and procedures of constitutional government, of democracy and rule of law are to be understood as instruments that help human beings to meet this double responsibility.¹⁴⁶ That gives them their own dignity.¹⁴⁷ Majority rule, for example, is not rarely disregarded because of its fallibility. That is certainly a reason to think about improving the mechanism of which it is part. Yet even if there is no such improvement, this does not lessen the responsibility nor the necessity to use it. On the other hand, in the case of 'those essential and innate human moral values which flow from the very truth of the human being and express that dignity of the persons', – values which the Magisterium declares 'no individual, no majority, no State can ever create, modify or destroy, but must only acknowledge, respect and promote'¹⁴⁸ – the consequences of these values within positive law would have to be decided. The democratic responsibility for human coexistence lies there. Catholic Social Teaching could, more explicitly than in the past, accept that necessity and render its assistance in meeting the challenge that accompanies it.

¹⁴⁵ *Elshtain: What is 'Civil Society'?; Glendon: The Ever-Changing Interplay.*

¹⁴⁶ *Novak: Report 12.*

¹⁴⁷ *Arrow: Discussion paper, in: Questions, p. 434.*

¹⁴⁸ *Evangelium Vitae, 71.*

2.7. *Once Again: The Value of Democracy*

The value of democracy is thus ultimately confirmed by its capacity to give the social reality of values an adequate order, which is based on the coexistence of equals. That includes the capacity to give corresponding legal expression to the differing claims for ranking different values. That is of special importance in the case of those values which are regarded as inalienable. Most democratic constitutions acknowledge and protect these values in such a way that their legal expression and guarantee can only be abolished or amended by amending the constitution itself or, ultimately, by abolishing the constitution.¹⁴⁹ One can view this as the most striking manifestation of the responsibility which democracy can take for values.

That cannot mean that democracy decides on the truth and validity of values. Law – even constitutional law – is apt to neglect this point. Truth and moral validity are beyond the disposition of law. Fallibility is the risk of man-made law, for man is always fallible.¹⁵⁰ However, if too great a distance appears between values and their legal expression, the democratic character of a government can be questioned. That usurpers often use the name ‘democracy’ should not mislead us here.

As law can only attend to the social, political and legal realisation of values, its legitimacy depends on the social vitality of the given values. Political institutions can only implement the values lived by society.¹⁵¹ If the sources of values run dry or if values are distorted, law cannot compensate for the loss no matter what. Constitutions can redefine the values once established as inalienable, but even constitutions cannot indefinitely resist the erosion of the social experience of values.

Yet history does not only run in one direction. From the beginning of modern constitutionalism until the middle of the 20th century, fundamental political and legal statements were made on the basis of the development of consciousness and debate, which led to the assumption that the consent of all fair-minded and just persons would not be refused. Human Rights in particular were in this sense much more ‘found’ than ‘made’. The *Universal Declaration of Human Rights*, approved by the United Nation’s General Assembly in 1948, is commonly celebrated as a shining example of

¹⁴⁹ Zacher: *Common Questions*, pp. 126 f.

¹⁵⁰ Novak: *Report 12*; Archer: *Final Discussion*, pp. 158 f.

¹⁵¹ Kirchhof: *Strategien zur Entfaltung*, p. 68; Schasching: *Discussion paper*, in: *Questions*, pp. 433 f.

this tradition. Other international documents and national constitutions could be cited as well. This means of expressing values politically or legally has proved to be highly effective. The social foundations combined with the formal rank of the statement afford a high degree of authority. Predictably, that experience has stimulated, and continues to stimulate, political groups and movements to see the formal possibility of a political or legal statement as an opportunity to ‘manufacture’ values – that is, to reverse the process and to make their agendas socially accepted and morally binding, or even to replace conviction by constraint.¹⁵² A sort of inflation of ‘human rights’ and ‘constitutional goals’ exemplifies this development. As a result, the traditional and tested relation between public consciousness and the legal expression of values has become confused.¹⁵³ It is all the more important therefore to distinguish between the autonomy of moral discernment and social acceptance of norms on the one hand, and the autonomy of the legal validity of law on the other.¹⁵⁴

3. DEMOCRACY AND CIVIL SOCIETY

3.1. *Democracy and Civil Society: An Entirety*

At first glance, *democracy* is a governmental structure, a complex of rules and organisations, similar to the association evoked by the word *state*. In fact, however, neither the term *democracy* nor the term *state* is restricted to institutions. Both include persons – and not only because human beings are integrated into the structure through making and implementing its rules, representing its organisation, or translating its projects into reality. The term *state* goes beyond this. It covers also the persons who live under the authority of its government, especially under its laws, and within the conditions of living established by its government; in addition, it embraces the persons who actually or potentially have influence on this government. All these persons, too, must be seen from another angle: that of their individual and col-

¹⁵² Schooyans: *Final Discussion*, pp. 203 f.

¹⁵³ Schooyans: *Droit de l'Homme*; id.: *Démocratie et Valeurs*; id.: *L'ONU*; Zacher: *Final Discussion*, pp. 214-216.

¹⁵⁴ Schambeck: *Demokratie, Rechts- und Verfassungsstaat*, esp. pp. 152; id.: *Final Discussion*, pp. 225-228; Zacher: *Final Discussion*, pp. 214 f.

lective autonomy, their interaction and their networks – put simply: their social activity. That is what is meant by *society*, especially *civil society*.¹⁵⁵

It is not necessary to discuss the balances or imbalances between civil society and the state which are possible under various other types of government, for instance, historical monarchies or aristocracies, authoritarian and totalitarian systems, or semi-democratic governments where (as in ancient Greece) an upper-class ‘democratically’ governs itself, but autocratically reigns over an under-class of informal slaves. What is important here is that under the democratic form of government the connection between government and people is intensified. To act for the *state*, then, should mean to represent its people. And the concern of the people in a democratic polity should be to reflect the experience of self-determination and personal responsibility as well as the experience of participation within the governmental structures, and a sense of belonging to one’s ‘own’ state, one’s ‘own’ government.

The ideal is that ‘democracy’ thus promotes an optimum of common good, as well as the equality, liberty, security and welfare of each individual along with the equality, liberty, security and welfare of all the others.¹⁵⁶ That is altogether both a common endeavour and a common achievement of the government and the people, of the state and society.¹⁵⁷ The fulfilment of this ideal must therefore be studied from two sides: from the side of the government and from the side of the people. For the Social Teaching of the Catholic Church, each of these perspectives has a different background.

3.2. *Constitution, Government and Law – Responsibilities in the Democratic State*

When it came to evaluating constitutional or other governmental rules and structures of the modern state, the Magisterium tended to be reluctant.¹⁵⁸ There were the longstanding traditions and the adverse experiences of the time. There were the risks of potential conflict and the considerations

¹⁵⁵ Zacher: *Common Questions*, pp. 131-134; Zampetti: *Il Concetto di Stato Democratico*; Elshain: *What is ‘Civil Society’?*; von Beyme: *Mediating Structures*; Glendon: *The Ever-Changing Interplay*; Therborn: *Ambiguous Ideals*.

¹⁵⁶ Zacher: *Common Questions*, pp. 121; Bernal Restrepo: *Final Discussion*, pp. 142-146; Weiler: *ibid.*, pp. 153-157; Dasgupta: *ibid.*, pp. 160 f.

¹⁵⁷ Tietmeyer: *Final Discussion*, pp. 154 f.

¹⁵⁸ Schooyans: *Teaching of the Popes*; Minnerath: *Introduction*; id.: *Le Développement de la Démocratie*.

about consequences for the faith, the believers and the Church. Above all, there were and there remain so many factual political difficulties in distinguishing between right or wrong rules and structures. This latter reason in particular commends, even nowadays, the exercise of a certain degree of restraint. For Catholic Social Teaching to give priority to human rights is therefore a proper decision.¹⁵⁹

An important area for further, concentrated studies should thus be seen in the rule of law.¹⁶⁰ Beyond human rights, the rule of law renders eminent services to justice and human dignity, equality and freedom, and finally, to the plain rationality of public and private life. The rule of law is, in more than one way, positively connected with democracy.¹⁶¹ To be taken into account in this connection are: the techniques of constitutional government, especially the hierarchy of norms and the trusteeship of constitutional courts, as a means of clarifying and stabilising value-related law;¹⁶² the separation of powers as a defence against abuse of discretion and as the central means of institutionalising accountability; the binding force of general law as a guarantee for equality and for the predictability of governmental action; and finally, the independence of judges and of their task to protect individual rights against even the government. These principles have proved to be the key guarantees for objects of legal protection. Uncontrolled majority rule could hardly implement and protect them, but the rule of law offers an ample range of remedies.¹⁶³ Evidently, the rule of law is not a guarantee that law and policies are in conformity with moral law. Constitutional rules may be in contrast to what is possibly regarded as part of a common truth. Nevertheless, the rule of law provides opportunities for dispute and clarification, permitting a minority to contribute to the views and the knowledge of the majority. It also presents opportunities for the defence and protection of the views, knowledge and beliefs held by a minority. Finally, it offers the opportunity to stabilise a consensus on what may be regarded as a common truth. Catholic Social Teaching could thus assist people in cultivating democracy by devoting more attention to the study of the rule of law.

¹⁵⁹ See footnote 62.

¹⁶⁰ For 'limited government' see *Bernal Restrepo: Final Discussion*, pp. 140-146.

¹⁶¹ *Suchocka: Post-Communist-Countries*, pp. 57-68; *McNally: Africa*, pp. 102; *Zacher: Common Questions*, esp. pp. 125-127; *Schambeck: Demokratie, Rechts- und Verfassungsstaat; Novak: Report 9*, 13.

¹⁶² *Schambeck: Demokratie, Rechts- und Verfassungsstaat*, pp. 150 f.

¹⁶³ *Kirchhof: Final Discussion*, pp. 162-164.

Beyond this priority to be given to human rights and the rule of law, Catholic social reflection must pay attention to research in political science, which aims at identifying the weaknesses of democratic systems, at demonstrating fundamental difficulties in the explanation of weaknesses, and at discussing possible solutions to the problems so posed. Such solutions may involve constitutional change, a better elaboration of specific legislation, or institutional reform leading to more adequate governmental structures. This research is dealing with a wide spectrum of challenges, running from cases that are relatively well mastered to others in which solutions are not at hand, not even in principle.

In this connection, we can confidently say that federal structures as well as lower-level structures of autonomy generally contribute to an adequate differentiation of governance.¹⁶⁴ An appropriate differentiation (consistent with the general direction suggested by the principle of subsidiarity)¹⁶⁵ can be especially valuable as a solution to conflicts between the integration of a larger democratic commonwealth and the peculiarities of traditionally autonomous entities, between ethnic or religious minorities and the majority, etc.¹⁶⁶

Another deficiency of the democratic system that is becoming more and more visible in this day and age is the 'democratic lack of attention to the future'.¹⁶⁷ Democratic policy tends to be very focused on the present, selectively focused on the past, but vague and limited where the future is concerned. Democratic decisions on policy occur under the shadow of periodical elections, in the course of which voters look after their own vital interests. They decide on the basis of the present situation. As that situation may have a history, it too may be of influence. Foresight into the future, however, tends to be very weak. Just as the future of the society is uncertain, so are future individual concerns. And the programmes and promises of competing politicians are even more uncertain. Accordingly, long-term planning and the long-range consequences of present decisions tend to be neglected. The widespread high levels of national indebtedness are one notable example. Public expenditure is now strongly connected with the immediate interests of present-day voters. Future public debts will burden a yet unknown future electorate in yet

¹⁶⁴ *Zacher: Common Questions*, pp. 127 f., 133 f.; *Novak: Report 16*.

¹⁶⁵ *Bernal Restrepo: Report 17*; *Llach: Final Discussion*, pp. 187 f.

¹⁶⁶ *Schambeck: Ethische Strukturen*; *Malik: Religious Communities*.

¹⁶⁷ For the consequence and some strategies to correct and to compensate see: *Malinvaud: Intergenerational Solidarity*.

unknown future situations. And they will especially burden people who still have no vote, nor an understanding of their future obligations – today’s children. Such policies clearly constitute an offence against intergenerational solidarity. This difficult case shows that the imperfections of the democratic system can represent urgent issues for Catholic Social Teaching.¹⁶⁸

Finally, individual behaviour may be more or less deficient in democracies. For each citizen, and for each office-holder there is a decisive responsibility to participate in democratic procedures and to accomplish the tasks with which one has been entrusted – in other words, to be a good democratic citizen and a good democratic office-holder. All of the common good produced by democracy, and all the blessings that may accompany it, depend upon the readiness and commitment of citizens and office-holders. To develop the doctrine of moral democratic citizenship¹⁶⁹ and moral performance in public office¹⁷⁰ therefore could be a priority of Catholic Social Teaching. That implies a form of citizenship which combines freedom and responsibility.¹⁷¹ And it implies a form of public service which abides by moral rules amidst all the adverse realities and pressures of democratic life.¹⁷²

3.3. *Civil Society and Democratic Government*

‘Civil society’ essentially means more, however, than these modes of participation. Certainly the term *civil society* is associated with a political meaning. It implies a positive relation to the state and the government. And if that state is a democracy, the civil society harbours the potential of the *demos*, which in a democracy rules itself. But from another perspective, *society* is not to be defined only as the organisation of a *demos*. A *society* is also constituted by the endless variety of all the legal and factual conditions which allow its members to be as they are and to act as they do in private and public. This multiplicity of legal and factual conditions must not be absorbed by democratic organisation, for constant interaction between the polity and civil society makes democracy human and vital, and makes life in a democracy worth living. The word ‘civil’ underlines that the context of

¹⁶⁸ For the state of the Catholic Social Teaching see: *Malinvaud: Intergenerational Solidarity*.

¹⁶⁹ *Elshtain: What is ‘Civil Society’?*.

¹⁷⁰ *Novak: Report* 15.

¹⁷¹ *Bernal Restrepo: Report* 13, 14; *Tietmeyer: Final Discussion*, pp. 184 f.

¹⁷² *Archer: Final Discussion*, pp. 185 f.; *Bernal Restrepo: ibid.*, pp. 167-169.

state and government is essential. However, it is only the potential inherent in pre-governmental originality, human individuality, freedom and responsibility that justifies the word 'society'. When approaching the subject of 'civil society', Catholic Social Teaching has primarily to address the individuals who – individually or in the diverse constellations by which they associate and dissociate themselves – use (or could use) and fill (or could fill) the realm which democratic structures, rules and practices leave open for free individual action and cooperation.

The corresponding question is evident. How is this realm shaped by the government,¹⁷³ by law (especially by fundamental rights, but also by the omnipresent variety of daily relevant regulations), by financial programmes, by administrative services (their competence and integrity, or their incompetence and corruptibility),¹⁷⁴ by infra-structural and environmental arrangements, as well as by information (or misinformation)¹⁷⁵ and persuasion?¹⁷⁶ Within a working democracy, there is always a to and fro between more or less government and order, on the one hand, and less or more individuality and privacy and society, on the other.¹⁷⁷ Situations of crisis, however, do not arise only from imbalances. They may likewise be attributable to weaknesses on both sides or may be precipitated by stirring up one side against the other.¹⁷⁸ In any case, society is conditioned by the structures of government and state-made law. But its energies have their own origin, and its ways and means have their own motives.

Both elements, the societal and the governmental, interact permanently within a double dialectic. On the one side there is the thesis of multifaceted individual or group-borne private or societal potential, freedom, responsibility, action and interaction, as well as the diverse forms of passivity and failure; the antithesis addresses the correcting, complementing or competing governmental interventions. On the other side there is the thesis of the original responsibilities and powers of the government (i.e., its general responsibilities,

¹⁷³ *Floria: Latin America; Villacorta: Asia; McNally: Africa*, esp. pp. 102-107; *Zulu: Africa; Mensah: International and Governmental Structures*, esp. pp. 344-362.

¹⁷⁴ *Mensah: International and Governmental Structures*, pp. 359 f.; *Braga de Macedo: Institutional Change*.

¹⁷⁵ *Mensah: loc. cit.*, pp. 360-362.

¹⁷⁶ *Mensah: loc. cit.*, pp. 356 f.

¹⁷⁷ *Glendon: The Ever-Changing Interplay*.

¹⁷⁸ *Elshtain: What is 'Civil Society'?*; Minnerath, Zubrzycki, Llach, Arrow, Glendon, Ziolkowski, Archer, Morandé, von Beyme, Kaufmann, Elshtain: *Discussion papers*, in: *Questions*, pp. 221-227.

powers and policies, as well as the particular legal foundation and the political arrangements for private and societal life); here the antithesis addresses the private and societal responsibilities and activities which complement and complete the governmental institutions and policies. In the end, however, the common synthesis is reflected in the conditions of individual and collective, and private and public life resulting from these optimal or insufficient, productive or counterproductive orders and institutions, actions and interactions. Whatever may be regarded as the success or failure of democracy is ultimately the outcome of this permanent process of intermingling.

3.4. *Basic Conditions Governing Civil Society*

A vibrant civil society depends on the development of individuals. How can a democratic polity ensure that its citizens will be mature enough for self-determination, aware of their freedoms, conscious of their responsibilities, prepared to learn and orient themselves by way of information, ready to express their opinions and articulate their interests, able to cooperate, and to undertake initiatives and endeavours towards caring for themselves and their dependants,¹⁷⁹ but also that they will be prepared to pay attention to the needs, interests and values of others and willing to assist them, thereby respecting common values, abiding by the law, participating in democratic institutions and contributing to the common good?¹⁸⁰

The effective development and deployment of these capacities presupposes certain minimum conditions fostering communication and action – one might say a minimum of civilisation. But even before these conditions are achieved, civil society also presupposes a minimum standard of living.¹⁸¹ If poverty is so great that daily survival is the prime concern, society will have difficulty playing its role. That may be a dramatic problem. To redress poverty, good governance is necessary – including the interplay between government and society. Since poverty hinders this interplay, the temptation to overcome the problem through an authoritarian regime is great. To promote democracy in poverty-stricken societies is therefore a key challenge.¹⁸²

¹⁷⁹ For subsidiarity as a central principle see: *Bernal Restrepo: Report 17; Novak: Final Discussion*, pp. 173 f.

¹⁸⁰ *Centesimus Annus*, 46.

¹⁸¹ *Mensah: International and Governmental Structures*, p. 355.

¹⁸² *McNally: Africa*, pp. 103-106; *Zacher: Common Questions*, p. 132; *Bernal Restrepo: Final Discussion*, pp. 209-214; *Novak: ibid.*, pp. 219-222.

Yet how can the individual competences and the attendant attitudes necessary for a well-functioning civil society be cultivated? The immediate answer is by education,¹⁸³ especially by teaching – on the part of parents and families, schools and higher education, on the part of the media, as well as through governmental information and instruction. Given the historical and continuing role of the Church in the field of education, the programmes as well as the methods of such education may also constitute one of the areas where Catholic Social Teaching could offer deeper insights.

The question thus arises of what the role of the Church¹⁸⁴ could and should be. Who from within the Church should take part in the endeavour of providing democratic education to the citizens? In what way is this a task of the bishops and the priests, in what way one of the laity?¹⁸⁵ To what extent may democratic instruction by the Church form a component of its moral authority? Conversely, to what extent could democratic instruction by Bishops and priests be understood as an illegitimate encroachment on the responsibility of laypersons? To what extent could democratic instruction by representatives of the Church be regarded as an inopportune or even an illegitimate intervention in the realm of secular processes and decisions? What are the attitudes of other religions and religious organisations? And how should that be seen from the Christian, especially the Catholic standpoint?¹⁸⁶ What solutions are able to follow national, regional or local peculiarities? What principles should be universally applied?

Since the best teacher is always experience, a perceived discrepancy between experience and teaching is always a source of irritation and a danger to the credibility and effectiveness of that teaching. In this connection, the non-democratic character of the Catholic Church – if not adequately understood and explained – may be a problem for the Church's teaching on democracy; Catholic Social Teaching must be aware of this.¹⁸⁷

¹⁸³ Zulu: *Education*; Kirshhof: *Strategien zur Entfaltung*, pp. 86-92; Novak: *Report 19*. For the education of a 'homo democraticus' see Averintsev: *Final Discussion*, pp. 166 f.

¹⁸⁴ Villacorta: *Asia*, pp. 94 f.; id.: *Discussion paper*, in: *Questions*, pp. 365 f.; Donati: *Religion and Democracy*; Schooyans: *Démocratie et Valeurs*, esp. pp. 57-62; Kirshhof: *Strategien zur Entfaltung*, pp. 77-83; Malik: *Religious Communities*; Novak: *Report 14*, 18; Novak: *ibid.*, pp. 44-48; Llach: *Final Discussion*, p. 166.

¹⁸⁵ Weiler: *Report 16*; id.: *Final Discussion*, pp. 182 f.; Bernal Restrepo: *ibid.*, pp. 168 f.

¹⁸⁶ Villacorta: *Asia*, pp. 94 f.; id.: *Discussion paper*, in: *Questions*, pp. 365 f.; Malik: *Religious Communities*.

¹⁸⁷ Schooyans: *Teaching of the Popes*, p. 32.

The foremost difficulties, however, lie on the secular side. History can provide fruitful assistance by illustrating the great variety of experiences.¹⁸⁸

- There are countries with a long or at least an effective democratic history,¹⁸⁹ and thus with a history of the interplay between civil society and government. The asset of experience is available to them. However, their history includes not only instances of effective use and fulfilment, but also of abuse and failure – on the part of both state and society: on the state’s side involving political parties and politicians as well as officials; on society’s side involving individuals as well as groups and organisations, leaders and other actors.¹⁹⁰ All these participants have learned how to deal with each other, with civil society and the democratic machinery. Far too often, however, participation in power is regarded as more important than the contents of politics. To remedy that, a normative approach is needed to foster democratic virtues. At the same time, an institutional approach must be taken to guide regulations and authorities.¹⁹¹
- There are also countries with a non-democratic history. And that again involves very diverse phenomena. For instance, the post-colonial countries.¹⁹² In their pre-colonial past, most of them had traditional structures that did not distinguish between government and society. Colonialism established this distinction in an extreme way, with post-colonialism continuing on that basis. As a result of this contrast as well as of modernisation, traditional structures became paralysed and atrophied. On the other hand, traditional structures have gained new importance, both in emotional and factual terms, thus compensating for functional deficits of new regimes and re-establishing traditional identities. The task is to integrate state and society in a specific way by implementing adequate systems that incorporate traditional elements.

¹⁸⁸ For the denominator of ‘cultural values’ see *Dasgupta: Final Discussion*, p. 190.

¹⁸⁹ *Rémond: Western Europe*.

¹⁹⁰ *Elshtain: What is ‘Civil Society’?; Glendon: The Ever-Changing Interplay; Novak: Report 30*.

¹⁹¹ *Zacher: Common Questions*, p. 136 f.

¹⁹² *Democracy*, esp. *McNally: Africa; Zulu: Africa; Mensah: International and Governmental Structures*; *Elshtain, Villacorta, Morandé, Zacher, Glendon, de Montbrial, Mensah: Discussion papers*, in: *Questions*, pp. 365-370; *Bony: Culture et Démocratie; Weiler: Report 9*.

- Similar difficulties face the post-communist countries.¹⁹³ Originally, Marxism aimed at the ‘withering away of the state’ and its replacement by an autonomous society. Real history, however, went in the other direction. The communist state controlled and absorbed society; elements of civil society, such as trade unions, became instruments of communist governance; society was in principle reduced to private life, but even the latter was penetrated by indoctrination and surveillance, and at the same time weakened by the public provision and distribution of the goods necessary for private life. Thus people became unaccustomed to responsibility – responsibility for public life as well as individual self-responsibility. They lost the ability to interact autonomously, to cooperate and trust each other, at least beyond the borders of the private sphere. The fertile soil for civil society was damaged. Nevertheless, the breakdown of communism originated within the *communist* society. This evidences not only a strong will to bring about a collapse of the regime, but also a powerful desire for an active society. Conversely, the state basically continued to be held responsible even for conditions of private life, and a relevant part of the general public was not ready to redress and replace governmental activity by societal initiative and interaction. That development again leads to the question: What can be done to stimulate the growth of a vibrant civil society?
- Related problems were to be expected in the case of post-fascist countries. However, history helped these countries, for different reasons, to overcome in a relatively tolerable way the damage to civil society which the fascist regimes had wrought. Other cases of post-authoritarian states represent vastly diverse situations and developments.¹⁹⁴ But certainly there is a very urgent need for remedies where democracy has followed a period of disorder, civil war and usurpation – in other words, where democracy has followed a period in which common spirit, mutual trust, convictions about legitimacy and public peace had broken down, with the result that elementary prerequisites of civil society had been destroyed.
- As for the future, we must direct our attention to post-fundamentalist democracies.¹⁹⁵ The fundamentalist background will again pose a con-

¹⁹³ *Suchocka: Post-Communist Countries.*

¹⁹⁴ *Democracy, esp. Floria: Latin America.*

¹⁹⁵ For the present situation see *Malik: Religious Communities.*

siderable difficulty. Fundamentalism is tantamount to exclusion, whereas civil society stands for inclusion. Fundamentalism involves direction by others, whereas civil society entails freedom and responsibility. Thus the hope for post-fundamentalist democracies should be accompanied by the search for ways and means to transform fundamentalist peoples into pluralist civil societies.

To encourage and instruct people about the merits of civil society, to introduce them to the experience already available, and to assist or replace experience by understanding thus appears to be an essential field of activity for Catholic Social Teaching.¹⁹⁶ The Church ought to bear in mind, however, that she is not only the teaching *Mater et Magistra*, but also a possible player within the given civil society.¹⁹⁷ And her behaviour may attract attention and, depending on the religious circumstances as well as the Church's social position, may serve as a standard. Thus the Church has to be sensitive, not only taking into account the individual history and present situation of the country in question, but also seeking to attain harmony between her teaching and her own practice.

3.5. Structures

Civil society is not simply the sum of numbers of individuals. Civil society consists of an endless variety of – smaller or larger, short- or long-lived, more or less open or closed – systems of interaction, cooperation, and organisation.¹⁹⁸ These systems constitute the environment for the individual human being and, at the same time, complement governmental structures and functions in promoting the common good.¹⁹⁹ Thus they mediate between individual life and the state, and are essential for giving the state its democratic character. The autonomy promised by democracy cannot be achieved only by formal democratic organisations and procedures. These organisations and procedures cannot avoid forming majorities and minorities, and confronting winners and losers. The endless variety of societal systems provide alternative opportunities for taking one's own decisions, and

¹⁹⁶ Novak: *Final Discussion*, pp. 174-179.

¹⁹⁷ Zacher: *Preface*, in: *Democracy*, pp. 7-10 (8); id.: *Der Stand der Arbeiten*, pp. 16-18; Schooyans: *Teaching of the Popes*, p. 32.

¹⁹⁸ Novak: *Report* 16.

¹⁹⁹ For the complex concept of 'self-government' see Novak: *Final Discussion*, pp. 191-193.

certainly also for being directed by others. Furthermore, formal democratic organisations and procedures alone are unable to activate all the motives, initiatives, and energies necessary to produce an optimum common good. The common good is the result of the complementarity of individuals, societal systems, and governmental organisations and procedures. And finally, it is obvious how essential the complementary effects of governmental structures and societal systems are for attaining the equality, liberty, security, and welfare of all persons. To play their role productively, societal systems should possess the strength of initial, independent action. That entails a certain ambiguity. On the one hand, they should be incorporated within state law and politics; on the other, they also should be able to offer critique, to develop alternatives, and finally, to resist.

3.5.1. *Family*

The most elementary societal system is the family – more exactly, marriage and family.²⁰⁰ The attempt to absorb their autonomy by law or to absorb their achievements by governmental services would, on the one hand, turn the probability of fulfilment into the probability of deficit and, on the other, turn the principle of the humanity of living conditions into one of inhumanity. In addition, this would overtax society and the government. For then democracy could promote neither an optimal common good, nor optimal conditions of equality, liberty, security, and welfare for all. Only an adequate order and reality reflected in the institution of the family allows democracy to be successful. But what is an adequate order and reality of the family? Moral teaching has a lot to say about marriage and family. But the way in which a harmonious and productive relationship between family and democracy should be established is very difficult to clarify. One need only think of:

- the enormous differences in the size and composition of households, partnerships, and families in the diverse cultures and civilisations;
- the countries in which prolific, multi-generation families are the norm, and those in which small one-generation families with few children and one-person households predominate;

²⁰⁰ *Zampetti: Il Concetto di Stato Democratico*; Betancur, Arrow, Elshtain, Kaufmann, Schasching, Donati, Zampetti: *Discussion papers*, in: *Questions*, pp. 197-206. See also Donati: *Equità fra le Generazioni*; Zampetti: *La Famiglia*; id.: *A New Model*.

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- the countries with a hierarchical (patriarchal, matriarchal, ancestral, or parental) concept of family, and those with a liberal concept of maximum self-determination of family members;²⁰¹
 - the countries where wives and daughters are disadvantaged, and those in which equality between men and women is well-established;
 - the difference between the prevalence of longstanding partnerships, and that of non-committed or at least unstable marriages; and
 - the manifold different reasons for living in a family or alone, for living in a two-parent, several-parent or one-parent household, for living as a childless couple, as a ‘typical modern couple’ with two children, or as parents of many children.

Hence, one must think of all the different consequences these constellations may have, of the countries in which the concept of family life is religiously determined, with religion playing the dominant part, and of the countries in which several religions propagate different models. Finally, one must think of the countries in which religions merely exert a weak influence on societies.

Besides all these differences on the side of civil society – incomplete as this collection of examples may be – there are the variations on the side of the state: the disparities between democratic and non-democratic states, as well as among democracies themselves. So one can see how great the distance between any general statement on the ideal family in an ideal democracy is apt to be on the one hand, and the concrete circumstances prevailing in a certain country on the other. The deliberation must thus end with the demand for more accurate analyses and for seeking a formulation of principles which respond to the challenge of the worldwide diversity of social reality and which, in particular, also meet the requirements that arise when Catholics and non-Catholics live together.

Some observations about the relationship between democracy and family can, however, be made. They are connected with the basic principles governing democracy. One such pertinent principle is: ‘one man, one vote’. Its effect on families is that in democratic elections every household is in principle represented by as many voters as there are adults living in that household, whereas minors have no vote. Although parents or other ‘guardians’ may cast their votes in their children’s interests, there is never-

²⁰¹ *Ramirez: Duties of Parents; Villacorta: Duties of Children.*

theless no allowance for a separate count of these interests. The other pertinent principle is: 'democracy only provides a mandate for a limited time'. Political parties therefore compete for a mandate from one legislative period to the next. The voters cast their votes according to the interests to be decided during this period, and politicians likewise concentrate their competitive efforts on these interests. That puts limits on the democratic 'time horizon', which in turn especially limits consideration of children's interests in their future opportunities.²⁰² Both mechanisms have a similar effect: families with children are democratically disadvantaged; persons without children are democratically privileged. Should some form of compensation be advocated? If so, what approaches should be discussed?

3.5.2. *Other Types of Societal Systems*

Much of what primarily could be done in families can also be accomplished in a great variety of other constellations of interaction and cooperation. That is a unique achievement, which shows the distinctive capacities of civil society which cannot be equalled by governmental services – at least not without changing the nature of the activity. There are two approaches: firstly, the collectively *egoistic* one, taken when a group of persons who are equally or similarly affected by a social need (sickness, handicap, education problems, incompleteness of family etc.) exchange experience and assistance (self-help groups); secondly, the *altruistic* one, taken when persons affected by a social need are helped and supported by others (neighbourhood, voluntary or community services, charities etc.).

Thus the borders of *private* manifestations of society are transcended and one enters the sphere of *public* manifestations, which are not rarely identified with *civil society* as such:²⁰³

- Companies, corporations and co-operatives organise common activities for earnings and business.²⁰⁴ Together with individual entrepreneurs, they are the motors of a market economy. Some of them are powerful enough to exercise political and societal influence. Others must join pressure groups to assert their interests. The survival of multiplicity has to be a

²⁰² For the consequences see *Raga: A New Shape*.

²⁰³ For the concept of 'association' see *Novak: Final Discussion*, pp. 174-177.

²⁰⁴ *Glendon: The Ever-Changing Interplay*, pp. 103-117; *Novak: Final Discussion*, pp. 194-198.

political and legal concern. Yet there is an equal need for the government and law to control the predominance of powerful conglomerates.

- In a certain parallel with this, voluntary bodies and charities collect, administer and spend money and other resources for social benefits and services, thus (together with the aforementioned altruistic individuals and groups referred to as the ‘non-profit sector’, the ‘third sector’ etc.) complementing the social benefit and service schemes of the government, and perhaps also of other societal organisations. At the same time, they seek to articulate the concerns of the disadvantaged – addressing the government as well as the general public. By so complementing the governmental programmes, but also by influencing governmental policies as well as the democratic public, they play a key role in insisting on social justice, solidarity, and inclusion. This area of activity constitutes a *natural* sphere for the Church.²⁰⁵
- Normally, however, the realisation of common interests is organised by the groups themselves. They ordinarily offer information, advice and other services to their members, research the state of the interests they represent, and decide about priorities, strategies and tactics for advocating them. They inform and influence the public, but concentrate on approaching the government and other politicians (and are therefore called ‘pressure groups’). These organisations exist for economic interest groups (e.g. farmers), for employers and salary-earners (trade unions), as well as for other lobbies (war veterans, people affected by public planning etc.). Sharing particular interests (for instance, as a landowner), the Church may join the pertinent pressure group. Defending the interests of churches or other religious groups, she may join an organisation common to these. Or she may qualify her position as being unique and behave as an interest group of her own.

All these organisations²⁰⁶ thus have multiple functions, connecting the general sphere with a particular need or interest. It is for this reason that such organisations are of great relevance. Whether a need or an interest can in fact be organised is of decisive importance, as is the question of how effectively that can be accomplished. And finally it is important to know whether

²⁰⁵ *Llach: Final Discussion*, p. 166.

²⁰⁶ *von Beyme: Mediating Structures*; Villacorta, Ziolkowski, Elshtain, Zacher, Schambeck, Betancur, Nojiri, von Beyme: *Discussion papers*, in: *Questions*, pp. 249, 256.

the given potential was used and how effective the organisation of a certain need or interest really was. Experience shows that interests which can be organised effectively, and whose organisation is successful, may attain a political and social position far beyond reasonable justification – and, vice versa, a need which cannot be organised effectively may fall short of its politically and socially justified position (as, for instance, has always been true for poverty). The organised representation of needs and interests therefore implies a great responsibility: for those who could organise such representation and do not do so, for those who successfully organise it and use this potential beyond reasonable justification, and for politicians who are called upon to evaluate both: reasonable justification and power of organisation.

Finally, it is necessary to take a look at the manifestations of civil society which bridge the dividing line between society and the governmental system.²⁰⁷ Organisations that do so play a central role. On the one hand, these are the political parties,²⁰⁸ being components of the political system, and also components of the problems posed by democracy. The challenge for Catholic Social Teaching to outline the responsibilities of democratic citizens and office-holders therefore includes, in particular, all politicians and citizens who work in or with political parties.

On the other hand, there are the organisations which define themselves by their separation from (mostly by their distance from, and sometimes by their hostility towards) the political (governmental) system, and are hence referred to as ‘non-governmental organisations’ (‘NGOs’).²⁰⁹ Their development was a response to the experience that the democratic system is not able to advance all values, goods, and interests that are alive in society. When politicians, in their competition for mandates and power, propose their assorted aims, they experience difficulty in being selective. Thus some values, goods and interests do not find advocates within the political system. Or they find fewer or weaker advocates than the partisans of a certain value, good or interest (the ‘activists’, ‘protesters’, etc.) consider adequate or necessary. The partisans then develop and use a ‘meta-system’ that works alongside the formal democratic machinery in the areas of information, advertising, demonstration, actions of civil dis-

²⁰⁷ von Beyme: *Mediating Structures*; Therborn: *Ambiguous Ideals*.

²⁰⁸ Weiler: *Report* 16, 17; id.: *Final Discussion*, pp. 182 f. For a difference see Raga: *Final Discussion*, pp. 188 f.

²⁰⁹ Bernal Restrepo: *Report* 17.

obedience, etc. – in extreme cases even resorting to violence. The result for the one side can be satisfaction; for the other, uneasiness and embarrassment, either within the political system or within the general public or within both. Meanwhile, many democracies have accepted that their system is incomplete and therefore try to integrate a more comprehensive spectrum of interests by cooperating with non-governmental organisations. In this way, a more or less double democracy has come into being: the formal democracy based on elections, votes and mandates, plus an additional informal democracy controlled only through its evaluation by the formal office-holders.²¹⁰ The latter weigh the values, goods and interests claimed by the non-governmental organisations. They moreover weigh any public irritation the NGOs may cause, thereby also weighing potential reactions on the part of the electorate. In fact, this kind of ‘double democracy’ pursued by interest-based pressure groups has already been practised for a long time. And today, pressure groups and non-governmental organisations frequently cooperate – which again demonstrates the complex significance of such ‘double democracy’.

On the part of Catholic Social Teaching, this development demands especially careful deliberation and helpful advice. Non-governmental ‘parallel-democracy’ may help to correct and compensate for an inadequate one-sidedness of the electorate-based ‘normal’ democracy. That may be good for the values and goods often neglected in the normal course of democratic business, as well as for the partisans behind them. And for that same reason, it may also be good for the credibility of democracy. The Catholic Church has to be especially aware of the fact that the ‘normal’ electorate-based democracy always can, and will, disregard or even violate values acknowledged by Catholic thinking. In such cases, the path taken by ‘parallel’ non-governmental democracy may also prove to be a way for the Catholic Church and Catholic believers to find respect for their own positions. However, ‘normal’ democracy in itself is also a value, which is already true for majority rule. Beyond that, with a differentiated constitutional and legal system, democracy can stand for an optimal balance between conflicting values and goods. ‘Parallel’ non-governmental democracy has no such guarantees, and could even lead to a disintegration of ‘normal’ democracy.²¹¹

²¹⁰ *Therborn: Ambiguous Ideals.*

²¹¹ *Tietmeyer: Final Discussion*, pp. 184 f.; *Zacher: ibid.*, pp. 185 f.; *Raga: ibid.*, pp. 188 f.

3.6. *Highly Complex Fields*

Democracy and civil society meet in many other subject areas, whose analysis goes beyond what a mere summary could offer.

One such area can be identified by enterprise²¹² and labour.²¹³ Both of these overlapping social systems display structures of dynamic interdependence and dependence. Enterprises and companies, trade unions and employers' associations, within and among themselves, generate conflict and cooperation. In autonomously settling their own affairs, they make the people concerned responsible for their own values, goods and interests, thus competing with governmental democracy. However, in asserting themselves vis-à-vis society and the state, they may harm or at least disturb democracy.

Another such area is the market.²¹⁴ It can work as an optimal provider to meet the needs of the people as well as of the public administration. In this way, the market is a necessary complement to democratic government. In meeting the needs of the people, democracy – under normal circumstances – cannot match the standards of a market economy. And the effort to carry out production and distribution via the government, instead of the market, would easily overburden democracy. Yet if the market does not have enough competition and is not regulated adequately, some enterprises or conglomerates may become too powerful. That would not only undermine the economic performance of the market, but could also call democracy into question.

An extremely far-reaching and complex field is the welfare state.²¹⁵ As mentioned above, the welfare state calls for common efforts on the part of both government and civil society. No welfare-state politics or policies are thinkable without interference in civil society. Civil society alone, however, is not able to implement the concept of the welfare state. The democratic problem is that the welfare state involves distribution. There is no effective rule by which voters could be prevented from using their own vote for what they regard as an advantage to themselves and a disadvantage to others.

²¹² Rémond: *Relations avec l'Emploi*; Novak: *Report 25*; id.: *Final Discussion*, pp. 196 f.

²¹³ Crouch: *Democracy and Labour*; id.: *Trade Union*; Novak: *Report 25-28*; id.: *Final Discussion*, pp. 195 f.; Bernal Restrepo: *ibid.*, pp. 271 f.

²¹⁴ Tietmeyer: *Demokratie und Wirtschaft*; Bernal Restrepo: *Report 19*; id.: *Final Discussion*, pp. 209-212; Novak: *Report 25*; id.: *Final Discussion*, pp. 194 f.

²¹⁵ Schmidt: *Welfare State*; Novak: *Report 26*.

Correspondingly, no politician and no political party is prevented from 'buying' their mandate through positions on distribution. That nevertheless does not necessarily mean the democratic welfare state is efficient and just. The welfare state may become dysfunctional and democracy may lose its legitimation. On the other hand, the welfare state and democracy constitute a necessary partnership. Democracy is legitimated by the people ruling themselves. And how could the people conceive their own rule if not by caring for their own welfare?

Finally, there is public opinion to be mentioned.²¹⁶ Public opinion embraces the government, along with the political arena, and civil society. Public opinion in itself consists of two elements: on the one hand, the media and what they produce, as it were the published opinion; on the other hand, the amorphous diversity of individual thinking and individual or group-borne expression and communication. That reality ranges from individual listening and reading to public demonstrations. The complex interaction among democracy, civil society and public opinion cannot be encompassed in a short analysis. Suffice it to say that public opinion is obviously of fundamental relevance to civil society and democratic government, and the constellations under which responsibility for democracy fails or is fulfilled are endlessly varied.

4. DEMOCRACY IN THE INTERNATIONAL AND GLOBAL CONTEXT

4.1. *A Map for the Approaches*

The phenomenon of democracy is linked with a world which is parcelled out into states: into territories, nations, domains of government. The more the idea of democracy advanced, the more it reinforced that partitioned order of the world: *democracy* understood as a designation applied by nations to their *own* states; and *nations* defined by territories or ethnic criteria, or legitimated by a history of successful community and governance. It goes without saying that this designation has always been open to uncertainty and argument. Yet this permanent process of dividing the earth, and its inhabitants, into states has always been accompanied by the

²¹⁶ Ziolkowski: *Public Opinion and the Media*; Novak: *Report 20*; id.; *Final Discussion*, pp. 176-179; Weiler: *Report 15*.

perception that the world is larger than one's own territory and that mankind is more than one's own people. That understanding has been enhanced by the increased dissemination of knowledge about, and experience of, the world in its entirety, as well as by the increasing mobility of the human race. There has always been a tension between two widespread human inclinations, the one being to understand the enlargement of the 'known world' in a spirit of human equality, and to apply it to the practice of partnership and co-operation; the other being to understand it in a spirit of inequality, and to express that understanding through practices of racism, imperialism, oppression, and exploitation. In modern times, the process of integrating the entirety of the world has accelerated rapidly. At the same time, the principle of equality has come to predominate, thus marking the dawn of a global order.²¹⁷ And so democracy has become not only a norm for the organization of national states, but also an important element in debates about the organization of the world.²¹⁸

In the process, a vision of one world and of one humanity organized as a democracy has emerged. Yet this vision poses much more by way of a very complex challenge than it offers by way of answers.

- Although *equality* is generally accepted as a basic norm,²¹⁹ *inequality* is an omnipresent reality,²²⁰ persisting in old phenomena like the differences between races, and at the same time materializing in manifold new forms such as the gaps between wealth and poverty²²¹ which prevail even in democracies, and are distributed by international regulations of finance²²² and commerce.²²³

²¹⁷ Sabourin: *Dimensions*; id.: *La Mondialisation*; Minnerath: *La Globalisation*; Ramirez: *Globalization*.

²¹⁸ For the project of a world government see Minnerath: *Autorité Mondiale*; Possenti: *Ethical and Philosophical Perspectives*; Zampetti: *Una Autorità Mondiale*. For the vision of 'real' democracy see Bernal Restrepo: *Final Discussion*, pp. 209-214.

²¹⁹ *Human Equality*.

²²⁰ *Globalisation and Inequalities*.

²²¹ Øyen/Wilson: *Formal and Informal*; Diabré: *Globalisation and Poverty*; Vymětalík: *Reducing Poverty*; Llach: *Gaps and Poverty*.

²²² Tietmeyer: *Financial Market*; id.: *Improve the Functioning*; Griffith-Jones: *Financial Architecture*; Arrow: *Comment*, in: *Concerns*, pp. 306-310; Camdessus: *Pauvreté et Inégalités*; Malinvaud: *Principes Éthiques*; Raga: *Considerations Concerning Ethics*; Vymětalík: *Serve the Man*; Tietmeyer: *Ethical Principles*.

²²³ Palley: *Economics of Globalisation*; Dembinski: *New Global Economy*; Ouédraogo: *Mondialisation et Inégalités*; Dasgupta, Vymětalík, Raga: *Comments*, in: *Globalisation and Inequalities*, pp. 111-118; Stiglitz: *Market and Government*; Llach, Dasgupta, Tietmeyer:

- Although *democracy* is generally accepted as a basic principle for the organization of public governance,²²⁴ there are not only manifold differences among national regimes – between democracies and non-democracies, as well as among democracies themselves; there is also great uncertainty as to whether and how the world can be organized as a democracy. Thus global governance is undertaken only in a tentative and incomplete way,²²⁵ with national democracies meeting not only in harmony, but also in discord, if not in conflict.²²⁶
- Although civil society is the expression of elementary human capacities, which precede legal regulation or governmental recognition and thus have a priori a universal character, the interplay between civil society and the democratic state is essential. But it is one thing whether elements of civil society develop and work within a certain state, and quite another whether they develop and work beyond national borders, thus interacting with a variety of national governments and international organizations, or perhaps using or misusing the space left vacant by the incompleteness of the global regime.²²⁷
- Although the fundamental values that guide social life may be understood as essentially human and thus presumably universal, their social reality is relative. Even if values are understood as reflections of a common truth, their manner of expression and recognition will vary, for values do not exist in isolation. They are socially realized within a cosmos of values that are harmonized by means of interpretation, by integrating priorities and posteriorities, by ranking the elements of meaning, etc. These systems develop for regions, ethnic groups, social strata, etc. But the most effective framework for their development in the present era is generally the national one, combining regional, social, cultural, and historical conditions with the interaction of politics, law, and society.²²⁸ In

Comments, in: *Governance*, pp. 280-292; *Winters: Trade Liberalisation*; *Raga: Market and Protectionism*; *Dasgupta, Llach: Comments*, in: *Governance*, pp. 336-345; *Bjorkman: Human Development*; *Bernal Restrepo: Final Discussion*, pp. 212 f.

²²⁴ *Braga de Macedo: Institutional Change*; *Llach: Globalization and Governance*.

²²⁵ *Schooyans: L'ONU*.

²²⁶ *Sabourin: La Mondialisation*.

²²⁷ *Glendon, de Montbrial: Discussion papers*, in: *Questions*, pp. 368 f.; *de Montbrial: Interventions Internationales*, pp. 415-422.

²²⁸ *Morandé Court: Cultural Identities*; *Archer: Cultural Identities*; *Zampetti: La Famiglia*.

the best case, national systems of values are also the most refined. There is no global parallel – no mature global process of clarification. There cannot be a complete system that replaces the particular sets. For the social realization of values – as well as for many other relations – globalization thus signifies a very new situation: a situation presenting both opportunities and dangers.²²⁹ There is and will remain a dialectic between particular value systems and world-wide principles. The opportunity? This dialectic will prove mutually beneficial, leading to improvement and completion. The danger? The precipitate, one-sided assertion of international principles may irritate, adulterate or even erode particular constellations of values, while failing to produce convincing or acceptable alternatives.

Cooperation and conflict involving national states may occur outside or within international organizations, as well as between single states and international organizations. Corresponding to different intentions and conditions, international organizations display a great variety of structures.²³⁰ Yet one tendency that deserves to be specially noted is the effort to retain the principle of national identity while widening its scope. The idea is that a multiplicity of states – whose relations are based on a similar concept of equality, whose constitutions produce similar concepts of democracy, whose civil societies are open for encounter, cooperation and penetration, and whose sets of values converge – can intensify their commonality through common organization. The integration of such communities of states may be achieved by means of public international law – thus emphasizing the sovereignty of the member states. But there is a new, much more advanced type of common organization, giving the community itself a state-like position, and thus creating two levels of statehood: the supranational community.²³¹ The most sophisticated example is the European Union²³² – with the preserved nationhood of its member states. This experiment unavoidably gives rise to new problems involving equality (equality between the member states; equality between citizens), democracy (democracy within the organization; the relationship between the organization and the national democracies), civil society (in relation to the organization; in

²²⁹ Bernal Restrepo: *Dimensions of Globalisation*, pp. 62-66.

²³⁰ Zacher: *Common Questions*, p. 138.

²³¹ Zacher: *Common Questions*, pp. 138 f.

²³² Bartolini: *European Integration*.

relation to the member states; beyond both), and values (national values; international values; common values within the community; the common heritage of values, or new ones).

Altogether, these developments also pose an extremely complex challenge to the Catholic Church.²³³ Although her message is universal, it must at the same time be communicated, understood and brought to life in various concrete contexts of time and place, history and presence, tradition and change, state and society, and groups and individuals. The message is a religious one, based on revelation, aided by the use of human reason, and addressed to Catholic believers or target groups of the Catholic mission.²³⁴ But it is also a message to the world, based on the Christian responsibility for human dignity and for humanity's participation in God's creation.²³⁵ Each expression of the Church's message must be coherent, but they cannot all be the same. Thus a key task for the Magisterium as well as for theologians and other communicators of core teachings of the Church is to bring those teachings to life in different cultures. Another reason for complexity is the organization of the Catholic Church. The Pope (alone or together with the Bishops) is its supreme teacher, acting universally or for certain districts or groups within the Church. Yet he is also a subject of public international law. Embodying the Holy See, he communicates with states, their heads and their governments, as the legal representative of the Catholic Church. At the same time, he also expounds the Catholic point of view on political matters. The Pope thus is himself a factor within the global regime of the world.²³⁶ Since the Bishops are leaders for their particular churches,²³⁷ their teaching as well as their practice must be adapted to concrete situations. They are assisted and complemented by the priests. However, some of them (such as academic teachers, researchers, and writers) have more general tasks, and are thus involved in the world-wide action and the universal expression of the Church. Finally, there are the lay faithful who have been charged with primary responsibility for bringing

²³³ *Martin: Social Teaching; Schasching: The Church's View; Glendon: Meeting the Challenges; Martino: La Chiesa.*

²³⁴ *Tognon: Educational Strategy.*

²³⁵ *Weiler: Final Discussion*, pp. 200-202. For the idea of the 'common good of the whole humanity, not only of a privileged few' see *Bernal Restrepo: Report 5*; id.: *Final Discussion*, pp. 212-214. For the adversity of poverty see *Papini: Mondialisation.*

²³⁶ For the project of a world government see *Minmerath: Autorité Mondiale.*

²³⁷ For the example of a Continental Bishop's Conference see *Homeyer: Europa.*

Christian values to life in the secular sphere. It is the responsibility of the laity to impart the Catholic message to the world: as politicians, officials, experts or citizens – acting on an international or national level, within the governmental machinery or in social or private life, as well as in debate, dialogue, and co-operation with other Catholic laymen, other Christians and non-Christians. Democracy gives this responsibility of the laity the largest possible scope and the greatest possible importance.²³⁸ In return, the knowledge, experience and concern of laymen and women provide an essential source for the development of the Church's Social Teaching.

4.2. *National Democracy and International Regime*

Globalization has deeply disturbed national democracies, which developed under the condition of a certain degree of self-containment of state and society.²³⁹ Thus civil society was originally structured along the same lines as the state: based on territory, residence, and citizenship with public functions concentrated within the state. Moreover, a balance between openness and self-containment seemed necessary to guarantee the desired standards of independence and prosperity. Aside from totalitarian aberrations, the most important reason for selecting this path between openness and self-containment was the development of the welfare state. This endeavour made it necessary to calculate the conditions and consequences of distribution and redistribution and to control access to participation. Meanwhile, however, transnationality as well as internationality have accelerated. Transnational processes and actors, accompanied by international regulations and agencies, now deeply affect national affairs. National governance²⁴⁰ is no less necessary than before, but has become much more difficult. The central feature of the present-day situation is the mobility of capital coupled with world-wide competition between the producers and traders of goods.²⁴¹ This double competition – between investors and

²³⁸ See above p. 249 regarding note 58, p. 280 regarding note 158.

²³⁹ *Sabourin: La Mondialisation.*

²⁴⁰ *Braga de Macedo: Institutional Change; Suchocka, Llach, Zulu: Comments, in: Concerns, pp. 268-290.*

²⁴¹ *Tietmeyer: Financial Markets; Arrow, Muselay, Schasching, Tietmeyer: Discussion papers, in: Labour, pp. 245-251; Tietmeyer: Improve the Functioning; Griffith-Jones: Financial Architecture; Camdessus: Pauvreté et Inégalités; Palley: Economics of Globalisation; Dembinsky: New Global Economy; Ouédraogo: Mondialisation et Inégalités.*

between producers and traders – exerts new pressures on labour not only to be cheap and efficient, but to be available at places where conditions of investment, production and trade are most favourable.²⁴² Thus the migration of labour has become a new incentive, if not a necessity.²⁴³ National political, legal, administrative, infrastructural, cultural, educational, social, and economic conditions are gaining a new importance. National politics must develop these conditions in such a way as to make their people winners, rather than losers. Countless decisions must be taken beyond the national realm of one's own experience and amidst a fog of imperfect information. That makes globalization a heavy burden for national democracies.

National governments share their responsibilities with international organizations – and national law shares its effects with international law.²⁴⁴ That was and still is a basic paradigm for the way the world has embarked upon globalization, and it has also become a consequence of globalization. The further globalization progresses, the more international cooperation, regulation and organization become a necessity. For national democracies, this development is ambiguous.²⁴⁵ On the one hand, it is beneficial. International organizations and international law may avoid, ease, and solve the tensions and contradictions within the global realm where national democracies must exist and safeguard their national values, goods, and interests. And that positive effect should be the norm. On the other hand, international organizations and rules can give rise to conflicts.²⁴⁶ These conflicts primarily concern disparities among the states concerned. International organizations or international law can give advantages to some states, and their values, goods, or interests, while subjecting others to disadvantages. Such conflicts may interfere especially with national democracies' concrete politics and decisions, thus casting doubt on both the respective national democracy *and* globalization. A widespread expression of this conflict occurs when international organizations influence or even interfere with national politics by making the appropriation of funds

²⁴² Delcourt: *Nouvelle Architecture*; Lyon: *Value of Work*.

²⁴³ Zubrzycki: *International Migration*; Arrow, Bony, Malinvaud, Archer, Esping-Anderson, Zubrzycki: *Discussion papers*, in: *Labour*, pp. 149-153; Zamagni: *New Migratory Question*; Zubrzycki: *Population Pressure*; Schooyans: *Savoir et Mobilité Sociale*; Joly: *Immigration and Integration*.

²⁴⁴ Mensah: *International and Governmental Structures*, esp. pp. 333-344.

²⁴⁵ Zacher: *Common Questions*, pp. 139 f.

²⁴⁶ de Montbrial: *Interventions Internationales*.

dependent on compliance with international political (economic, social, etc.) programmes. This conflict between international and national policies may become manifest in a fourfold way:

- 1) as the conflict between a national democratic machinery on the one hand and the policy-making and administrative machinery of an international institution on the other; and/or
- 2) as the conflict between one state and a plurality of states, between a minority and a majority of states, or between weaker and stronger states; and/or
- 3) as the conflict between different worlds of values, goods, and interests; and finally
- 4) as the conflict between different methods of legitimation, with this latter point a decisive one, which now requires particular attention here.

On the part of the state concerned, there are two levels of legitimation. First, there is a minimal but general foundation of legitimation: drawn from the necessities and traditions of international law – by the principles of sovereignty and equality of states. This basis is complemented by a second layer of legitimation: the values, goods, and interests for which the state and its government stand. That legitimation can be substantiated by special principles of government – democracy and the rule of law being the most important ones. On the part of international institutions and international law, there is a functional legitimation: that is, legitimation by values, goods, or interests which are common to the states involved and which are implemented or protected by common institutions or regulations. This functional legitimation exists in a field of tension. To understand it as requiring the congruence of the values, goods, and interests that are implemented and protected by actual consensus of the governments involved could limit, if not jeopardize, the functional effects of the relevant international institution. To renounce the actual backing by the national governments would strengthen the functional effects of the international institution, but would put the common basis in question. Therefore, another feasible course would be to transfer the national pattern of democracy to the international institution and thus to replace the agreement between the governments involved with the consent of the majority of the people concerned. This, however, would give rise to essential doubts. *Democracy* requires a *demos*. *Demos* and democracy have a specific identity in common. The commonness that may justify a state democratically is always

distinctive and selective. Human socialization has limits, and these limits are preconditions for the effectiveness of values and the thriving of goods.

Consequently, for the organization of the international community the functional approach will predominate²⁴⁷ – perhaps intensified by regional arrangements.²⁴⁸ This international community has no democratically based sovereignty and no general mandate. One could elaborate by saying: the legitimacy of international organizations and regulations depends on their suitability for pursuing their aims.²⁴⁹ Finally, the current international regime is not a world state and not a world government. It is a network of regionally and/or functionally limited organizations, treaties, and regulations. How each of them alone and all of them together are legitimated, how they should be structured to be legitimate, and how their legitimation can be monitored are eminently difficult questions.²⁵⁰ These questions do not only include the problem of how to incorporate elements of democracy, or, from another point of view, how to take account of the values established by democracy through a functional structure. They also include the problem of what relations should be maintained with the national democracies – leaving them as vibrant and prosperous as possible, and impairing them as little as possible. There is and should be a universal framework, as has been centrally established by the United Nations²⁵¹ and its quasi-legislation on human rights. Its main *raison d'être* has to be that its specialized institutions (regionally and/or functionally) – in realizing and establishing the values, goods, and interests of specific entities – meet global needs for governance and law, thereby respecting and implementing values, goods, and interests common to all of mankind.²⁵²

Regarded from this global point of view, the responsibility for democracy is an indirect one. It means that the global system should be conceived

²⁴⁷ Weiler: *Governance Without Government*. See also the comments: McNally: *View from Africa*; Carozza: *Nomos and Globalization*; Kirchhof: *Subsidiarität und Souveränität*.

²⁴⁸ For the European Union see Bartolini: *European Integration*; Archer, Floria, Ziolkowski, Elshtain, Schambeck, Llach, Villacorta, Nojiri, Bartolini: *Discussion papers*, in: *Questions*, pp. 321-326. For other regions see Mensah: *International and Governmental Structures*, pp. 334-338.

²⁴⁹ For the interrelation between authority and common good see Possenti: *Ethical and Philosophical Perspectives*.

²⁵⁰ Archer: *Social Integration*; Donati: *Globalisation and Governance*.

²⁵¹ Schooyans: *L'ONU*.

²⁵² Possenti: *Ethical and Philosophical Perspectives*.

and established in such a way that national democracies and the network of – particular or universal – international institutions complement each other. It also means that the values served by democracy should – as far as this is consistent with their international character – be respected also within the international structures.²⁵³ Finally, it means that for the sake of the values served by democracy the people living in nondemocratic states should be led to the path of democracy. However, there are no simple recommendations on how to do so. The reality of globalization is still young, and the level of experience gained with tested solutions is still low. The Academy, therefore, is unable to submit ‘elements’ for the development of the Church’s Social Teaching²⁵⁴ here.

4.3. *Global Values?*

Fundamental values seem a priori to be global. Nevertheless, globalization is not an obvious way of realizing those values.²⁵⁵ Under differing circumstances, different persons may be led to different perceptions of values. At the same time, every person’s search is conditioned to some extent by the social context in which his search is carried on. At the same time, however, no value is isolated. Each is part of a cosmos of values, its role and place being conditioned by these other values. Thus the congruence or lack of congruence between that which the observer experiences as the social reality of values and that which he considers the truth may differ from group to group, level to level, region to region, as well as from time to time. Globalization makes this relativity of the social reality of values more perceptible than it ever has been before. That is especially true for the ‘ensembles’ of values which have developed socially for groups, nations, regions, etc. The global realm is filled not only by vast numbers of individuals, but also by particular entities. Nevertheless, it remains necessary to seek absolute values. This contradiction yields a fruitful dialectic: starting with the thesis of particular ensembles of values, giving them vitality and power, proceeding with the antithesis of certain values as world-wide principles which serve as critical standards for the particular ensembles, and finally

²⁵³ For the debate see *Crocker: Ethical Approaches*, pp. 45-65; Rémond, Villacorta, Bernal Restrepo: *Comments, ibid.*, pp. 66-79.

²⁵⁴ *Martin: Social Teaching; Schasching: The Church’s View; Papini: Mondialisation*. For the example of the European Bishop’s Conference see *Homeyer: Europa*.

²⁵⁵ *Bernal Restrepo: Dimensions of Globalisation*, pp. 62-69.

leading to the synthesis of a global system in which existing arrangements are challenged by ideas and where universality of principle is combined with particularity of instantiation.²⁵⁶

Yet it cannot be denied that such a vision allows room for defects that can cause a decay of values.²⁵⁷ The globalization of values occurs not only through the discussion and assertion of general principles; but also – and by far more effectively – when particular ensembles of values meet each other, thereby mixing and disintegrating into each other, thus unsettling the societies concerned.²⁵⁸ The predominant experience is that the values (anti-values included) of the more modernized, more ‘liberal’, more commercialised and more media-addicted societies undermine traditional ensembles of values.

Aside from such cases of encounters between civilizations, the experience of a plurality of value ensembles also weakens the binding force of the ensembles handed down from one generation to the next within the various societies. That can be a sign of moral progress, for there is no guarantee that traditional values are ‘right’ or ‘better’ than new ones. The experience of alternative ideas may therefore herald correction and improvement. And the loosening of old codes may present an opportunity for individual freedom and responsibility. Simultaneously, however, there is a danger of enhanced uncertainty, arbitrariness, disorientation or even abuse. The knowledge and declaration of universal values should therefore be the remedy. But who is the authority to identify and pronounce these values?²⁵⁹ Through what media should they be promoted?²⁶⁰

To find and declare universal social values may require a combination of spiritual life, moral discernment, intellectual effort, and practical experience. Indeed, interconfessional or interreligious talks²⁶¹ are a promising step in this direction. Yet it is a long journey from the conception and declaration of such values to a generally understood and socially practised

²⁵⁶ Zamagni: *Universality and Particularism*.

²⁵⁷ Schooyans: *Droits de l’Homme*; id.: *Démocratie et Valeurs*; id.: *L’ONU*. Id.: *Final Discussion*, pp. 202-204.

²⁵⁸ Morandé Court: *Cultural Identities*; Archer: *Cultural Identities*; Zampetti: *La Famiglia*.

²⁵⁹ Critical of the usurpation of that authority by great European powers: *de Montbrial: Interventions Internationales*, p. 422.

²⁶⁰ Glendon: *Meeting the Challenges*; Tognon: *Educational Strategy*.

²⁶¹ Weiler: *Report 12*; id.: *Final Discussion*, pp. 155-157, 200-202; Bernal Restrepo: *Final Discussion*, p. 223; Novak: *ibid.*, p. 231.

norm.²⁶² The individuals and movements having the power to produce common convictions and common actions, as well as the institutions which are a priori destined to do so, are of central importance here. These can include spiritual, intellectual, political or social leaders, religious communities,²⁶³ especially churches, schools of thought, educational systems and institutions, the mass media, etc. But what process is to unify these voices so as to convert the diversity of their ideas and utterances into universal norms? And if such norms succeed in becoming commonly accepted and practised, what justification is there for viewing this fact as evidence of truth? Or to put it more profanely: Why should the result thus found constitute the best possible solution, or even a better one?

As mentioned above, national democracies can pose a danger to values, especially if values fail to be accepted, or are even attacked, by the majority or a powerful minority. Yet experience has also shown that an adequate legal, especially an adequate constitutional, system can provide a sound foundation for representing, establishing, and protecting values that are alive in society. Law cannot decide on the truth of values. Law can, however, place actions and regulations concerning values under an elaborate regime which stimulates, urges, or even forces society to handle issues of values in the most careful and responsible way. Law can thus assume the general task of providing an adequate order under which the tensions and conflicts between different interests and opinions can be settled in relation to the given values. Over the long journey taken by the European and North American states from the 18th to the 21st century – from absolute monarchy, via the constitutional combination of monarchy and democracy, along with the experience of totalitarianism, all the way to democratic monism – it has been learned that democratic governance needs to be, and at the same time allows itself to be, complemented by the corresponding elements of the rule of law. And this has been especially advantageous for the relationship to values. Could there be an international equivalent? Is the international machinery of politics and law not too often and too quickly ready to confirm or deny values?

²⁶² Crocker: *Ethical Approaches*; Rémond, Villacorta, Bernal Restrepo: *Comments*, in: *Concerns*, pp. 66-79.

²⁶³ Especially for the problem of poverty see Riccardi: *Mondialisation*; D'Souza: *Globalisation*; Goudjo: *Mondialisation*; Papini: *Mondialisation*.

Europe is able to offer its own helpful experiences.²⁶⁴ On the one side, it has the Council of Europe: the common organization of nearly all European states under a public international law statute following the collapse of communism. Respecting the sovereignty of its member states, the system concentrates on the legal guarantee of common values. By its human rights and its social rights regime and by a not too expansive number of more specialized conventions, it complements the particular national values, and the corresponding legal regulations and practices, with European principles. It provides an example of the dialectic between particular ensembles of values and the corrective and complementary role of universal (here, European) values. It works exceedingly well, but this is due to an obvious pre-condition: the relative homogeneity of its member states and their inhabitants, and the common orientation under Europe's human rights tradition. On the other side, there is the European Union.²⁶⁵ Its member states are affiliated to a state-like 'supranational' structure. To implant that state-like character, there is a strong ambition to establish a European ensemble of values, and to realize and implement these values by way of European politics and law. However, the national citizens have not grown together to form a common *demos*. Hence there is a certain tension between the intensive desire to impose European values and the attachment to traditional unique ensembles of values, each of which is actively backed by the respective national *demos*. The resultant awkwardness is reflected in the diversity of approaches taken towards codifying basic rights within the European Union, leading to a diversity of formulations that lack conformity. Values cannot simply be made.

Yet to do exactly that, to 'make' values, is the temptation of a globalizing world. There seems to be a great need to manifest a common basis for a global legal order, and also for global-scale national and international policies, as well as domestic and transnational social relations. At the same time, however, this common basis greatly lacks substance. Indeed, what is common to all regions and peoples of the world, to all religions²⁶⁶ and ideologies, to the educated and the non-educated,²⁶⁷ to the rich and the poor,²⁶⁸

²⁶⁴ Homeyer: *Europa*.

²⁶⁵ Bartolini: *European Integration*.

²⁶⁶ Bernal Restrepo: *Dimensions of Globalisation*, pp. 67-69.

²⁶⁷ Øyen/Wilson: *Formal and Informal*; Diabré: *Globalisation and Poverty*; Vymětalík: *Reducing Poverty*; Betancur: *Pobreza*.

²⁶⁸ Bindé: *Sociétés du Savoir*; Zacher: *Governance und Wissen*.

etc.? Nevertheless, it seems the greater the differences, the more obvious the mandate to 'make' and manifest a common basis, and the greater the willingness to use that mandate. The temptation of 'making' and 'declaring' values and value-related norms is further rooted in the environment of modernity and progress, in which globalization is embedded. New challenges demand new answers, and the rapid pace of time seems to leave no room for waiting until such values and norms have matured. Finally, there are the fragmentary and unstable structures of transnational and international opinion- and decision-making, whereby hasty slogans have an excessively high chance of being adopted. Altogether, this does not reflect the normally complicated and intensive process through which particular societies and democratic states reach a consensus on values and decide on value-related law and politics. The lack of international democracy may in this way be regarded as a symptom of an inherent weakness of the international community when it comes to clarifying values and creating adequately value-related policy programmes and law.

The most important place where values and law meet is in declarations of human rights. Therefore, in spite of their fundamental character and high rank, human rights are at risk of falling victim to temporary or factional convictions, opinions or interests. To clothe a statement of opinion or a political programme with the dignity of a human right gives it – or at least seems to give it – a title of truth, thereby laying claim to the obligation to obey it. Whoever succeeds in clothing his conviction, opinion or interest as a human right can expect to multiply its effects. The strategy is therefore very attractive. But the proliferation of 'human rights' and the disguising of temporary or factional agendas as human rights injure the authority of these rights and thus endanger their underlying values.²⁶⁹

There is an urgent need to develop the culture of values and also to stabilize the culture of human rights.²⁷⁰ For the Social Teaching of the Catholic Church²⁷¹ two topics should be accorded high priority:

- the relationship between value-related universal principles stated by a Catholic authority, or practised as essentially Catholic, on the one hand, and particular values, especially in the context of national and regional ensembles of values, on the other; and

²⁶⁹ Schooyans: *Droits de l'Homme*; id.: *Démocratie et Valeurs*.

²⁷⁰ Zacher: *Final Discussion*, pp. 215-217.

²⁷¹ Martin: *Social Teaching*; Schasching: *The Church's View*; Homeyer: *Europa*; Glendon: *Meeting the Challenges*; Tognon: *Educational Strategy*.

- the relationship between value-related Catholic principles, on the one hand, and value-related norms or practices of other Christian churches or communities or of other religions, on the other.²⁷²

4.4. *Transnational 'Civil Society'*

The global realm – beyond nationally limited entities – is occupied not only by *international* phenomena; but also by *transnational* phenomena: non-governmental actors who move, act, extend and organize themselves across national borders in the private or public spheres. Like international organizations and regulations, transnational organizations, regulations, movements, and activities have been driving forces behind the process of globalization while also consequences of it. If internationality implies a possible scope of action for states and governments (especially for democracies), then transnationality implies such a scope of action for civil society. But while there is a permanent and deep mutual penetration between government and society within democratic nation states, this cannot be the case within the global arena. Both the network of international institutions as well as transnational bodies and actors are far too selective, diversified, and unique for such interpenetration. Thus the relationship between the elements of internationality and the elements of transnationality tends to be fragmentary. Both, however, are confronted by the national state. The elements of internationality are sometimes characterized by supremacy, and sometimes by partnership, but are normally subject to the pre-condition of state sovereignty. The elements of transnationality, by contrast, are presumably subject to any state concerned, and to national or international law, but they possess a certain *de facto* power of free movement – that is, freedom to engage in trade, investment, other business, or employment, and to cooperate with national citizens, enterprises, agencies, authorities, etc., as well as freedom to influence public opinion, to gain access to and influence national governments, to participate in international processes, and to influence international decisions. Yet however great the difference may be, transnationality is the global analogue of civil society.

On the one hand, the transnational 'civil society' has more scope for development and activity than a national civil society has.²⁷³ As internation-

²⁷² Bernal Restrepo: *Dimensions of Globalisation*, pp. 67-69.

²⁷³ Goulet: *Evolving Nature*; Zamagni: *Universality and Particularism*.

al organizations and regulations are fragmentary, many of the functions that are the responsibility of the government in national states do not come within the purview of international entities. To that extent, transnational entities and their activities may be subject to less constraint and control than a national civil society. These lacunas in the international sphere, however, may not only enhance the freedom of transnational actors; they also indicate their responsibility. On the other hand, manifestations of transnational civil society are less diverse and less frequent than those of national civil society. For so many reasons, the latter is more natural, more heterogeneous, and more common. Finally, the relationship between international and national reflects much more of a contrast than does the relationship between transnational and national. Internationality is based on agreement among governments, agreement directed at organizations, regulations and policies that stand side by side with the states, but remain outside the states, and that are legitimated by their own stratum of law (public international law). Conversely, transnationality does not a priori and essentially entail such a separation from nationality. Transnational entities are regularly incorporated in national law and may correspondingly be controlled by national policies. Their activities are also basically regulated by national law and may likewise be correspondingly controlled by national policies. As the transnational civil society is defined by its crossing of national borders, national regulations must take that into account, just as political interventions must take into account that other governments possibly have their own, often diverging interests. Given that transnational entities and their activities affect more than one national territory, or have points of contact with more than one state, special legal or political arrangements become necessary, and it is useful if the states involved agree about them. Thus transnationality is very often not only regulated by national law and controlled by national policies; it can also be regulated by international law and controlled politically by international institutions; it can moreover be regulated by internationally harmonized national law and controlled by internationally harmonized national policies. How effective these regulations and arrangements will be depends upon the factual situation. Transnationality can be used as an instrument of national policies vis-à-vis other states, foreign economies, foreign societies etc. Moreover, transnationality can serve as an instrument to influence or even attack the society, economy, enterprises, organizations and mass-media, and ultimately the politicians and policies of a certain national state or a multiplicity of other states. To make it clear: this can be the case, but need not necessarily be so.

The reality in which transnationality occurs depends on the political, economic, social, cultural, civilizational and other positions of the states and societies involved²⁷⁴ – as well as the intellectual, economic, technical, ideological, and other strengths and weaknesses of the transnational factors. No less important are the aims thereby pursued. An eminent field is the transnational economy:²⁷⁵ the enterprises engaged in transnational financing,²⁷⁶ investment, production, and trade, enhanced by those complex structures referred to as ‘multinationals’; the transnational banks and funds and the agencies involved in transferring technology. Their altruistic counterparts are the transnational relief organizations, the non-governmental agencies providing development aid, and other non-profit organizations.²⁷⁷ The mass media may have economic, idealistic, ideological or political backgrounds. Common to all these examples is that their internationality is achieved by organized units, so that transnationality may also bear the image of individuality. The most important keyword is migration, which can either be temporary in the search for education or work, or permanent in the quest for better living conditions, thereby including or excluding employment; it can also take the form of a flight from persecution to safety. In this context, families play a double role: migration can involve the family as a whole, or the family may stay where it is, supporting the migrant member or depending upon his or her support.

In the course of the 20th century, a further type of transnational organization developed: the non-governmental organizations (‘NGOs’). Their projects mainly seek to achieve political effects: to gain influence over public opinion, to exert pressure on the mass media, firms, etc., or to convince governments of their ideas, sometimes also resorting to aggressive means in the process. Some NGOs may combine their advocacy with activity related to the immediate interests and needs of certain groups. Transnational trade unions are a good example here. Transnational relief organizations normally combine assistance to the most needy (those afflicted by poverty, catastrophes, discrimination, etc.) with an advocacy role for political and societal development. In other cases, advocacy of policy may predominate or even stand in isolation, as for instance in the case of transnational envi-

²⁷⁴ *Morandé Court: Cultural Identity; Archer: Cultural Identity.*

²⁷⁵ See again footnotes 222, 241, 242.

²⁷⁶ See again footnotes 221, 241, 242.

²⁷⁷ *Dasgupta: Non-Market Relationships; Bernal Restrepo: Final Discussion*, pp. 210-212.

ronmental organizations. More and more NGOs are developing into independent transnational actors. They form transnational elites which efficiently influence transnational public opinion as well as the international scene. They are vaguely accepted as a partial substitute for the missing international democratic basis. But their effects may also have the character of usurpation. Conflicts between universal policies and particular standards may be inappropriately dominated by such factors. This ambiguous development requires careful observation and evaluation.

Finally, there are the churches and other religious organizations, which may have a national character, but as a rule tend to be transnational. Their services are primarily directed towards the believers and the addressees of their mission. Many of them, however, also feel obliged to stand for the right moral orientation of 'all men and women of good will' and for just politics – which puts them on the side of non-governmental organizations. The matter is more complex in the case of the Catholic Church, since it is at the same time both an international *and* a transnational institution, a governmental *and* a non-governmental organization.

All in all, the transnational 'civil society' has an extremely complex relationship to democracy. This applies to the relationship between transnational elements and national democracies, whereby the former can be an instrument in favour of some and against others (and thus for or against certain parts of the domestic scene), or take a neutral stance in the attempt to work towards adequate development. This also applies to the relationship between transnational elements and the international regime: While the former perhaps might help to compensate for democratic deficits of the latter, they have difficulty in finding the right approach and the right limits due to their own lack of democratic legitimation.

Responsibility for democracy in her Social Teaching therefore leads the Catholic Church to develop a better knowledge of the structures of transnational 'civil society', notably its specific roles, its potential for good or harm, and its duties. It would be especially valuable for the Church's Social Teaching to say more about the principles to be respected by the various types of transnational organizations and agencies in relation to national democracies. It would seem equally valuable to study the role of transnational organizations within the framework of the international regime, i.e., whether and how they might provide some elements of democracy in the international sphere, without usurping democratic authority.

5. CLOSING REMARKS

Democracy is and will always be an ongoing project. It will always entail responsibility on the part of all concerned. There is no ready-made recipe for shaping and sustaining a democratic state. Even a longstanding and continuous democratic experience offers no guarantee of the rightness of the given structures, rules and practices. Indeed, the democratic experiment is characterized by continuous discussion and debate over the goods it seeks to achieve and the means of achieving them. And since changes pose new challenges involving new risks, democracy requires constant learning of new lessons in the search for solutions to new problems.²⁷⁸

As history always brings changes, democracy will always remain an unfinished experiment, a work in progress.²⁷⁹ Catholic Social Teaching cannot complete it. Nor is that the purpose of Catholic social doctrine. The Gospel is not a programme for governance and legislation.²⁸⁰ The Gospel does, however, provide inspiration²⁸¹ and Catholic Social Teaching does have assistance to offer to those who must grapple with the unfinished tasks of democracy.²⁸² To the reflections upon, and to the practice of, democracy, it can contribute the guidance and inspiration coming from Scripture and tradition, as well as the Church's own experience as an 'expert on humanity'.²⁸³ The Church's contribution includes supporting the endeavour to approach the essentials of a perfect democracy as far as possible, while maintaining openness to democracy's various forms and developments, alertness to their risks and opportunities, and creative sensitivity in seeking ways to minimise the risks and maximise the opportunities.²⁸⁴

²⁷⁸ Zacher: *Common Questions*, pp. 136 f.

²⁷⁹ Rémond: *Western Europe*, pp. 50-52. Novak: *Report 19*.

²⁸⁰ Bernal Restrepo: *Report 3*; id.: *Final Discussion*, pp. 141 f.; Weiler: *ibid.*, pp. 170 f.

²⁸¹ Bernal Restrepo: *Final Discussion*, pp. 140-146.

²⁸² Novak: *Report 31-33*. Id.: *Final Discussion*, pp. 171-174, 231-235; Villacorta: *ibid.*, pp. 235 f.

²⁸³ Bernal Restrepo: *Final Discussion*, pp. 140-146.

²⁸⁴ Glendon: *Final Discussion*, p. 205.

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The Church values the democratic system inasmuch as it ensures the participation of citizens in making political choices, guarantees to the governed the possibility both of electing and holding accountable those who govern them, and of replacing them through peaceful means when appropriate. Thus she cannot encourage the formation of narrow ruling groups which usurp the power of the State for individual interests or for ideological ends.

Authentic democracy is possible only in a State ruled by law, and on the basis of a correct conception of the human person. It requires that the necessary conditions be present for the advancement both of the individual through education and formation in true ideals, and of the 'subjectivity' of society through the creation of structures of participation and shared responsibility. Nowadays there is a tendency to claim that agnosticism and sceptical relativism are the philosophy and the basic attitude which correspond to democratic forms of political life. Those who are convinced that they know the truth and firmly adhere to it are considered unreliable from a democratic point of view, since they do not accept that truth is determined by the majority, or that it is subject to variation according to different political trends. It must be observed in this regard that if there is no ultimate truth to guide and direct political activity, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism.

John Paul II, *Centesimus Annus*, 46

Front cover: *The Effects of Good Government in the City*, Ambrogio Lorenzetti (14th century), Palazzo Pubblico, Siena. This fresco, created for the seat of government of a free republic, presents a vision of a polity where commerce, education and the arts flourish as the fruits of a civic life guided by the virtues.

