Thickening Human Rights: Toward an Analytical Framework of the Catholic Church's Engagement with Human Rights Norms

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Recent scholarship on human rights has focused increasingly on the complex pathways by which local actors transmit international human rights norms to domestic society. In particular, scholars have identified tensions between culturally “thin” human rights norms expressed at the international level and culturally “thick” norms embedded in domestic society. Stephen Hopgood’s distinction between “Human Rights” (upper-case) and “human rights” (lower-case) is instructive. He describes the former as “a global structure of laws, courts, norms, and organizations that raise money, write reports, run international campaigns, open local offices, lobby governments, and claim to speak with singular authority in the name of humanity as a whole.”

“Human Rights” claims to universal moral authority irrespective of historical or social circumstances required that proponents frame them as emanating from an authority standing apart from any particular cultural foundation. In so doing, universal human rights could claim legitimacy by not seeking to serve the interests of any particular society. The problem with this cultural disembodiment, Hopgood observes, is that universal human rights do not inspire the same kind of loyalty as morality born from a specific cultural foundation. While universal morality requires that it be culturally “thin,” “it is thickness that occasions the deepest obligations and loyalties--that creates the social capital that can move mountains (as well as piling up cadavers).” Hopgood upholds “human rights” (lower-case), which he describes as a

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2 Here, Hopgood draws on Georg Simmel’s notion that capitalist modernity has reorganized social relations, with money playing a vital new role in breaking down affective and other “thick” social boundaries by facilitating transactions across them. By reducing the importance such boundaries, capitalist modernity diminishes the importance of subjectivity in favor of objectivity. Because modernity also places a premium on the use of reason as a means to critique social arrangements, it also favors those willing to adopt a “characterless” perspective unfettered by subjective social ties. The result is the growing authority of what Thomas Nagel calls “the view from nowhere.” “Moral Authority, Modernity and the Politics of the Sacred,” *European Journal of International Relations* 15, no. 2 (2009): 235-37.
3 Ibid., 238.
bottom-up process of local and transnational activism. Because they are rooted in local cultural meanings, Hopgood argues that “human rights” (lower-case) are more relevant to local actors, enjoy greater legitimacy, and are thus more likely to be implemented and to serve the needs of local populations.

In contrast, others have identified an opposite problem: that human rights norms—and moral norms more generally—rooted in “thick” comprehensive doctrines like religion or ideology lack the legitimacy to integrate multiple cultures and thus to be accepted as universal standards. Requiring societies to adopt thick norms imposed by international actors can be construed as a form of cultural imperialism.4 For political theorist Benjamin Gregg, the top-down imposition of universal human rights is illegitimate because it does violence to local identities and beliefs. Even within local communities, locally thick norms can coercively impose themselves upon political minorities. Thus, a given human rights norm cannot be declared universal a priori. Gregg envisions a Rawlsian overlapping consensus of culturally thick but partially compatible human rights norms that form the basis for a thin layer of shared norms. In this vision, religious and nationalist values are too particular to attract adherents beyond the relatively narrow audience of believers and co-nationals. Instead, societies may come to their own forms of cultural consensus, enabling the adoption of thin norms that are mutually acceptable and, given sufficient overlap, even near-universal despite their cultural particularity.5 Ideally, thin norms would enable equal political participation for those who do

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not share the thick norms of a host society while simultaneously allowing people to maintain their thick normative commitments.⁶

My purpose in this concept paper is to play with some inchoate theoretical ideas regarding how religious institutions can “thicken” human rights norms at the international and domestic levels as well as amongst their own members (the “intra-ecclesial” level). I begin by reviewing scholarship on the domestic internalization of norms and highlight a growing interest in the different roles that actors can play with respect to supporting, opposing, or modifying a transnational norm at the domestic level. I then consider how the Catholic Church offers a way to examine how a religious organization can attempt to “thicken” human rights norms at the international, domestic, and intra-ecclesial levels. In particular, I outline a framework for how religious leaders use moral authority and persuasion or pressure on target audiences to build a consensus on transnational human rights norms within religious communities (noting that this is only one of the three levels of analysis; this paper focuses primarily on the intra-ecclesial level). In the final section, I briefly sketch a case of the Catholic Church’s efforts to thicken human rights norms regarding the death penalty in the Philippines as a prelude to further research to test this analytic framework.

**The Thickness of Human Rights and Domestic Norm Internalization**

The thickness or thinness of human rights norms has significant implications for how human rights are implemented—or not—at the domestic level. Although national governments may sign and ratify human rights covenants or even pass laws to implement them, that does not

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⁶ "Comparative Perspectives on Social Integration in Pluralistic Societies: Thick Norms versus Thin," 633.
necessarily mean that all elements of society accept the moral norms contained within. The successful implementation of human rights depends substantially on whether societies agree with them. Where human rights are widely challenged and rejected, compliance and enforcement will be half-hearted and grudging at best. Conversely, if societies understand human rights not merely as a rule to follow for fear of punishment but instead as values and principles that emerge from their collective understandings of who they are, then we would expect a much more active promotion of human rights throughout society.

The tension between thick culturally particular norms and thin universal norms has been explored by constructivist scholars seeking to understand how transnational norms are imported into domestic society. Early studies focused on how domestic actors’ interests could be served by transnational norms, how to measure the degree to which a state adopted a new norm, as well as how differences in state-society relations could privilege certain mechanisms of domestic norm diffusion over others. Jeffrey Checkel argued that in political systems where civil society was granted a free hand, norm empowerment would occur primarily through societal pressure on elites, whereas in more corporatist systems, norm empowerment would more likely occur through elite learning, helping to explain when elite or mass attitudes toward norms prevail when they differ from one another. Continuing down this line of inquiry, Checkel argued that the empowerment of a transnational norm could be accelerated if it converged

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with pre-existing domestic norms (as indicated by discourse, the legal system, and bureaucratic agencies), what he referred to as “cultural match.” In a 2005 essay, Cortell and Davis posited that in democratic societies with strongly held domestic norms, advocates of competing transnational norm needed to frame the latter as being in the broader national interest and then to “unravel and transform existing domestic institutions” in order to succeed. Without access to domestic decision-making institutions, domestic advocates of transnational norms would likely fail.

Antje Wiener drew a crucial distinction between “behaviorist” studies that focused on how states altered their behavior in response to norms (which are treated as extant social facts), and more reflexive studies that treat norms as malleable sites for contested meaning-making. The latter approach pays greater attention to social changes resulting from the process of contestation itself, that is, “discursive interventions uttered by both norm setters and norm followers.” It also demands a focus on the social context within which actors understand and (re)construct norms through practice, defined here according to Charles Taylor as a constant process of manifesting and reinterpreting the meaning of a rule.

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10 "Norms, Institutions, and National Identity in Contemporary Europe," 87.
12 Ibid., 23.
14 Ibid., 192.
discourse—what Jennifer Milliken describes as the “structure of meaning-in-use,”—allows us to observe this meaning as it is instantiated in the real world by social actors.\textsuperscript{16}

While early forays into norm internalization focused on domestic political structures, the next wave of scholarship explored the role of domestic agents in facilitating, modifying, or opposing the adoption of norms, uncovering processes of contestation that had hitherto been left unexplored. Here, research has emphasized how the identities and interests of local actors both affect and are affected by the process of norm contestation, working at the intersection of behaviorist and reflexive norms scholarship. Theo Farrell advanced the concept of \textit{norm transplantation} to explain how transnational norms can be incrementally adopted at the domestic level through a combination of socialization and material incentives, though radical norm change may require an exogenous shock.\textsuperscript{17} Amitav Acharya introduced the concept of \textit{norm localization} to explain how domestic actors modify transnational norms to be more compatible with local cultural norms. By both reframing transnational norms in ways that resonate with local culture and “grafting” and “pruning” them to fit with accepted local norms, domestic actors could actively facilitate their internalization by local actors.\textsuperscript{18} An important determinant of whether norm localization succeeds is the presence of “insider proponents,” whom Acharya described as “credible local actors” that promote an external norm and attempt to build congruence between it and local ideas. The credibility of insider proponents depends


upon “their social context and standing” and is likely to be greater “if they are seen by their target audience as upholders of local values and identity and not simply ‘agents’ of outside forces or actors.”

In a subsequent work, Acharya introduced the related concept of norm subsidiarity, which he defined as “a process whereby local actors create rules with a view to preserve their autonomy from dominance, neglect, violation, or abuse by more powerful central actors.” Whereas the aim of norm localization is to motivate local actors to adopt a norm by making it consonant with local beliefs, the aim of norm subsidiarity is to enhance the power of local actors relative to foreign ones by creating local norms that can challenge those emanating from powerful actors. Local actors may do so by emphasizing competing global norms (what Acharya calls the “supporting/strengthening effect”) or by advancing alternative norms for local use that may then be exported abroad (the “challenging/resisting effect”). Acharya linked norm localization and subsidiarity in a 2013 article wherein he described norm circulation, a dynamic process by which local actors adapt and contest norms proposed by transnational moral actors (localization) and then feed the modified norms back into the international context, reshaping and potentially strengthening global norms (subsidiarity). Norm localization, norm subsidiarity, and norm circulation thus provide conceptual tools for understanding how local actors need not be passive “norm takers” but instead active agents in understanding, modifying, and contesting norms, as well as in constructing new norms of their own. These

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19 Ibid., 248-49.
21 Ibid., 101-02.
concepts also helped to correct the bias in norm diffusion scholarship in favor of studying how norms emanating from cosmopolitan international society—i.e. the “thin” community of global elites steeped in Western liberal ideas—brought “bad” local practices into conformity with them.

More recent scholarship on norms has expanded on the role of local agents in contesting norms. Bob (2012) studies how “rival networks” of local actors and transnational norm advocates grapple for influence over domestic policy. Crucially, Bob argues that very little persuasion takes place between rival networks of norm advocates. Instead, opponents of norm change go on the attack, not only challenging the logic of competing arguments but also attempting to drown them out with sheer volume, mobilizing protests, lobbying policymakers, tarnishing the reputations of rival networks through smear campaigns, and working to throw up roadblocks to policy that reflects the targeted norm.23

Boesenecker and Vinjamuri (2011) examine civil society organizations involved in transitional justice and identify different general roles played by local civil society agents with respect to transnational norms: norm makers (highly principled organizations that have remained “ideologically autonomous from international legal human rights discourses, practices and pressures”),24 norm adapters (pragmatic organizations that mediate between international and local norms),25 norm facilitators (elements of the international human rights

25 Ibid., 355-56.
community that monitor the implementation of norms and ensure compliance), and norm reflectors (organizations whose approaches to international norms “are almost entirely derivative of local or indigenous norms”).

While Boesenecker and Vinjamuri differentiate domestic norm agents in functional terms, Bloomfield (2016) offers a taxonomy that characterizes them according to their degree of support or opposition for a given normative status quo. At opposite ends of the spectrum are “pure entrepreneurs”—which aim to change the status quo—and “pure antipreneurs”, which are completely committed to resisting norm change. Between the two extremes are “competitor entrepreneurs,” who hail from the same normative community as pure entrepreneurs but who differ regarding the scope and content of the norm, and what Campbell-Verduyn calls “creative resisters,” who admit to some minimal willingness to accept norm change, whether due to circumstance or partial persuasion by norm entrepreneurs. Bloomfield draws attention to the different tactics and strategies that norm antipreneurs use, as well as the various advantages they enjoy when defending an entrenched norm, including societal status quo biases, institutional inertia, and appeals to international customary law.

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26 Ibid., 359.
27 Ibid., 361.
Religion as a Thickener of Human Rights?

Within the study of domestic norm empowerment and contestation, there has been limited engagement with the question of how religion influences such processes, despite the potentially significant political effects that religious support of or opposition to a human rights norm can have on its internalization. A central area of debate concerns whether or not religion should be regarded differently from other ideological commitments. Both Gregg and Hopgood, for instance, include religion and secular ideology within the category of “comprehensive doctrines” that serve to thicken human rights norms. Boesenecker and Vinjamuri emphasize the commonalities between religious and secular commitments by differentiating civil society actors according to their ideological and functional commitments. By contrast, Toft, Philpott and Shah emphasize the differences between political ideologies and religion. Religion distinguishes itself from secular ideologies by its efforts to “seek understanding of, and harmony with, the widest reaches of transcendent reality” and its purporting to “offer answers to universal questions about the origins of existence, the afterlife, and realities that transcend humanity.”

The differences, I would submit, matter when it comes to human rights and other norms that are proposed as universal. Such norms by definition stake claims to the same moral grounds as religion, though by appealing to secular rather than sacred authority. This sets up the potential for conflict. As the sociologist Emile Durkheim described it, religion is a system of shared beliefs and practices about sacred things that unite people into a single moral

community. Yet, religion as commonly understood is also a source of “self-authorizing” authority. It does not admit of any superior authority. For those who accept this authority, the moral imperatives that flow from religious teachings can take on special significance and spill over into daily life, whether explicitly or through more circuitous pathways such as secular legislation or cultural norms that have become so taken-for-granted that their religious origins are all but forgotten.

On the one hand, religious institutions can be seen as obstacles to shared human rights standards. Religions are thick institutions *par excellence* with their complex systems of meaning and norms that emerge from beliefs regarding sacred objects. Hendrik Vroom notes that a key aspect of religion is its anthropology—that is, how it interprets the nature of man and places it within a larger context, whether that is a tribe, an ethnic group, the Muslim *umma*, the Kingdom of God, dharma, or something else. Global human rights enshrine individualism and autonomy, while religious anthropologies eschew an egocentric view of the individual; rights are not asserted without corresponding responsibilities. Vroom, then, argues that:

> [A]s the basis of a common morality, human rights require “thickening.” In a pluralistic, secularized culture one is referred to the wealth of wisdom, insight and emotiveness of the great traditions, which help to overcome anthropocentrism and egoism. The morality that corresponds to human rights is too narrow a basis for this — without a religious framework it remains the minimum of humanity.

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33 Ibid., 32-34.

34 Ibid., 40.
Yet, if religious teachings can help to fill in and contextualize human rights within a broader moral understanding of how to live a good life, trying to forge some sort of common moral basis on top of human rights is challenging, to say the least. While some religious norms may be “thinned out” with relative ease (for instance, a commitment to peace), others depend upon affirming thick beliefs that are not easily shared by non-adherents. For instance, non-Catholics would find it odd that the Catholic Church vigorously opposes governments that freely distribute condoms as a matter of public health. Accepting this teaching requires believing that sexual intercourse with a condom frustrates God’s design for sex as inherently procreative and that parents, rather than being creators of new life, are instead cooperators with God, who alone creates life. From this perspective, religion poses a challenge to human rights. To create an overlapping consensus, it is necessary to identify and extract similarities across different religions and other “comprehensive doctrines” to create thin transnational norms. Yet, doing so can uproot those thick beliefs from their local contexts. On the other hand, if, as Hopgood alleges, the problem is that transnational human rights norms are not thick enough, then religious institutions can play a different role as sources and amplifiers of human rights norms that, while varying across societies, enjoy greater local loyalty (and presumably, better stability and implementation) than thin norms from a disembodied cosmopolitan transnational society.

Somewhere in between these two contrasting visions of how religious institutions can facilitate or hinder transnational human rights norms lies another possibility: that religious institutions can lend legitimacy and loyalty to otherwise thin human rights norms by incorporating them into religious moral teachings. In this conceptualization, religious institutions are neither an inevitable obstacle to the adoption of human rights nor an automatic
ally. Instead, by reinterpreting transnational human rights norms through religious worldviews, religion can provide a way for thin global norms to become thickened at the local level.

This process involves a constant tension between the universal and the local and spans multiple levels of society. When transnational human rights norms speak to issues important to religious communities, religious leaders must determine how to approach them, whether to support or oppose them and to what degree. To refer again to Alan Bloomfield’s taxonomy of domestic norm advocates, should they steer their communities toward becoming “pure entrepreneurs” who support the transnational norms in their own societies, “pure antipreneurs” who implacably resist such norms, or somewhere in between as a “competitive entrepreneur” or “creative resister”?35 Determining the proper course requires an interpretation of religious teachings, which can constrain the range of legitimate positions that a religious leader may adopt. Yet, even once leaders have decided upon a position on a transnational norm and a religious justification behind it, it does not automatically follow that religious audiences will either agree with or mobilize in support of that position. A lack of consensus among religious authorities can legitimate a diversity of interpretations and prevent a coherent stance toward a transnational norm.

Thus, religious leaders often play a multi-level game to advance their preferred interpretations of a transnational moral norm. First, they seek to convince religious audiences (including other religious leaders) that their interpretation is correct and necessary to implement (intra-ecclesial level). Second, they may engage with domestic audiences regarding the implementation of transnational norms (domestic level). Third, they may engage directly

35 Bloomfield, "Norm Antipreneurs and Theorising Resistance to Normative Change," 331. See below for an elaboration of these terms.
with states and international organizations (international level). Contestation at any of these levels—intra-faith consensus building and the engagement of religious groups with domestic and transnational actors who do not necessarily share similar religious convictions—can have effects on the other two levels.

**The Role of Moral Authority**

At all three levels, I suggest that *moral authority* is a key determinant in whether religious leaders are able to succeed in advancing their normative agenda. Yet, moral authority is highly contextual; what constitutes moral authority within a religious community does not necessarily constitute moral authority outside of it.

Scholars have conceptualized moral authority in different ways. At a fundamental level, moral authority can be thought of as “the ability to speak authoritatively on matters of right and wrong behavior.” Durkheim describes moral authority as the ability to command respect and obedience based on the superior moral power of a real or ideal being. This authority is socially constructed:

> Society commands us because it is exterior and superior to us; the moral distance between it and us makes it an authority before which our will defers. But as, on the other hand, it is within us and is us, we love and desire it, albeit with a *sui generis* desire since, whatever we do, society can never be ours in more than a part and dominates us infinitely [emphasis original].

36 Lisa L. Ferrari, "The Influence of Moral Authority in International Relations: A Case Study of the Catholic Church under John Paul II" (Ph.D., Georgetown University, 1998), 84.
For Durkheim, moral authority derives from the nature of moral facts as having a higher prestige and desirability than other goods. This prestige, in turn, derives from the collective nature of morality. “Precisely because they are the echo within us of the great voice of the collective, they speak in our consciences with a tone quite different from that of purely individual sentiments. They speak to us from a higher level and by reason of their origin they have a force and an ascendancy peculiarly their own.”

In this sense, Durkheim argues, morality becomes sacred insofar as it is elevated above the ordinary.

Durkheim’s understanding of moral authority highlights the importance of morality as an intersubjective conception of superior goods. Though social in origin, it presents itself to the individual as emanating from a sacred, superior force; in doing so, it can reshape identities and interests. In his study of how moral authority can be wielded as a power resource, Hall (1997) demonstrates how medieval European rulers employed “principled ideas”—notably the Catholic Church’s political theology of a hierarchic order whose apex was occupied by a sacerdotal king—to maintain social control over feudal society, delegitimize challenges to the throne, and co-opt the rowdy warrior-vassals by altering their identities and interests through the institution of knighthood and its attendant code of chivalry.

Moral authority, he writes, becomes a power resource “when it becomes socially embedded in a system of actors whose social identities and interests impel them to recognize it as a power resource.”

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39 Ibid.
41 Ibid., 594.
A somewhat different understanding of moral authority emphasizes its nature as a measure of trustworthiness in the eyes of a given audience. In her study of how Christian churches were able to shape public policy, Grzymała-Busse (2015) defines their moral authority as “the identification of the church with national interest, rather than with interests that are purely theological.” She argues that this moral authority—a reputation of being non-partisan and interested in the greater good of the nation—gave churches legitimacy and privileged access to policy debates. Such moral authority was earned when churches exhibited a history of acting against perceived threats to the nation, whether foreign (in the case of communist threats to Poland) or domestic (in the case of Ireland against British colonizers), leading to a fusion of religious and national identity. Conversely, moral authority was lost when churches exhibited a history of acting self-interestedly against the nation, leading to a disconnect between religious and national identity.

In a similar manner, Arifianto (2012) argues that the moral authority of religious leaders, mediated by institutional culture and the relationship between state and religious groups, determines their ability to push through theological reform. Leaders may reinterpret theological ideas and then resort to persuasion, coercion or conversion to mobilize followers. Followers, in turn, accept the religious leader’s interpretation based on the leader’s moral authority, which in turn is a function of his/her theological expertise and charismatic attributes, such as personality, ability to interface with different audiences, and energy.

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Kane (2001) also emphasizes that moral authority (which he refers to as “moral capital”) in politics accrues only to those political actors who are seen to serve some principle greater than themselves. He observes, like Rousseau, that “[p]olitical power can never merely assert itself, but must establish its moral legitimacy and thus, at the same time, the non-legitimacy of actual or potential challengers.” Political actors “must first constitute themselves, at the very least in the eyes of their supporters, as legitimate interests [emphasis original], arguing not just the contingent existence of their desires but the rightness and justness of their claims and demands.” Like Grzymała-Busse, Kane agrees that moral authority and the appearance of acting in naked self-interest are at odds with one another. Leaders wishing to retain moral authority must appear to be above the political fray.

It is important to emphasize that moral authority is, to a great extent, audience-specific. As Kane points out, “[m]oral capital...would appear to be bound to particular constituencies, defined by particular end-values and goals, within which it is formed and maintained.” This is not an absolute rule, however, and Kane notes that the need to build coalitions, for example, can create opportunities for leaders to seek moral authority beyond their particular constituencies.

The Catholic Church as an Observation Platform for Thickening Human Rights

The Catholic Church offers a particularly good opportunity to observe the complex and multi-level process of contestation and negotiation of human rights and religious teachings. It exhibits

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45 Ibid.
46 Ibid., 33.
47 Ibid., 34.
a long history of engagement with human rights issues; a hierarchical structure—which makes it easier to observe continuity, contestation, and change in religious teaching and practice; and global reach, which enables a wide range of observations in different societal contexts.

First, the Catholic Church has long been deeply engaged in the promotion of human rights, particularly following the Second World War. The Church supported the newly established United Nations and the Universal Declaration of Human Rights (UDHR) and the Holy See joined the UN as a Permanent Observer in 1964. Pope John XXIII, who convened the Second Vatican Council, praised the United Nations as “a solemn recognition of the personal dignity of every human being; an assertion of everyone’s right to be free to seek out the truth, to follow moral principles, discharge the duties imposed by justice, and lead a fully human life.”

In the post-Vatican II era, the Catholic Church has lent support to key human rights documents and emphasized the continuity between human rights and Catholic moral theology. It played a leading role in the so-called “Third Wave” of democratization that swept formerly authoritarian countries between 1974 and 1990, including in Poland, the Philippines, Chile, Brazil, and El Salvador. In addition, the Church has been a vocal proponent of labor rights, nuclear disarmament, the freedom of religion, environmental protection and the abolition of the death penalty. In the United Nations, the Holy See has used its status as a Permanent Observer to advocate for the Responsibility to Protect, sustainable development, and the humane treatment of refugees and migrants.

Yet, there remain key tensions between Catholic moral theology and international human rights. Catholic teaching holds that humanity was made in the image of God (the “imago

\[48\] \textit{Pacem in Terris}, par. 144.
Dei”), thereby granting all human beings inherent dignity. It holds that there is such a thing as a natural moral law that is both knowable and binding upon all, and that rulers thus have a duty to discover the natural moral law and establish laws that conform to it. A law that contradicts the moral order, the teachings of the Gospel, or fundamental human rights, is not only unjust in the Church’s eyes but also imposes a “grave duty of conscience not to cooperate, not even formally.”

Official Catholic teaching holds that no circumstances can justify cooperation with an unjust law. Indeed, “Christian witness is to be considered a fundamental obligation that can even lead to the sacrificing of one’s life, to martyrdom in the name of love and human dignity.”

By contrast, international human rights law is based on a combination of customary and positive law agreed upon by a consensus of states. While it affirms the inherent dignity of humankind, it is agnostic about the source of this dignity. Because international society is underpinned by the bedrock norm of state sovereignty, the power and legitimacy of human rights depend heavily how willing and able states are to let them influence domestic political practices. This, in turn, is ultimately a function of the state’s power.

Catholic moral teaching purports to be a complete system, while international human rights law is a patchwork of declarations, conventions, and customs dependent upon states’ ability to reach a consensus. Catholic morality is premised upon the notion that human life, while sacred and important, is nonetheless fleeting while the soul is eternal. Not so for international human rights, which must necessarily remain agnostic about such matters to preserve cross-cultural universality. Thus, these conceptions of human rights are divided by

49 Compendium of the Social Doctrine of the Church, no. 399.
50 Compendium of the Social Doctrine of the Church, no. 570.
different teleologies—different understandings of humanity’s ultimate purpose. This is starkly illustrated by the rift between the Holy See and other UN member states in the debate over access to artificial contraception, as well as in matters such as same-sex marriage, euthanasia, and abortion. These are actions that the Church teaches cannot be undertaken under any circumstances and about which it does not allow dissent. Naturally, such uncompromising views have proved fertile ground for contestation, not only within international forums but also at the domestic level among local churches, Catholic NGOs, and governments. Within the Church, too, there are ongoing debates among Catholic clergy, theologians, and laity over how much the Church should accommodate international human rights norms. On one hand, some actors have praised the Church’s engagement with secular human rights as a means of promoting the dignity of all humans, love of one’s neighbor, and working for peace. On the other hand, critics worry that an overly close embrace of secular human rights norms could erode the Church’s prophetic voice and downplay the importance of Christ in its teachings.

Second, the Catholic Church’s relatively centralized and hierarchical organization allows for some degree of consistency for comparison across historical and geographic boundaries. At the highest level, the institutional Church is governed by a single man—the pope—who wields “full, supreme, and universal authority over the whole Church, a power which he can always exercise unhindered.”51 In this capacity, the pope is assisted by the college of bishops; together, they represent a continuation of the organization described in the Gospel and the Epistles: Jesus selecting the apostle Simon Peter to lead the church, and the other apostles working in

communion with him to proclaim the “good news” throughout the world.\textsuperscript{52} However, even though the bishops are collectively granted “supreme and full power over the universal Church”, Catholic doctrine holds that such power can only be wielded with the consent of the pope.\textsuperscript{53} While there is significant diversity within the Catholic Church, as well as variation in local practice and sometimes even outright dissent, official doctrine on matters of faith and morals is the exclusive preserve of the pope acting in communion with the bishops. Thus, there is a single official standard against which actual practice can be compared. Whether Catholics agree or disagree with the top leadership, they all acknowledge the existence of official teachings. From a methodological standpoint, this makes it relatively easy to observe concordance and discordance between the Church’s teachings and global human rights norms, as well as within the Church over the appropriate response to human rights.

Third, the Catholic Church enjoys a broad international presence that extends deeply within societies, allowing for observation across different levels of analysis. This is an angle that has been under-emphasized in the international relations scholarship on the Catholic Church, which has tended to focus on the Holy See and the role that popes have played in harnessing their religious authority to political effect: Pope John Paul II’s role in sustaining the Polish Solidarity movement, which toppled Poland’s communist government; Pope Benedict XVI’s efforts to engage Christianity and Islam in a cultural dialog at a time of deep intercultural conflict, and Pope Francis’s role in brokering détente between the United States and Cuba are just a few of the more recent examples. Some of the more recent IR work on the Catholic Church has drawn on the English School and its interest in international relations as the product


\textsuperscript{53} \textit{Lumen Gentium: Dogmatic Constitution on the Church}: 22.
of a society of states. Chong and Troy (2011) compare the Catholic Church and the UN as international diplomatic organizations that act in order to “[forge] unity among the human race and [mitigate] conflict among nation-states qua peoples.”\(^\text{54}\) They emphasize the Holy See’s universalist stance when it comes to human rights and morality and its “instrumental employment of discourse under the label of providing moral clarity to the society of sovereign states regardless of the latter’s preferences,” what they call “diplomacy-as-sermonizing.”\(^\text{55}\) They also argue that the Holy See modifies the English School’s idea of a society of states because of its “extra-sovereign powers of guiding the transnational flock of Catholic Christians throughout the globe living under various national jurisdictions.”\(^\text{56}\) Chong and Troy make an important point about the Holy See’s distinctiveness as an actor amongst other members of international society. Another scholar writing from both constructivist and English School perspectives, Mariano Barbato, emphasizes the Holy See’s “multilayered actorness”—that is, its ability to operate across multiple levels of politics as a diplomat, a state alongside other states, and as the leader of a transnational organization called the Catholic Church. Its historical persistence, he argues, demonstrates “the endurance of transnational governance from the pre-Westphalian to the post-Westphalian order.”\(^\text{57}\)

The ability of the Holy See to act as a moral agent in international politics, as well as its ability to operate at different levels of politics, are both important insights that illuminate and nuance the nature of international society as conceptualized by the English School. Yet, while


\(^{55}\) Ibid., 342.

\(^{56}\) Ibid., 337.

the Pope and the apparatus of “Vatican diplomacy” are important elements of the Catholic Church’s international political engagement, they are only part of the complex process by which the Church seeks to shape global moral norms. Focusing on these elements also risks reifying the Church as a unitary actor. What I aim to do is establish an analytical framework that not only takes into account the transnational nature of the Holy See, but also accounts for the vibrant intra-ecclesial interactions that shape the Church’s (and the Holy See’s) approach to transnational moral norms.

An Analytical Framework for Understanding the Church’s Engagement with Human Rights

To examine how human rights norms “travel” through the Catholic Church, I propose a framework that comprises three levels of analysis: 1.) the Holy See’s interactions with states in international organizations and diplomatic relations (international level); 2.) the institutional Catholic Church’s interactions with domestic civil society and government actors (domestic level), and 3.) interactions that take place among actors within the Church itself as a transnational organization (“intra-ecclesial” level). At each level, different parts of the Church engage with different elements of society.

At the international level of analysis, the Holy See’s moral authority is expressed through its status as a sovereign state. Here, diplomatic representatives of the Holy See interact with representatives of other sovereign states over the content and interpretation of international law. The Holy See lends its voice to debates over treaties and declarations that establish the human rights agenda regarding a given issue, and presenting a largely unified front before international society. For instance, during the 1994 UN-sponsored International
Conference on Population and Development in Cairo, the Holy See was particularly vocal in opposing clauses that permitted abortion and artificial contraception, blocking consensus until language was inserted explicitly rejecting abortion as a means of birth control.

The second level of analysis is domestic, focusing on how the Catholic Church works to shape public understandings of human rights at the national and subnational levels, and how other actors respond. Salient actors include national bishops’ conferences, major religious NGOs, human rights organizations, and political leaders seeking to implement or oppose international human rights norms. Here, legislation is often a focal point for the Church, which can work to influence its components and/or mobilize followers to support or oppose it. Catholic actors working at the domestic level are usually much more in tune with local social, cultural, and political situations than their counterparts in the Vatican, allowing them to shape official Catholic teaching to resonate more clearly with local contexts. Variation in domestic political situations, including the size of the Catholic population, the extent of political secularism, and the power of civil society can all shape the Church’s moral authority, as well as its ability to employ persuasion or discipline to build or sustain a consensus on the relationship between Catholic teachings and human rights norms.

At the third level—the intra-ecclesial level—, the focus shifts to different actors who work on behalf of the Catholic Church, from the Holy See down to individual dioceses and parishes. How the Church applies religious teachings to current issues is not only a matter of pure persuasion but also of power. Together, the pope and the bishops have tremendous influence over the direction of the Church. Yet, despite the Church’s hierarchical organization, determining how the Church should approach a given international human rights issue requires
the assent of numerous actors, including the pope, bishops, priests, and theologians, as well as the lay organizations, religious orders, educational institutions, individual departments (“dicasteries”) within the Holy See, and other actors charged with implementing the Church’s teachings and policies. Here, persuasion, discipline, and the moral authority of Catholic leaders become particularly important for setting the Church’s agenda on human rights norms, as well as for shaping whether followers enthusiastically adopt that agenda as their own or accept it only begrudgingly.

At each level, there are opportunities for actors to shape what human rights mean, both for the Catholic Church and for those with whom it interacts. Local Catholic communities develop diverse ideas about how to apply religious doctrines to address local social issues. By the same token, when the Holy See makes pronouncements on moral matters at the international level, local Catholic communities must develop means of implementing them that make sense to local societies. This can give rise to contestation among Catholic actors as well as between Catholic and non-Catholic actors over the compatibility of human rights norms with Catholic teachings and the proper means to implement them. In other words, the question of whether, how, and how much to “thicken” transnational human rights norms takes place across multiple levels of politics. Moreover, the results and processes of such contestation can influence interactions at other levels as information is transmitted to other actors.

A key element in the Church’s efforts to shape transnational human rights norms at each of these three levels of analysis is its moral authority. To “thicken” human rights norms by linking them to religious teachings, the Church needs to explain to audiences how they are linked (persuasion) or, failing that, employing power capabilities to compel audiences to treat
them as if they were linked (pressure). This is true whether the Church’s position is in support of the transnational human rights norm (in which case it would be acting as an “insider proponent” as in Acharya’s norm localization) or against it.

For the Catholic Church, the moral authority to pronounce upon human rights norms varies depending on the societal context. While a committed Catholic layperson might accept a theologically-based papal pronouncement on a human rights norm at face value, secular NGOs or government officials are not likely to be convinced by such arguments. Because the Holy See often participates in international forums as merely one state among many others (which may not share its religious convictions), it often refrains from explicitly invoking religious ideas as justifications for its positions, instead tailoring its messages for a broad international diplomatic audience and employing the language of natural law and human rights to justify its positions.

Building an Effective Consensus on Human Rights: Persuasion and Pressure

The Church is hardly a monolithic organization but instead comprised of numerous actors. Even within the narrower category of ordained clergy—the pope, bishops and priests who bear primary responsibility for the authoritative transmission of Catholic teaching—there is often a diversity of views on theological teachings. Although the teachings of the pope are afforded a high level of respect, typically higher than that of other clergy, it is certainly not a given that religious leaders will automatically fall in lockstep. This has been illustrated by the controversy surrounding Pope Paul VI’s 1968 issuance of *Humanae Vitae*, which rejected the notion that artificial contraception was morally licit, as well as the more recent accusations by a number of high-ranking clergy and prominent theologians that Pope Francis’s statements on marriage

*Ceteris paribus*, we would expect that a consensus amongst Catholic leaders and adherents on a given human rights norm would boost the Church’s moral authority when pronouncing upon it before an external audience (e.g. a secular government or international organization). On the other hand, sharp intra-ecclesial disagreement among religious leaders and adherents over the interpretation of moral norms can undercut the Church’s moral authority before external audiences by projecting an image of incoherence.

Religious leaders can attempt to resolve intra-ecclesial disagreements over the interpretation of moral norms through two general kinds of actions: *persuasion* and *pressure*. Persuasion involves the use of argumentation to convince an actor to voluntarily abandon his/her intellectual position in favor of the proponent’s. Pressure involves the direct use of power differentials to compel an actor to cease disagreement.58 This can involve, for instance, the threat or use of disciplinary measures by a superior over a subordinate (e.g. a bishop toward a priest or the superior-general of a religious order toward a member of that order) or “naming and shaming” tactics.59 When successful, persuasion and/or pressure secure an “effective consensus” on the nature of the moral norm. I use the term “effective” to emphasize

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59 Violence is another possibility, though in the context of the contemporary Catholic Church, this is not an officially sanctioned means of resolving differences and is practically never employed by Catholic clergy as a means of forcing someone to adopt a different view on a moral norm.
merely that disagreement over a moral norm has been overcome, but that it does not necessarily mean that there has been full intellectual assent. Persuasion implies that the target embraces the persuader’s views on a moral norm. To the extent that an effective consensus is secured through persuasion, we would expect it to remain stable and relatively robust. On the other hand, an effective consensus secured through pressure is less robust and more brittle than one attained through persuasion. This is because its sustainment depends upon the maintenance of power relations that enabled pressure to work in the first place. Should the power relations shift, the consensus may break as pressure abates.

Who engages in persuasion or pressure matters to the ability to build an effective consensus on moral norms. An actor who enjoys high moral authority across the religious institution is more likely to build a robust effective consensus than an actor with low moral authority. While high moral authority is by itself no guarantee of an effective consensus, it does make it more likely that intra-ecclesial contestation over the moral norm will be managed in an orderly fashion. Proponents with high moral authority can more easily unify like-minded supporters by serving as an obvious rallying point. Conversely, when proponents’ moral authority is low, they will have a much more difficult time persuading or pressuring targets into adopting their preferred viewpoint. They may also have a harder time building a unified coalition among their own supporters, leading to a wider range of moral positions represented among target audiences and proponents.

The relationship between the mode of effective consensus building and the moral authority of the actor trying to build that consensus is summarized in the two-by-two matrix in Figure 1. Here, I briefly elaborate on each cell. It is important to note that these are ideal types;
in reality, a given moral issue in a given a sociohistorical context may express different modes over time depending upon the particular relationship between religious leaders and target audiences.

<table>
<thead>
<tr>
<th>Moral Authority of Proponent</th>
<th>Proponent’s Mode of Consensus Building</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>HIGH</strong></td>
<td>PERSUASION</td>
</tr>
<tr>
<td></td>
<td>Orderly Contestation &gt;&gt; Stable Consensus</td>
</tr>
<tr>
<td></td>
<td>PRESSURE</td>
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<tr>
<td></td>
<td>Orderly Contestation &gt;&gt; Brittle Consensus</td>
</tr>
<tr>
<td><strong>LOW</strong></td>
<td>PERSUASION</td>
</tr>
<tr>
<td></td>
<td>Fluid Contestation &gt;&gt; Stable Consensus</td>
</tr>
<tr>
<td></td>
<td>PRESSURE</td>
</tr>
<tr>
<td></td>
<td>Fluid Contestation &gt;&gt; Brittle Consensus</td>
</tr>
</tbody>
</table>

*Figure 1: Proposed Effects of Moral Authority and Mode of Consensus Building on Stability of Consensus re Moral Norms*

*High Moral Authority + Consensus Building through Persuasion*

In this situation, religious leaders are willing to entertain a range of opinions on the proper interpretations of a given moral norm and to develop a consensus through persuasion. Open debate, discussion, and argument are allowed. Additionally, religious leaders possess moral authority, meaning that target audiences respect their opinions and seriously consider their judgments (though not necessarily unquestioningly). Once arrived at, a consensus on moral norms is not likely to change because religious leaders and audiences have been persuaded by argument. While it is not necessarily the case that the religious norm debate will end in a
consensus, the norms of consensus-building through persuasion and the high level of religious moral authority mean that contestation will be managed, and that if a consensus is reached, it will be stable.

*Low Moral Authority + Consensus Building through Persuasion*

When religious leaders lack moral authority among target audiences, those target audiences will tend to disregard their judgments out of hand more often than if they possessed high moral authority. But the persuasive mode of consensus building means that target audiences are likely to play a larger role in shaping the religious community's approach to the moral norm, resulting in a wider range of interpretations and making it harder to forge a consensus. If a consensus is reached on a religious norm, it will not be dependent on religious authority but rather on audiences' acceptance of the substance of the norm. This could encourage the formation of alternative sources of religious authority.

*High Moral Authority + Consensus Building through Pressure*

When religious leaders possess high moral authority among target audiences and employ pressure to build an effective consensus, then contestation is likely to be managed and defined along clear lines. The use of pressure to force a consensus can squelch dissent so long as religious leaders are able to wield power over dissenters. High moral authority means that religious leaders may be able to elicit support from a relatively broad spectrum of religious actors for the use of pressure to bring dissenters in line. However, shifts in power relations can create opportunities for dissenters to re-emerge.
Low Moral Authority + Consensus Building through Pressure

When religious authorities with low moral authority attempt to force a consensus on moral norms through pressure, we would expect to see a brittle consensus, if one can be forged at all. Religious leaders may impose discipline, but target audiences are suspicious of their authority and consequently skeptical, searching for ways to undermine the power of religious leaders. There is likely to be a broader range of positions on moral norms in the absence of leaders with high moral authority to serve as focal points. Target audiences may seek alternative, non-religious sources of authority to legitimize their positions and offset the pressure from religious leaders.

A Brief Empirical Sketch: Capital Punishment in the Philippines

In this section, I provide a brief, preliminary sketch of a case that could illustrate the analytical framework described above. Further research will aim to detail the processes linking Catholic leaders’ moral authority and modes of consensus-building to the stability of that consensus.

Theological basis

Historically, the Catholic Church has allowed capital punishment, though its reasons for doing so have evolved over time. Following the horrors of the Second World War, theological thinking about capital punishment within the Church shifted increasingly toward abolition, albeit without repudiating the notion that capital punishment, under certain circumstances, could be legitimately meted out by the state. In 1976, the Holy See issued its first official document
directly addressing capital punishment, produced by the Pontifical Council for Justice and Peace at the behest of the United States bishops in order to clarify the teaching on capital punishment. The document upheld the right of the state to use capital punishment and the notion that “the death penalty is not contrary to divine law nor demanded by divine law but depends on the circumstances, the gravity of the crime, etc.”60 Yet, critically, the document noted that “[r]ecent popes have stressed the rights of the person and the medicinal role of punishment”, explicitly referencing Pope Pius XII’s writings on crime and punishment and implicitly referring to Pope John XXIII’s statements regarding personal rights.61 It concluded that “without reference to the American constitutional question, it can be concluded that capital punishment is outside the realm of practicable just punishments.”62

The most recent edition of the *Catechism of the Catholic Church*, which summarizes the Church’s official teachings, declares that “the traditional teaching of the Church does not exclude recourse to the death penalty, if this is the only possible way of effectively defending human lives against the unjust aggressor.”63 But, it went on to state “if...non-lethal means are sufficient to defend and protect people’s safety from the aggressor, authority will limit itself to such means, as these are more in keeping with the concrete conditions of the common good and are more in conformity to the dignity of the human person.”64

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61 *Capital Punishment and Roman Catholic Moral Tradition*: 137.
64 Ibid.
Domestic level

Capital punishment was abolished under the presidential administration of Corazon Aquino in 1987. The Catholic Church, which had played an important role in delegitimizing the dictatorship of Ferdinand Marcos and supporting Aquino in the 1986 “People Power” Revolution, enjoyed a very high degree of moral authority. This was evidenced by the inclusion of prominent Catholic clergy and members of religious orders among the commissioners tasked with writing the 1987 Constitution, which abolished the Constitution “unless for compelling reasons involving heinous crimes, Congress hereafter provides for it” and commuted existing death sentences to life imprisonment. Following a number of high-profile violent crimes in the early 1990s, the Philippine government under newly elected President Fidel Ramos reinstated capital punishment in 1993, though it was not until 1996 that the first death sentence was handed down, and not until 1999 under President Joseph Estrada that it was carried out. Under heavy lobbying by a civil society coalition that was supported by the Catholic Church leadership, Estrada imposed a moratorium on capital punishment in 2000 in commemoration of the Church’s Jubilee Year of Mercy. His successor, President Gloria Macapagal Arroyo, repealed the death penalty once again in 2006, making the announcement that she had signed the repeal into law while on a visit to the Vatican to meet Pope Benedict XVI. The following year, the Philippines acceded to the Second Optional Protocol of the International Covenant on Civil and Political Rights (ICCPR), in which it promised not to reinstate the death penalty.

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Since then, the death penalty has remained illegal in the Philippines, but it has recently seen a resurgence in support following the election of Rodrigo Duterte to the presidency in 2016. Duterte, who has vocally condemned the Catholic Church and built his political reputation on a record of ruthlessness against criminals, has openly called for a return to capital punishment, vowing to use it extensively to punish criminals. “There [was] the death penalty before but nothing happened. Return that to me and I would do it every day: five or six [criminals]. That’s for real.”

Faced with communities riddled by violence and a corrupt legal system, voters regarded Duterte’s gleeful encouragement of vigilante killings and promises of massive criminal bloodshed not as a threat to due process but instead as an acknowledgment of the realities of Philippine society. Voters flocked to Duterte, who defeated the runner-up, Manuel “Mar” Roxas II, by a 15 percent margin. In July 2016, a Pulse Asia survey found that 81 percent of Filipinos supported reinstating the death penalty, with only 11 percent opposed. That same month, the new Congress met for the first time; the very first bill to be proposed was HB 1, calling for the reinstatement of the death penalty.

The move to reinstate the death penalty, though popular, was not unopposed. Duterte faced criticism from human rights organizations, international governmental organizations, foreign leaders, and the Catholic Church. On January 30, 2017, Archbishop Socrates Villegas, president of the Catholic Bishops Conference of the Philippines (CBCP), issued a statement on behalf of the CBCP “unequivocally oppos[ing] proposals and moves to return the death penalty to the Philippine legal system. [...] Though the crime be heinous, no person is ever beyond redemption, and we have no right ever giving up on any person. When we condemn violence,

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we cannot ourselves be its perpetrators, and when we decry murder, we cannot ourselves participate in murder, no matter that it may be accompanied by the trappings of judicial and legal process. Throughout the world, the trend against the death penalty is unmistakable, and international covenants, one of which the Philippines is party to, obligate us not to impose the death penalty. We urge the government to champion life for all!” The CBCP’s calls went unheeded by most congressional representatives. Members of the ruling coalition who dared to vote against the death penalty bill found themselves removed from House leadership positions, including former President Gloria Macapagal Arroyo, who was ousted as Speaker of the House.

*International level*

International attention quickly focused on the Philippines’ commitment to the Second Optional Protocol of the ICCPR, which lacks a provision for withdrawal. Opponents of the death penalty have argued that reinstating it could harm efforts by the Philippines to obtain clemency for its citizens abroad who face capital punishment, not an insignificant consideration given the large numbers of overseas Filipino workers and several high-profile capital cases involving such workers in Saudi Arabia, Indonesia, Kuwait, Singapore and China. The European Union has also warned that reinstatement of the death penalty, by violating the ICCPR, could jeopardize the Philippines’ Generalized System of Preferences Plus (GSP+) status, which allows some 6,000 Philippine products tariff-free access to the EU.67

Thus, the Philippine death penalty debate crosses all three levels of analysis: 1.) at the level of a growing transnational norm against capital punishment; 2.) at the level of domestic

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politics regarding legislation, and 3.) at the intra-ecclesial level, where Philippine Catholic leaders attempt to build a consensus amongst Philippine Catholics that the death penalty should be abolished, while admitting that official Catholic teaching does not technically proscribe it.

The Philippine death penalty case exhibits changes in the Catholic Church’s moral authority with domestic audiences—most of whom identified as Catholic—over time. Whereas the Church and in particular, the CBCP, occupied a privileged political role under the Corazon Aquino administration, it is much more of a political outsider under the Duterte administration. This has been suggested by the defiant tone that Duterte has struck toward Catholic leaders who have condemned his approach to crimefighting. While the Church attempts to persuade Filipinos to oppose the death penalty, it is constrained in its efforts to use pressure because the Church’s own teachings admit that capital punishment is permissible. Thus, its primary mode of consensus-building at the intra-ecclesial level is through persuasion rather than pressure. During the Aquino administration, we would expect the Church’s high moral authority among Filipinos and the persuasive mode of consensus building to lead to a relatively orderly process of contestation. Under the Duterte administration, the Church’s lower moral authority among Filipinos, combined with the persuasive mode of consensus building, will mean a wider range of interpretations regarding the legitimacy of the death penalty within the Church.

Conclusion

In this paper, I have sought to preliminarily explore some of the implications of religious attempts to “thicken” human rights norms by interpreting them through the lens of religious
teachings. By thickening human rights norms, religious actors may be able to make them more relevant to local religious populations, though such salience can take the form of either opposition or support. I suggest that the moral authority of religious leaders and the means by which they attempt to demonstrate the connection between religious teachings and human rights norms shape their ability to build a consensus among target audiences which, in turn, is necessary to the successful thickening of a human right norm.

Bibliography


