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CATHOLIC CONTRIBUTIONS AND CRITIQUES OF HUMAN RIGHTS LAW WITHIN EUROPEAN INSTITUTIONS

Fr. Piotr Mazurkiewicz

HOW DEMOCRATIC IS THE PARTICIPATIVE DEMOCRACY?

With regard to the EU, we are accustomed to talking about a democratic deficit. This expression is a euphemism, as if a political regime is not fully democratic, the question immediately becomes how is an incomplete democracy “completed”? Whether we have there “a surplus” of autocracy, bureaucracy or of something else? Regardless the answer, there is awareness that we have a problem with democracy (see: Karlsruhe ruling on Lisbon Treaty). It results not due to the lack of good will, but to the fact that democracy as political regime was invented in the history only for small political entities, like Greek *polis*, and in the modern time was applied to the nation-state level. Strictly speaking, democracy is not possible at the international level.

As the EU would like to become one day a federal state, it also has ambition to be recognized as a democratic entity. But the transformation of international organizations in general is not going toward a model of political democracy. So-called global governance is much more similar to a kind of a network than to the worldwide gathering of the nation-states. Although the nation-states (USA, China, Russia, India, Brazil, UK or Germany) remain the main actors, “new players” with much differentiated identities have appeared on the scene:

- political entities (UN, EU, CE, AU, ASEAN, G8, G20, OSCE etc.),
- entities of rather economical nature (IMF, ECB, international corporations, cartels etc.),
- international courts,
- international NGO’s,

- individual people (“eminent persons,” technical experts, academics, etc.).

The lack of democratic legitimacy is the common factor for all of them. To hide this fact from the public, politicians and bureaucrats usually refer to the concept of “deliberative” or “participative democracy.” In their interpretation of these terms, democracy is much more linked with public debate (consultations, crowd-sourcing) than with democratic elections. In other words, contemporary democracy – in this view - does not need any more democratic elections. Elections can be substituted by consultations with a thin group of so called “stakeholders.” Recently, one of those groups called The High Level Panel of Eminent Persons prepared The Report on the Post-2015 Development Agenda.¹ The report proposes a “new global partnership” which does not abolish democratic institutions but should coexist with them. In the “partnership” model, the governments, the only form that can have democratic legitimacy, would be treated on an equal footing with all other “stakeholders” and “horizontal leaders”, which are not democratic by their nature. If we follow this line, the future world will be less and less democratic. In former times, communist countries had inserted in their constitutions expressions declaring that the political regime would be called a “peoples’ democracy,” which is an equivalent to the “proletarian dictatorship” (“people’s democratic dictatorship” – as expressed in Chinese constitution).² So, the adjective was added here in order to deny the sense of the noun. Luckily, we are in a totally different moment of history but still it could be worthwhile to remind ourselves of

¹ See Marguerite A. Peeters, *The Post-2015 UN Development Agenda (V)-Political Challenges (Part One)*, DIALOGUE DYNAMICS (Aug. 7, 2013), available at <http://www.dialoguedynamics.com/content/research-corpus/iis-reports/2013/article/re-the-post-2015-un-development-735>. See generally Secretary General’s High-Level Panel of Eminent Persons, *A New Global Partnership: Eradicate Poverty and Transform Economies Through Sustainable Development. The Report of the High-Level Panel of Eminent Persons on the Post-2015 Development Agenda*, (May 30, 2013), Available at <http://www.post2015hlp.org/featured/high-level-panel-releases-recommendations-for-worlds-next-development-agenda/>.

² CONSTITUTION OF THE PEOPLE’S REPUBLIC OF CHINA, Mar. 14, 2004, pmb., available at http://www.npc.gov.cn/englishpc/Constitution/2007-11/15/content_1372963.htm (“The People’s Republic of China is a socialist state under the people’s democratic dictatorship led by the working class and based on the alliance of workers and peasants. The socialist system is the basic system of the People’s Republic of China. Disruption of the socialist system by any organization or individual is prohibited”).

the observation done by blessed John Paul II: "As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism."³ (*Centesimus annus*, 46).

The current transformation in international relations produces results, so that politics (in traditional sense) is frequently replaced by economics, and financial instruments often are at the service of political ideology. The mechanism of conversion of ethical and political issues into financial ones is well elaborated in the EU policy. It allows the EU to be very active also on the fields where its competence is very limited, like bioethics and family policy (see: TFEU art 81 (3)).

Also the role performed by constitutional and international courts, both, at the national and international level, has changed. By using a "creative approach" to the jurisprudence, in practice, they are playing a role of "the third chamber" of the parliament. Instead of interpreting existing laws, through the jurisprudence, they create new laws, quite often very ideological. Being by definition out of democratic control, they are playing nowadays very important political role, provoking the transformation of democracy into a new political regime called "juristocracy." The jurists are trying to introduce into the legal system "a new consensus" on non-discrimination, same-sex unions, and redefinition of marriage, without slightest changed in any constitution or treaty. This elitist group is trying to impose on the societies a "new mindset," usually very ideological. Some decisions, like *Roe vs. Wade*, have completely changed national political framework. Other, like *Lausti*, pretended to do this. One should not forget the negative character of this tendency even if some of the judgments (few of them like *Briistle* or finally *Lautsi*) are in favor of his understanding of the common good.

International NGOs', even if they are getting money mostly from public resources, do not represent any more the civil society. In the process of consultation they are still treated as they would play this role, but in reality they replaced, *i.e.*, eliminated the civil society. They are

³ JOHN PAUL II, *CENTESIMUS ANNUS*, Encyclical Letter To His Venerable Brother Bishops in the Episcopate The Priests and Deacons Families of Men and Women Religious All the Christian Faithful and To All Men and Women of Good Will on the Hundreth Anniversary of *Rerum Novarum*, para. 46 (May 1, 1991) available at http://www.vatican.va/holy_father/john_paul_ii/encyclicals/documents/hf_jp-ii_enc_01051991_centesimus-annus_en.html

financed, in general, by international organizations, national governments and some very rich people, and are at the service of their agenda. "Who pays the piper, sets requirements." Some of them probably were even created on the request of some international institutions.⁴ Jürgen Habermas described this as a process of "re-feudalization of the civil society," when the society is once again reduced to the status of an observer and its opinion is replaced by the opinion of experts and "stakeholders."

NEW PUBLIC PHILOSOPHY

The post-war international legal order was based on the natural law philosophy. Nowadays, it is being replaced by gender ideology, which is being pushed by some Western states as a new public philosophy. Concerning the philosophy of law, as stressed pope Benedict XVI when he addressed the Reichstag in Berlin, "there has been a dramatic shift in the situation in the last half-century"⁵—a shift from the natural law to purely functional positivist conception. Into the vacuum, created by this purely functional positivist approach, has entered the gender ideology, which – regarded from the political point of view - is nothing more than a new form of Marxist thinking. This means that there is a real risk that with time it will provoke similar social and political consequences as the original Marxist philosophy, which also has been born on the West.

Some elements of possible analogy between the Marxist and gender ideologies:

⁴ See Consolidated Version of the Treaty on the Functioning of the European Union, Sep. 5, 2008, 2008 O.J. (C115) 47.

⁵ Pope Benedict XVI, *The Listening Heart: Reflections on the Foundations of Law*, Address Before the Bundestag (Sept. 22, 2011), http://www.vatican.va/holy_father/benedict_xvi/speeches/2011/september/documents/hf_ben-xvi_spe_20110922_reichstag-berlin_en.html ("For the development of law and for the development of humanity was highly significant that Christian theologians aligned themselves against the religious law associated with polytheism and on the side of philosophy, and that they acknowledged reason and nature in their interrelation as the universally valid source of law.").

Marxist ideology	Gender ideology
Main common ideas:	
the materialistic vision of the world	the materialistic vision of the world
the idea of the class struggle	the idea of the struggle of sexes and genders (men – women; heterosexuals – homosexuals)
the workers as the exploited social class	the women and LGBT people as the new exploited social class
the marriage and family as the main structures of oppression (F. Engels)	the marriage and family as the main structures of oppression (F. Engels)
Main common aims:	
to liberate people from economical oppression	to liberate people from heterosexual constraint; to separate fertility and heterosexuality (due to new technologies)
the violent social and political revolution	the “silent” social and political revolution; ⁶ the deconstruction of the main social institutions like marriage and family, and their replacement by the new one based on gender ideology
the imposition of a dictatorship of the previously oppressed class (eventually: to destroy the social class difference)	the imposition of new <i>androgynous</i> great narrative (eventually: to destroy the difference between feminine and masculine)
Main common instruments:	

⁶ The analogy faces here an important limit: the difference between those two kinds of revolution is evident as one of them cost life of around 100 million people.

<p>the communist party control over instruments of ideological and cultural production</p> <p><i>The class which has the means of material production at its disposal has control at the same time over the means of mental production (Karl Marx, The Civil War in France)</i></p>	<p>the feminist/LGBT control over instruments of ideological and cultural production (media, culture, education - see: UNESCO and WHO standards on sexual education)</p>
<p>the communist <i>Newspeak</i></p>	<p>the performative function of the language</p> <p>(the imposition of a new terminology and redefinition of old terms: gender, homophobia, reproductive health, new human rights, negative and positive reproductive rights, "gay marriage" etc.)</p>
<p>the preventive censorship</p>	<p>the political correctness: the promotion of some likeminded people and elimination of opponents from public life (R. Scruton)</p> <p>(see: black list of pro-lifers distributed in the European Parliament)</p>

WHY MOST OF THE CONTEMPORARY LIBERALS ARE AGAINST FREEDOM AND DEMOCRACY?

One could be surprised by the fact that those who should be in favor of liberty are now taking so many legal and political initiatives to limit citizens access to freedom. Just some examples:

- recently Catholic adoption agencies disappeared in England because they refused to provide children to homosexual couples,
- in the Parliamentary Assembly of the Council of Europe, British Labours have proposed a resolution against the right to conscientious objection (Mac Cafferty resolution) (similar law was approved in Sweden); in the European Parliament the same aim had Estrela Report on Sexual and Reproductive Health and Rights; the same problem appeared in the recent debates on so called same-sex marriage in France and England
- hate speech laws and anti-discrimination laws are more and more restrictive – these laws, refereeing to a very ambiguous term “homophobia,” are used to stigmatize people and to limit their rights concerning the real possibility of being in the opposition to the liberal mainstream; they are imposing restrictions on the rights of parents to educate their children in conformity with their religious and moral convictions, restrictions on freedom of religion, freedom of expression, freedom of conscience, on the right of the ethos-based institutions to maintain their activities (see: the proposal of a law on homophobia in Italy)⁷
- refusal of a referendum on abortion in Ireland and on “gay marriage” in France
- organized attacks against Hungarian constitution (and in the past also against Lithuanian law on the protection of minors)⁸

⁷ See PAUL B. COLEMAN, CENSORED: HOW EUROPEAN “HATE SPEECH” LAWS ARE THREATENING FREEDOM OF SPEECH 28, n.59 (2012).

⁸ In the same direction was going health system reform the USA with the attempt to force all the employers (Catholic bishops including) to cover by the health insurance the costs of contraception and abortion.

If in all these cases the main aim would be the promotion of tolerance and non-discrimination, one could imagine much more liberal solutions, leaving “old fashion” institutions and establishing new ones just as an alternative. The tendency to eliminate the opponents, which is not just an unexpected side effect, shows that the gender ideology is not just a kind of a “liberation theology” for discriminated LGBT people. The fight for the rights of individuals (i.e. non-discrimination policy, access to the institution of marriage for same-sex unions, adoption for gays and lesbians) seems to be only an excuse to deconstruct main social institutions of Christian civilization and to take the political leadership (“the power over the souls of people”) in the Western world.

FROM BUTTIGLIONE CASE TO BUTTIGLIONE 2.0

In *Conscience*, the review published by the anti-Catholic movement called Catholics for Choice, recently one could read that the withdrawal in 2004 of Rocco Buttiglione as a candidate for the European commissioner, was for conservative Christians a humiliating experience which, at the same time, mobilized them to be more present, more active and better organized in Brussels and Strasbourg.⁹ Certainly, this was a very shocking experience for Christians, demonstrating openly that – even if the biggest in the EP political group is called (back since 2009) Christian Democrats – it’s very difficult for a convinced Christian to get an important position in the EU structures. It doesn’t mean that this is impossible for so called “moderate” Christians. But the “production of new Christian martyrs” was recognized by the anti-Catholic league as a serious error, what results with a change of strategy. Observing recent developments, it could be noted that two alternative strategies have merged. The first is to “moderate” active believers by an act of public humiliation or, second, if this is not working, to eliminate them from public life on a base of an organized defamation. A person publicly accused on committed (in fact or not) crimes, immoral life, plagiarism

⁹ Neil Datta, *Keeping It All in the Family*, 34 CONSCIENCE 22, 22 (2013) available at <http://digital.graphcompubs.com/publications/?i=165029&p=24>.

etc., is losing political support. The defamation strategy is effective only against values-oriented people.

Recently one could observe similar games as with Rocco Buttiglione around the nomination of Tony Borg for the European Commission's Health and Consumer Policy portfolio. His nomination was at risk because the European Humanist Federation, the International Planned Parenthood Federation and the International Lesbian and Gay Association (ILGA) looked his personal views on abortion, same-sex "marriage" and divorce as being "extremists." None of these topics fall under EU competence or have anything to do with the portfolio he would inherit if confirmed. None of these organizations is a part of the European political system. Nevertheless, under the pressure of these lobby groups, maintaining that the simply holding Christian beliefs on social issues is a sign of extremism, he was forced to sign a "declaration of loyalty to the European values" before he was officially nominated by the vote of the deputies.

HOW CHRISTIAN IS CHRISTIAN DEMOCRACY?

Another problem is directly linked with the European crisis of Christian democracy. To answer properly on the question one should first articulate a list of the core values/core political issues from the Christian point of view. To draw up such a catalogue is not a difficult task when you have at hand *The Doctrinal Note on participation of Catholics in political life* and Pope Benedict XVI exhortation *Sacramentum caritatis*. On the list of not negotiable values, published in these documents, one can find:¹⁰

¹⁰ CONGREGATION FOR THE DOCTRINE OF THE FAITH, DOCTRINAL NOTE ON SOME QUESTIONS REGARDING THE PARTICIPATION OF CATHOLICS IN POLITICAL LIFE, sec. 2, no. 4 (U.S. Council of Catholic Bishops, 2002) available at http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20021124_politica_en.html ("In this context, it must be noted also that a well-formed Christian conscience does not permit one to vote for a political program or an individual law which contradicts the fundamental contents of faith and morals. The Christian faith is an integral unity, and thus it is incoherent to isolate some particular element to the detriment of the whole of Catholic doctrine. A political commitment to a single isolated aspect of the Church's social doctrine does not exhaust one's responsibility towards the common good. Nor can a Catholic think of delegating his Christian responsibility to others; rather, the Gospel of Jesus Christ gives him this task, so that the truth about

- the basic right to life from conception to natural death
- the respect and protection of the family, based on monogamous marriage between a man and a woman

man and the world might be proclaimed and put into action. When political activity comes up against moral principles that do not admit of exception, compromise or derogation, the Catholic commitment becomes more evident and laden with responsibility. In the face of *fundamental and inalienable ethical demands*, Christians must recognize that what is at stake is the essence of the moral law, which concerns the integral good of the human person. This is the case with laws concerning *abortion* and *euthanasia* (not to be confused with the decision to forgo *extraordinary treatments*, which is morally legitimate). Such laws must defend the basic right to life from conception to natural death. In the same way, it is necessary to recall the duty to respect and protect the rights of the *human embryo*. Analogously, the *family* needs to be safeguarded and promoted, based on monogamous marriage between a man and a woman, and protected in its unity and stability in the face of modern laws on divorce: in no way can other forms of cohabitation be placed on the same level as marriage, nor can they receive legal recognition as such. The same is true for the freedom of parents regarding the *education* of their children; it is an inalienable right recognized also by the Universal Declaration on Human Rights. In the same way, one must consider *society's protection of minors* and freedom from *modern forms of slavery* (drug abuse and prostitution, for example). In addition, there is the right to *religious freedom* and the development of an *economy* that is at the service of the human person and of the common good, with respect for social justice, the principles of human solidarity and subsidiarity, according to which «the rights of all individuals, families, and organizations and their practical implementation must be acknowledged». Finally, the question of *peace* must be mentioned. Certain pacifistic and ideological visions tend at times to secularize the value of peace, while, in other cases, there is the problem of summary ethical judgments, which forget the complexity of the issues involved. Peace is always «the work of justice and the effect of charity». It demands the absolute and radical rejection of violence and terrorism and requires a constant and vigilant commitment on the part of all political leaders.”); POPE BENEDICT XVI, POST-SYNODAL APOSTOLIC EXHORTATION SACRAMENTUM CARITATIS OF THE HOLY FATHER BENEDICT XVI TO THE BISHOPS, CLERGY, CONSECRATED PERSONS AND THE LAY FAITHFUL ON THE EUCHARIST AS THE SOURCE AND SUMMIT OF THE CHURCH’S LIFE AND MISSION, no. 83 U.S. Council of Catholic Bishops, 2007) *available at* http://www.vatican.va/holy_father/benedict_xvi/apost_exhortations/documents/hf_ben-xvi_exh_20070222_sacramentum-caritatis_en.html (“Evidently, this is true for all the baptized, yet it is especially incumbent upon those who, by virtue of their social or political position, must make decisions regarding fundamental values, such as respect for human life, its defense from conception to natural death, the family built upon marriage between a man and a woman, the freedom to educate one’s children and the promotion of the common good in all its forms. These values are not negotiable. Consequently, Catholic politicians and legislators, conscious of their grave responsibility before society, must feel particularly bound, on the basis of a properly formed conscience, to introduce and support laws inspired by values grounded in human nature. There is an objective connection here with the Eucharist (cf. 1 Cor 11:27-29). Bishops are bound to reaffirm constantly these values as part of their responsibility to the flock entrusted to them.”).

- the freedom of parent regarding the education of their children (especially moral and religious),
- the protection of minors
- the freedom from modern forms of slavery (drug abuse, forced work, prostitution),
- the right to religious freedom
- the development of an economy that is at the service of the human person and of the common good, with respect to social justice, the principles of human solidarity and subsidiarity
- the peace in the world

In the European Parliament one can observe two different coalitions. The first is on economics, formed by Christian-democrats, Social democrats and Liberals, and the second "on values," formed by Social democrats, Liberals and Greens. This means that Christian-democrats are able to push in the European policy the model of social market economy but at the same time they are losing nearly all the battles on other values. Is this problematic for Christian deputies? The EPP group is giving impression that rather prefers to avoid internal axiological debates (on the importance of the "C" in the name of Christian Democracy) because they could provoke in-house conflicts or even dissolution of the group itself. It doesn't mean that convinced Christians are missing in the European Parliament but they are not the mains "stakeholders" in any of the important political groups.

One can observe the same process on the national level with a sad but justifiable conclusion that the majority of the most problematic laws on life, marriage and family probably would be never approved in Europe without the Christian Democrats' strategy of the "lesser evil." The main example, as highlighted by Vladimir Palko, is the Italian law no. 194 on abortion, which is the only pro-abortion law in the world signed exclusively by Catholic politicians (Giulio Andreotti, Tina

Anselmi, Francesco Bonifacia, Tomasso Mirilina, Filippo Pandolfi).¹¹ Giulio Andreotti, 25 years later, said: "Today, I would have resigned rather than signed the bill."¹² Unfortunately, this is still the main strategy of those Christian democratic parties, which are big enough to think about taking over the power. In assessing their policies on the basis of the fruits, one could get a strange impression that their political opponents might infiltrate them. This provokes the question: How to regain Christian democracy for Christian agenda? One possible way could be the organization of small Christian clusters inside existing big political parties. This could help their members to overcome a feeling of lowliness, push Christian reflection on main political issues and ensure that Christian point of view is really expressed in the political debate.

ETHICAL ISSUES AS A SUBSTANCE OF POLITICAL DEBATE

Not much is said directly on religion in current European political debate. Recent and lost by Christians, was the battle concerning the reference to Christianity in the preamble of the Constitutional Treaty. A few years later there was a court case on the cross in public space in Italy (*Lautsi*), finally won. In France, we had, on the one hand, the debate launched by president Sarkozy on *laïcité positive* and, on the other hand, a public declaration by Vincent Peillon, minister of education, that Catholicism should disappear from the country, if the objectives of the French revolution should be achieved.¹³ But there are also some achievements concerning guaranties for religious freedom. Churches have lost the preamble in new European treaties but have won article 17 on dialogue between the EU institutions and religions. One can say this is an ambivalent success, as in the article Churches are put at the same footing as small secularists associations. This allows the EU institutions, searching for the "just equilibrium," to treat secularists as counter-balance to religions and to attribute each of them the same weight. Hence

¹¹ See V. Palko, *Chore gwiazdy krest'ansko-demokratyczne*, IMPULZ, 1/2010; *Gdzie jest „C” w CDU*, z Martinem Lohmannem rozmawia Stefan Sekowski, FRONDA 161–171, 58/2011, available at <http://www.pismofronda.pl/fronda-58>.

¹² See *id.*

¹³ See Vincent Peillon, *La religion catholique doit disparaître*, YOUTUBE (Jun. 22, 2013), <http://www.youtube.com/watch?v=RjN3XCjZYNQ>.

the risk that Churches, pushing their position, will become unintended promoters of secularist groups.

On the other hand, looking at the number of statements issued by the EP and EEAS on defence of people persecuted on the base of religion, *Christians included*, the number of religious delegations received in Brussels and Strasbourg, it's evident that European politicians are very active on this field. It's also clear that Europe and the European institutions from the outside are regarded as the main existing point of reference for persecuted Christians. Last but not least, it is worth mentioning the recently approved EU Guidelines on freedom of religion or belief, by the Council of Foreign Ministers of the EU.

In the EU policy, religious freedom is not the main field of battle between secularists and Christians. The real conflict concerns some fundamental ethical issues. The catalogue of ethical values, which are subject here to a conflict, coincides well with the list of non-negotiable values formulated by Pope Benedict XVI: life, marriage, family, freedom of conscience, freedom of expression, freedom of education and—only indirectly—freedom of religion. In the background of the conflict we find a dispute between a Christian and a completely materialistic anthropology. The latter is constructed on the basis on an “anthropological error.” It is fully evident in the case of authorizing the creation of human chimeras and hybrids (England), euthanasia of children and mentally diseased people (Belgium), of attempts in so many countries to redefine marriage, to allow surrogates mothers, in vitro fertilization for lesbians and the adoption of children by same-sex couples. In each of these situations, no one cares about the rights of children and of surrogate mothers in India or elsewhere. Quite characteristically, the recently adopted Guidelines to protect and promote the enjoyment of all human rights by lesbian, gay, bisexual, transgender and intersex (LGBTI) persons, differ greatly from the Guidelines on freedom of religion and do not refer to human rights, as recognized in the international law. LGBTI Guidelines rather are intended as a tool, at the disposal of the European diplomatic service, to impose on the international community some so-called “new rights.”

Reason to shift in the European policy from the controversy on the issue of religious freedom to the dispute over the ethical issues is probably double. Firstly, the dispute over the ethical values is of paramount importance when it comes to the future of Christian

civilization in Europe. The dramatic change in social attitudes and in the legal framework in this area would mean a break up with *Christianitas*. Secondly, the Catholic Church is practically the only large institution standing in defence of the "old values" and traditional social institutions. It is therefore an intermediate but consciously chosen strategy of combating the Catholics.

WHERE WE ARE TODAY?

Alasdair MacIntyre wrote years ago:

It is always dangerous to draw too precise parallels between one historical period and another; and among the most misleading of such parallels are those which have been drawn between our own age in Europe and North America and the epoch in which the Roman empire declined into the Dark Ages. Nonetheless certain parallels there are. A crucial turning point in that earlier history occurred when men and women of good will turned aside from the task of shoring up the Roman empire and ceased to identify the continuation of civility and moral community with the maintenance of that empire. What they set themselves to achieve instead—often not recognizing fully what they were doing—was the construction of new forms of community within which the moral life could be sustained so that both morality and civility might survive the coming ages of barbarism and darkness. If my account of our moral condition is correct, we ought also to conclude that for some time now we too have reached that turning point. What matters at this stage is the construction of local forms of community within which civility and the intellectual and moral life can be sustained through the new dark ages, which are already upon us. And if the tradition of the virtues was able to survive the horrors of last dark ages, we are not entirely without grounds for hope. This time however the barbarians are not waiting beyond the frontiers; they have been governing us for quite some time. And it is our lack

of consciousness of this that constitutes part of our predicament.¹⁴

I do not think the time has come for Christians to withdraw from the public life and to try to build a parallel society. It would be too easy. However in MacIntyre's vision, one can find some useful analogies. First, we live at the turn of civilizations. One, perhaps, is dying on our eyes, at least in the form known to us. The next comes, probably, in two or three hundred years. Second, the barbarians are already within the walls of our city. "And it is our lack of consciousness of this that constitutes part of our predicament."¹⁵ Living in a democratic regime, it's hard to believe in this assessment of the situation. But if one day it has fulfilled the prophecy of self-distraction of the Western civilization, it would probably have nothing of apocalyptic disaster. The nature of the process would be much better than the verses from the Book of Revelation captured by T.S. Eliot's intuition that "*the world ends not with a bang but a whimper.*"¹⁶ Third, if someone has already agreed with this pessimistic perspective, must not forget that the future of our civilization has not been determined. The future, as Pier Giorgio Frassati used to say, "is in the hands of God and could not be better." Christians, however, also have a part of responsibility for the future to fulfil. When Rocco Buttiglione once was compared to Saint Thomas Moor, he replied with humor: "He lost his head and I lost only my chair." Price to be paid for fidelity is generally not too high.

There remains the intellectual work yet. The Second Vatican Council position on politics, articulated in the context of the bipolar world, seems to assume a positive scenario of the "earthly city." It takes as a standard, being on line with the human nature, the Western model of democracy, associating it with the hope for a "healthy cooperation" between Church and state (GS 75-76). Fifty years later, one must conclude that the positive scenario materialized only in relation to the communist world. Western world, especially after the collapse of the communist system, has evolved in a different direction than assumed at the time of the Council. Also, the very institution of the nation-state -

¹⁴ ALASDAIR MACINTYRE, *AFTER VIRTUE* 263 (3d ed., 2007).

¹⁵ *Id.*

¹⁶ See T.S. ELLIOT, *HOLLOW MEN* (1925).

what I tried to demonstrate - has changed. This applies both to the issue of sovereignty, as well as to the concern for the common good. The modern nation-state is no longer a *societas perfecta*, the organization of politics causes that the ratio of the government to the common good is increasingly ambivalent. In this sense, the state, as it is seen in *Gaudium et spes*, no longer exists. This statement is a lot of deliberate exaggeration, but it's the only way to giving more focus to the nature of the problem.

The challenge seems to be double. The first concerns the language in which the position of the Church is formulated. To have a dialogue with ideologically neutral state, the Church agreed to translate her social teaching into secular language. Today, however, the question arises whether the Church is not suffocating in this corset of ideologically neutral concepts invented for the purpose of political science, in which she is not able to express the essence of her teaching.¹⁷ It's hard to resist the impression that today what goes articulate in these categories is unattractive to Catholics, and at the same time is simply ignored by potential dialogue partners. Pope Benedict XVI mentioned this problem in his speech in the Reichstag.¹⁸ Facing the risk of a communication deadlock, the Church, rather to propose the renewal of theological language, which would explain the world in a complete and at the same time understandable manner, took over the terminology proposed by the world. Instead of the proposal of a new great theological narrative, she made her own secular thesis about the end of the era of any great storytelling. Thus, the second challenge: the idea of a paradigm shift, the demand for a new grand narrative, a new humanistic synthesis.¹⁹

¹⁷ Dominating today liberal terminology was proposed originally to describe the "artificial" political space invented by philosophers, not the real world created by God, *See generally* JOHN MILBANK & SIMON OLIVER, *THE RADICAL ORTHODOXY READER* 178–196 (2009).

¹⁸ *See generally* Pope Benedict XVI *supra* note 5.

¹⁹ Pope Paul VI, *Gaudium et Spes*, THE HOLY SEE (Dec. 7, 1965), available at http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html (In *Gaudium et Spes*, we can find two ways of talking about the socio-political reality. One refers to the tradition of St. Thomas Aquinas, the other to St. Augustine. So we have a reference to the principle of independence, autonomy and co-operation of the political community and the Church (76), but also to the idea that "the earthly and the heavenly city penetrate each other" (40). It seems that the adequacy of the proposed descriptions to the contemporary world is associated with the answer on whether the modern state of liberal democracy is ideologically neutral and that still serves the common good. The Christian community was named in the New Testament after the Greek word *ekklesia*, which meant anyone who possessed rights of

citizenship in the Greek *polis*. Although the Church was not a competitive *polis*, which aims to replace the temporal one, the language of citizenship was used to describe the membership of the community of believers (cf. Ep 2:19, Ph 3:20). Church citizenship, achieved through the baptism, is available to all, including those excluded from the political community.); WILLIAM T. CAVANAUGH, *MIGRATIONS OF THE HOLY: GOD, STATE, AND THE POLITICAL MEANING OF THE CHURCH* 125–127 (2011) (According to St. Augustine theological vision of two *poleis*, the earthly city (*civitas terrena*) and the divine city (*civitas Dei*), Christians are, in a way, citizens of two worlds, required to "double" loyalty. They are bound to be loyal to some extent to the earthly, and in another aspect to the heavenly city (See: GS 43). However, while the reflection based on Aquinas thought puts two entities (Church and state) side by side, separating the ranges of loyalty (temporal things, spiritual things and *res mixtae*), whereas in the school of St. Augustine their relationship is rather compared to the two taking place simultaneously on the same stage performances. Every word or gesture of a human actor provokes retort of the angels and of the bureaucrats (see CAVANAUGH at 46–68). Performances, however, do not tell the history of the two institutions, but the history of two communities established through love: the love of God to self-denial (*amor Dei usque ad contemptum sui*) and a selfish love to deny God (*usque ad contemptum Dei*). Each one is a kind of love story that engages the whole person. Therefore, also the history of the earthly city is neither morally, nor religiously neutral. It is not indifferent to whom one offers his heart. History of the City of God is intimately linked to the history of the Church, although it cannot be identified with it, as the real community of the Church is the community of sinners. For this reason is not only the story of the triumph, but of the repentance and penance. The paradigm of St. Augustine, not so much present in the mainstream of the current Catholic reflection, can be quite easily inscribed into the theological understanding of the "clash of civilisations" ("civilisations of life" and "civilisation of death" - John Paul II). The category of "death" here is not limited to the loss of earthly life, but it is understood in the perspective of the choice of eternal death, as a consequence of rejecting God. Contributing to the temporal death of innocent people is not the cause of attribution to the "culture of death," but the consequence of the earlier personal choice of the eternal death. The rejection of God is not a mere matter of an intellectual choice but also causes concrete effects in social life. Losing the sense of God, you lose the sensitivity to human. But, what should not be forgotten, it is impossible to determine the visible boundaries between the "city of God" and the "city of the devil." If love is the criterion of citizenship, the border runs through the heart of every man. Each one of us sometimes is on the one, sometimes on the other side. The perception of social and political life as a "divine drama" may be better suited to the current dynamics of the political process.).

