

# Joseph H. H. Weiler's Approach to the Democratic Legitimacy of the European Union

## Is There a Message for Neo-Calvinists?

*Hans-Martien ten Napel*  
*Leiden University*

The classic question posed by Tocqueville about the relationship between values and democracy is coming to the fore again. The main argument of this article is that, while the social doctrine of the Catholic Church has a clear answer to this question, Neo-Calvinism does not or at least does to a lesser extent. To illustrate this point, the article focuses on a recent application of Catholic social teaching: the approach to the democratic legitimacy of the European Union (EU) as developed by Joseph H. H. Weiler. Because of historic and other parallels between Catholic and Neo-Calvinist thinking on democracy, however, the latter could perhaps draw inspiration from the middle path that the social doctrine of the Catholic Church represents between a confessional state and the liberal, neutralistic concept of the state.

## Introduction

In the introduction to his recent book *Taming the Gods: Religion and Democracy on Three Continents*, Abraham Kuyper Prize recipient Ian Buruma writes that

the thread that runs through these inquiries, despite their wide diversity in space and time, is the question posed by Tocqueville: [W]hat is needed, apart from freedom of speech and the right to vote, to hold democratic societies together? Is the rule of law enough, or do we need common values, ethics, mores? And what is the role of religion in all this; is it a help or a hindrance to liberal democracy?<sup>1</sup>

The *Compendium of the Social Doctrine of the Church*, compiled in the 1990s by an editorial committee under the chairmanship of the previous pope,

provides a clear answer to this question. It values democracy,<sup>2</sup> adding immediately, however, that

an authentic democracy is not merely the result of a formal observation of a set of rules but is the fruit of a convinced acceptance of the values that inspire democratic procedures: the dignity of every human person, the respect of human rights, commitment to the common good as the purpose and guiding criterion for political life. If there is no general consensus on these values, the deepest meaning of democracy is lost and its stability is compromised.<sup>3</sup>

Yet, due to ethical relativism, the lack of such a consensus is exactly what is starting to miss in modern-day democracies. This obviously constitutes a serious threat, according to the *Compendium*, because “if there is no ultimate truth to guide and direct political action, then ideas and convictions can easily be manipulated for reasons of power. As history demonstrates, a democracy without values easily turns into open or thinly disguised totalitarianism.”<sup>4</sup> Understandably, the *Compendium* then goes on to warn that a further marginalization of Christianity in the West “would not bode well for the future of society or for consensus among peoples; indeed, it would threaten the very spiritual and cultural foundations of civilization.”<sup>5</sup>

The main argument of this article will be that, while the social doctrine of the Catholic Church has a clear answer to the question raised by Tocqueville, Neo-Calvinism does not or, at least, does only to a lesser extent. The emphasis, however, will not so much be on the social doctrine of the Catholic Church as such. Instead, I will focus on a recent application of this doctrine: the approach to the democratic legitimacy of the European Union (EU) as developed by Joseph H. H. Weiler. Weiler is university professor and European Union Jean Monnet Chair at New York University Law School. As of September 1, 2013, he is on leave to lead the European University Institute in Florence.

With respect to Neo-Calvinism, as no modern-day Protestant equivalent of Weiler has been found, this article will largely limit itself to suggesting that one possible explanation for this lies in the fact that Herman Dooyeweerd’s views on values and democracy have remained relatively underdeveloped. Dooyeweerd (1894–1977), who founded the international tradition of what is now sometimes called “Christian philosophy,” belonged to the Neo-Calvinist political tradition as developed by the Dutch politician and theologian Abraham Kuyper in the late nineteenth century and was active in the 1920s as president of the Scientific Institute of Kuyper’s Anti-Revolutionary Party.<sup>6</sup>

The first public presentation of Weiler’s central theses with respect to this topic took place in a plenary lecture he held in the autumn of 2002 at Princeton

University during a conference called “Leadership and Democracy” within the framework of the James Madison Program.<sup>7</sup> In the resulting, groundbreaking essay, *A Christian Europe*, translated into several languages but not yet into English<sup>8</sup> as well as other articles and books on the topic Weiler—who himself is an orthodox Jew—refers mainly to the doctrine of the Roman Catholic Church.<sup>9</sup> Although he claims this is for practical purposes only, something more appears to be at stake. As I will attempt to demonstrate, Weiler’s work forms a good illustration of the more general point that this essay wants to make: that Catholic social teaching (as applied by Weiler) compares favorably to Neo-Calvinist thought on values and democracy in general and the democratic legitimacy of the EU in particular. Catholic social teaching on democratic legitimacy does therefore indeed have a message for Neo-Calvinists, although both are rooted in the same theory of social pluralism.<sup>10</sup>

## Eroding Political Messianism

In an article recently published in the *International Journal of Constitutional Law*, of which he is coeditor in chief, Weiler starts out by reminding his readers that in analyzing the democratic legitimacy of the EU a distinction is commonly made between process (or input) and outcome (or output) legitimacy. The idea behind this distinction is that, even though the EU is not yet a full democracy in the statal sense of the word, this is compensated for by particular results achieved, among others, in the economic sphere.<sup>11</sup> Weiler himself, however, is skeptical about these functionalist and neofunctionalist theories and argues instead that a third type of legitimation has, since the beginning of European integration, played a much more significant role than has been acknowledged. This legitimation stems from “the politically messianic.” Thus he writes, “In political messianism, the justification for action and its mobilizing force derive not from process, as in classical democracy, or from result and success, but from the ideal pursued, the destiny to be achieved, the promised land waiting at the end of the road. Indeed, in messianic visions the end always trumps the means.”<sup>12</sup>

In the case of Europe, the ideal pursued was clearly that of European integration in order to establish long-term peace and reconciliation among former enemies. This ideal was strongly rooted in the two main civilizational pillars of Europe—Christianity and the Enlightenment. It could not have been otherwise, as many of the European Union founding fathers such as Schuman, Adenauer, De Gasperi, and Monnet were practicing Catholics. According to Weiler, “It is the messianic model that explains, in part, why for so long the Union could operate without a veritable commitment to the principles it demanded of its aspiring members—democracy and human rights.”<sup>13</sup>

In 2014, however, considerable societal changes have taken place, and Europe is possibly in the process of becoming largely a post-Christian society whereas Enlightenment values appear also to be gradually eroding.<sup>14</sup> As a result, the original political messianism on which the EU was built may collapse, and already an alienation with respect to the EU can be witnessed which—if left untreated—could constitute a direct threat to its legitimacy.

## A European Christian Deficit

Under these circumstances, one way out of the deadlock would be for Christianity to assist in somehow reviving the original ideals behind European integration, which, after all, do not seem to have lost much of their relevance in the twenty-first century. However, this is where Weiler's earlier essay on *A Christian Europe* comes in. In that essay, Weiler points out that, in relation to the EU, it is commonplace to refer to the so-called democratic deficit. For his part, Weiler points to possibly even a larger Christian deficit, in that a Christian voice in the public debate on the future of the Union is hardly heard anymore.<sup>15</sup> It is true that this silence on the part of Christians is largely a self-imposed silence. Christianity in Europe has, possibly partly because of the changing societal context, shut itself off into a true ghetto.<sup>16</sup> The consequences of this, however, are no less serious.

Before turning to the question of what a Christian contribution to the debate on Europe might theoretically look like, it seems fitting in the context of this journal to emphasize that the European Christian deficit is particularly strong among academics. Weiler mentions the fact that during the preparation of his essay he consulted all eighty-six general books on European integration that were to be found in his university library. He knew that several of the authors of these books were practicing Christians. Yet in seventy-nine of the eighty-six books not a single hint at Christianity could be found. Insofar as there were references in the remaining seven books, these were mainly in relation to the subsidiarity principle. The way this principle has taken shape in the European context, however, has relatively little to do with what the original meaning of the principle is in the context of Catholic social teaching.<sup>17</sup>

## How the Christian Deficit Could Be Narrowed

If one looks at what the social doctrine of the Church might have to say about European integration, the encyclical that probably comes to mind first is *Centesimus Annus*. Weiler indeed refers to this encyclical at the end of his essay on *A Christian Europe*.<sup>18</sup>

Yet the encyclical he uses most is (somewhat surprisingly) the *Redemptoris Missio* of Pope John Paul II, published a year earlier in 1990 and that explores the missionary task of the church. The reason for this is that this particular encyclical can to a certain extent be considered also to deal with the telos, the purpose of European integration, that is, not the realization of a common market as such but of integration.<sup>19</sup> What this ideal of integration means and how it is to be achieved, is according to Weiler, “the European question par excellence” and therefore is necessary to deal with in view of maintaining the democratic legitimacy of the project.<sup>20</sup>

Characteristic for *Redemptoris Missio* in this respect, according to Weiler, is a “marvellous polarity.” On the one hand, the encyclical contains a clear and unambiguous affirmation of certain central truths from which both the missionary purpose of the Church and its contents follow. Weiler acknowledges the fact that this pole may on the surface appear to run contrary to the tolerance necessary in a multicultural society. Still, this recognition of one’s own identity is vital before entering into a relationship with the other.

On the other hand, the encyclical leaves no doubt as to how the truths involved ought to be interpreted and conveyed:

On her part the Church addresses people with full respect for their freedom. Her mission does not restrict freedom but rather promotes it. *The Church proposes; she imposes nothing.* She respects individuals and cultures, and she honours the sanctuary of conscience.<sup>21</sup>

In this context *Redemptoris Missio* refers specifically to the Declaration on Religious Freedom *Dignitatis Humanae* by the Vatican II Council:

The human person has a right to religious freedom.... All should have such immunity from coercion by individuals, or by groups, or by any human power, that no one should be forced to act against his conscience in religious matters, nor prevented from acting according to his conscience, whether in private or in public, whether alone or associated with others, within due limits.<sup>22</sup>

This is interesting as the encyclical *Centesimus Annus* states with regard to democracy that

it is necessary for peoples in the process of reforming their systems to give democracy an authentic and solid foundation through the explicit recognition of those rights.... In a certain sense, the source and synthesis of these rights is religious freedom, understood as the right to live in the truth of one’s faith and in conformity with one’s transcendent dignity as a person.<sup>23</sup>

Thus, the freedom to answer “no” that paradoxically gives full meaning to the answer “yes” forms an integral part of the truths that are affirmed. It constitutes a discipline of what could be called true tolerance.<sup>24</sup>

## The Principle of Constitutional Tolerance

As will already have become clear from the above, the EU, according to Weiler, finds itself in essence confronted with questions that are related to the questions that are dealt with in *Redemptoris Missio*. These questions can be summarized as (1) how one encounters others both inside and outside of Europe and (2) who those are who are per definition different from oneself. European integration is inevitably about the redefinition and restructuring of relationships among various national communities and different peoples.<sup>25</sup> In this context, the first lesson to be drawn from the encyclical is that it is unwise to try to hide the differences in identity among the member states. It is only thanks to the deep respect for its own Dutch, French, German, Italian, or Polish identity that a country can pay deep respect to another country’s identity.

Weiler then suggests that the present European constitutional architecture may well represent a discipline of tolerance in the relationship with the other, which is in conformity with *Redemptoris Missio*. This is precisely because the EU does not constitute a superstate but instead respects the national peculiarities of its member states as much as possible. It is this principle of constitutional tolerance that Weiler highly values in the sense that, like the Church, the EU preferably should also, as much as possible, propose and not impose.<sup>26</sup> In a paper on the principle, Weiler describes it as “the normative hallmark of European federalism,” that is,

Constitutional Tolerance is encapsulated in that most basic articulation of its meta-political objective in the preamble to the EC Treaty ...: Determined to lay the foundations of an ever closer union among the peoples of Europe... Constitutionally, the Principle of Tolerance finds its expression in the very arrangement which has now come under discussion: a federal constitutional discipline which, however, is not rooted in a statist-type constitution.<sup>27</sup>

Obviously, this does not imply that Weiler is not critical of developments within the European Union. In light of the notion of constitutional tolerance, Weiler has, for example, tended to be critical of the process, which started at the time he began working on his essay, *A Christian Europe*, and that was intended to bring about a full-blown European Constitution: “Europe has now such a constitution. Europe has charted its own brand of constitutional federalism. It works. Why fix it?”<sup>28</sup> The aspect of this process that he perhaps found himself most in disagree-

ment with, however, was the decision not to include a reference to God in the preamble to this draft European Constitution.

### **A Reference to God in the Preamble to the European Constitution**

As Weiler sees it, the European democratic-constitutional tradition does not coincide with the French or Italian traditions of a more or less Laicist state. Countries such as Germany, Great Britain, Ireland, and Poland form an equally respectable part of that tradition, yet have arrived at quite different solutions in their Constitutions for church-state relations in general and references of a religious nature in particular.<sup>29</sup> For Weiler, this means that in the European Constitution such a reference to God would not only have been constitutionally acceptable but also indispensable. It simply would not have been appropriate to ignore the constitutional choices of countries that together represent well over half of the population of Europe.<sup>30</sup>

In fact, this is what Weiler means by the—admittedly slightly ambiguous—phrase “A Christian Europe.” A Christian Europe is for him a Europe that respects all its citizens, believers and nonbelievers, Christians and non-Christians, as equally as possible. In order to achieve this, the heritage of the humanist Enlightenment needs to be honored while Europe’s apparent Christophobia should be done away with in the sense that Europe must no longer be afraid or ashamed to recognize that Christianity constitutes one of the central elements in the development of its civilization.<sup>31</sup>

Weiler repeatedly states that his argument that a reference to God in the European Constitution would have been indispensable is not an expression of his private religious preferences. It is rather the result of his analysis of what a proper European constitutionalism demands.<sup>32</sup> Apparently, in the European constitutional practice the notion that the state should be neutral, which is shared by all member states, is not only compatible with the model of the Laicist state but also with a model that supports religious organizations to the same extent as nonreligious ones. It is even possible to argue that the latter notion of a pluralism without favoritism is more agnostic or neutral than the notion of a Laicist state.<sup>33</sup> Under these circumstances, to impose the Laicist model on all member states would constitute “an imperialistic constitutional policy.”<sup>34</sup> A truly tolerant pluralism, which Europe needs in the light of *Redemptoris Missio*, aims somehow to include both models.<sup>35</sup>

At this point, Weiler interestingly enough indicates that his whole argument that a reference to God in the European Constitution would have been appropriate is not only inspired by Catholic social teaching but is also based on the principle

of pluralistic liberalism. After all, such liberalism is “about the protection of legitimate diversity.”<sup>36</sup> Weiler does not consider this to be contradictory at all. He may be religious, but it is precisely his religious conviction that brings him generally to advocate a tolerant pluralism in the organization of the political domain. Specifically, as far as Catholicism is concerned, he is convinced that the Church after the Second Vatican Council has more or less managed to integrate the same values of freedom, rule of law, and democracy in its doctrine on the state and the civil society. To him, this is proven by encyclicals such as *Redemptoris Missio*, *Centesimus Annus*, and *Fides et Ratio*.<sup>37</sup>

Weiler blames the fact that his views on the reference to God in the European Constitution are not widely shared on the European Christophobia referred to earlier.<sup>38</sup> More specifically with respect to academic lawyers, one explanation is that it is part of orthodox legal theory to believe that the Laicist state is the only truly neutral state. This dogma dominates law schools in general and departments of public law in particular and as a result also affects the public debate in both Europe and the United States.<sup>39</sup>

### **The Lautsi Case**

Weiler has more recently also intervened in the case of *Lautsi v. Italy* before the European Court of Human Rights (ECtHR).<sup>40</sup> The complainant in this case, Mrs. Soile Lautsi, argued, partly on behalf of her children, that the display of crucifixes in her children’s public school violated the right to education in accordance with the religious and philosophical beliefs of the parents laid down in Article 2 of the First Protocol to the European Convention on Human Rights (ECHR). She also claimed that her freedom of religion or belief, guaranteed in ECHR Article 9, had been infringed on.

According to the Chamber judgment, the crucifix as a symbol has a multitude of meanings, but the religious meaning dominates. The state should observe philosophical neutrality in the context of public education where presence is required regardless of religion and where the aim should be to teach students to think critically. The Chamber did not see how the placement of a symbol that can reasonably be associated with Catholicism in the public schools contributed to the pluralism in education that is essential for the maintenance of a “democratic society” as mandated by the convention. Thus the Chamber unanimously found that Article 2 of Protocol 1, examined in conjunction with Article 9 of the ECHR, had been violated.<sup>41</sup>

When at the request of the Italian government the case went on to the Grand Chamber, Weiler intervened for 10 States Parties objecting to the Chamber judgment. According to Weiler, the judgment by the Chamber in the Lautsi case was

“not an expression of the pluralism manifest by the convention system but an expression of the values of the *laïque* State.”<sup>42</sup> Although the Chamber may well have regarded its position to be a neutral one, as Weiler pointed out,

secularity, *Laïcité* is not an empty category which signifies absence of faith. It is to many a rich world view which holds, inter alia, the political conviction that religion only has a legitimate place in the private sphere and that there may not be any entanglement of public authority and religion.... It is legally disingenuous to adopt a political position which splits our society, and to claim that somehow it is neutral.<sup>43</sup>

It was perfectly clear to Weiler that, given the traditional diversity within Europe in the field of church-state relations, the Chamber ought to have realized that “there cannot be one solution that fits all Members, all classrooms, all situations.”<sup>44</sup>

As is widely known, Weiler’s intervention—characteristic of his notion of constitutional tolerance—turned out to be successful in so far as a couple of months later the Grand Chamber ruled by a 15–2 majority that the decision whether to display crosses in public school classrooms falls in principle within the margin of appreciation of the states’ parties. In light of the facts that, among other things, the crucifix did not imply that there was any compulsory teaching about Christianity and that Italy had opened up its school system to other religions and beliefs, there had been no violation of the rights involved.<sup>45</sup>

## A Neo-Calvinist Alternative?

As we have seen, Weiler uses Catholic social teaching for inspiration, while ignoring Neo-Calvinist thought on democracy. This does not come as a surprise as, for example, Dooyeweerd’s views on democracy have remained relatively underdeveloped.<sup>46</sup> Thus Jonathan Chaplin’s aim in his recent study *Herman Dooyeweerd: Christian Philosopher of State and Society* is to demonstrate

how his work amounts to a striking and characteristically Protestant philosophy of social pluralism and civil society, comparable in range and depth to contributions emerging from twentieth-century Catholic social thinkers such as Jacques Maritain and Heinrich Rommen.<sup>47</sup>

It can be argued, however, that “the contrast between the impressive legacy of Thomistic thought and the paucity of Calvinist philosophizing”<sup>48</sup> by which Dooyeweerd had already been struck in 1925, still exists with respect to the pressing question of values and democracy raised by Tocqueville.

As in Catholic social teaching, Dooyeweerd's so-called creation motive implies the notion that "the design of the created cosmos is determined throughout by 'divine law,' which structures and sustains its existence."<sup>49</sup> More specifically with regard to the state, Dooyeweerd holds that its dominant features can be summarized as "power in service of justice."<sup>50</sup> According to Chaplin, Dooyeweerd favors "a form of constitutional democracy in which popular will is channeled through and limited by justice-embodiment constitutional structures. For him it is more important to limit the state's power and authority than to ensure that its actions reflect popular will."<sup>51</sup>

Thus, as Chaplin points out, for Dooyeweerd, "democracy, it seems, is not given on the law side but is only a positive form, the appropriateness of which depends on historical conditions rather than on conformity to a structural norm."<sup>52</sup> Chaplin rightly observes that this view can be considered to be problematic, if only because the "troubling implication" is that not even the question of whether the state should be organized internally in an autocratic or a democratic manner can be decided by referring to the state's structural principles.<sup>53</sup>

Chaplin believes it is possible to argue that the idea of the state as a public-legal community somehow implies the political participation of its citizens. It is telling, however, that Dooyeweerd himself did not draw this conclusion and—as Chaplin admits—would possibly have resisted it. In addition, according to Chaplin, "the passages in [*A New Critique of Theoretical Thought*] where Dooyeweerd discusses the concept of the nation are among the denser and more obscure in his account of the state."<sup>54</sup> All in all, Dooyeweerd's views on values and democracy seem less sophisticated and, as a result, less conclusive than those of Catholic social teaching, to say the least. This is one possible explanation for the fact that Catholic social teaching (as applied by Weiler) compares favorably to Neo-Calvinist thought on democracy in general and the democratic legitimacy of the EU in particular.

What appears to be missing in particular is the first pole of *Redemptoris Missio*, that is, a clear and unambiguous affirmation of certain central truths, from which both the missionary purpose of the church and its contents follow. In the case of democracy, this affirmation of certain central truths concerns precisely the question that Buruma formulated and that was quoted at the beginning of this essay:

What is needed, apart from freedom of speech and the right to vote, to hold democratic societies together? Is the rule of law enough, or do we need common values, ethics, mores? And what is the role of religion in all this; is it a help or a hindrance to liberal democracy?

The point is not that there are not any parallels between Catholic and Neo-Calvinist thinking on democracy, such as the (eventual) abandonment of the idea of the confessional state.<sup>55</sup> Whereas Catholic thinking represents a proper middle path between a confessional state and the liberal, neutralistic concept of the state because of its emphasis on establishing a merely public-legal integration as far as the task of the state is concerned, Neo-Calvinism comes closer to the latter.<sup>56</sup> As a result, Neo-Calvinism's views on freedom and democracy are less distinctive than Catholic thought. This puts it at a disadvantage in a time in which, "with the continuing historical integration of peoples throughout the world, the normative demand of public justice calls increasingly for international and transnational administration of public affairs."<sup>57</sup>

### **A Reference to God in the Preamble to the European Constitution**

Because Neo-Calvinist thought on values and democracy is relatively underdeveloped, I arrived at slightly different conclusions from Weiler when using it as a source of inspiration to the same issues regarding a reference to God in the European Constitution and the display of crucifixes in public schools. Thus, in attempting to assess in 2007 how well the draft European Constitution met the criteria in the field of domestic justice, as defined by Christian pluralist thought, the first thing I noticed was that the prolonged debate of whether a reference to the Judeo-Christian heritage should be included in the Preamble did not really represent the heart of the matter. It was understandable, to a certain extent, why the Vatican, the Conference of European Churches, and the European People's Party (Christian Democrats), for example, had come out in favor of such a reference, especially because the first draft of the Preamble expressly referred to humanism and respect for reason. This obvious double standard could only be appreciated against the backdrop of the past negative experiences suffered by certain countries in the past with religious strife in general and the role of Roman Catholicism in particular as suffered by certain countries. In my opinion, from a pluralist perspective, such a reference at the time was not essential and the formula that contained a general reference to "the cultural, religious and humanist inheritance of Europe" was acceptable. After all, I remarked, the Preamble of the American Constitution does not contain any reference to religion but starts instead with "WE THE PEOPLE." Moreover, had a specific reference to the Judeo-Christian heritage been opted for, it would have been appropriate to also refer to the role of Islam.<sup>58</sup>

## The Lautsi Case

With respect to the Lautsi case, Neo-Calvinist thought inspired me in a recently published book chapter to embrace the concept of open secularism. This concept has been defended in the report of the Consultation Commission on Accommodation Practices Related to Cultural Differences (CCPARDC), which was responsible for analyzing the challenges posed by a new migratory situation in Québec, Canada, among others. According to the report,

a more rigid form of secularism allows for greater restriction of the free exercise of religion in the name of a certain interpretation of State neutrality and the separation of political and religious powers, while open secularism defends a model centered on the protection of freedom of conscience and religion and a more flexible conception of State neutrality.<sup>59</sup>

When applied to the case at hand, the notion of open secularism led me to the conclusion that the Chamber was probably right in finding a violation in *Lautsi v. Italy*. In light of the same concept, however, the course followed by the court regarding the manifestation by citizens of religious symbols in public institutions cannot fully satisfy. Until the ECtHR remedies that situation, the Grand Chamber judgment in the Lautsi case is—I argued—to be preferred over the Chamber judgment. Open secularism stresses the importance of the duty of neutrality of the state in divided and multicultural societies but limits it to public institutions. In so doing, it offers—so the chapter argues—precisely the middle ground that in possible future cases regarding the government’s ability to display religious symbols in the public workplace could make the European Court run fewer risks in terms of its authority.<sup>60</sup>

## Conclusion

The conclusion must be that Neo-Calvinism—although historically the Protestant Reformation may to a certain extent have been one of the driving forces behind democratization<sup>61</sup>—at least in Europe does not play the role in the current debate on the relationship among the secular state, liberal democracy, and market economics that it theoretically could.<sup>62</sup> For one thing, Neo-Calvinists seem to comfortably hide in the same, largely self-imposed, European Christian ghetto as their Catholic fellow believers, with the difference that the latter have the pope as their (eloquent) spokesman. A more substantive reason, however, is that Neo-Calvinism does not have a proper answer to the once again pressing question of values and democracy posed by Tocqueville. Protestants tend to prefer a social

ethic to a social doctrine. However, they might still be able to learn something from the wisdom for all times and for all places that can arguably be found in Catholic social teaching on this topic. Of particular relevance in this context is perhaps the fact that to Weiler, and Catholic social teaching in general, democracy as such is not the end but a means, be it a valuable means. "The end is to try, and try again, to live a life of decency, to honour our creation in the image of God, or the secular equivalent," as Weiler puts it.<sup>63</sup> This is a major message that Weiler's approach to the democratic legitimacy of the EU has for Neo-Calvinists, who with their emphasis on public-legal integration run the risk of underestimating the importance of a certain degree of religious, ethical, and cultural cohesion within the state in order for it to be able to act in accord with the common good for all.

Having said that, the difference between Neo-Calvinist thought and Catholic social teaching should not be overestimated. As we have seen, Weiler did not find it contradictory to embrace the notion of a pluralistic liberalism. This, of course, raises the question of whether both modern Neo-Calvinist and Catholic thought on democracy ought not be interpreted as mere varieties of this general brand of pluralistic liberalism. According to Galston (although a liberal), "[t]he most useful point of departure for the reconsideration of politics I am urging is found in the writings of the British political pluralists and thinkers working in the Calvinist tradition."<sup>64</sup>

Neither is Catholic social teaching able to solve the legitimacy crisis of the European Union with which this article began. As Armin von Bogdany, director of the Heidelberg Max Planck Institute for Comparative Public Law and International Law, argued in a recent article, an innovative concept of democracy has found its way into the EU-Treaty, which can serve as a model for the democratic development of public authority beyond the state in general.<sup>65</sup> Yet, given the European Christian deficit, Weiler's warning is that "if political messianism is not rapidly anchored in the legitimation that comes from popular ownership, it rapidly becomes alienating and, like the Golem, turns on its creators."<sup>66</sup> With no easy fixes available, this is a rather gloomy message, making the topic of his 2004 essay ten years later still very timely indeed.

## Notes

1. Ian Buruma, *Taming the Gods: Religion and Democracy on Three Continents* (Princeton: Princeton University Press, 2010), 3. See also Marcello Pera, *Why We Should Call Ourselves Christian: The Religious Roots of Free Societies* (New York: Encounter Books, 2008); Larry Siedentop, *Inventing the Individual: The Origins of Western Liberalism* (London: Penguin Books, 2014).
2. Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church* (2004), 406.
3. *Compendium of the Social Doctrine of the Church*, 407.
4. *Compendium of the Social Doctrine of the Church*, 407.
5. *Compendium of the Social Doctrine of the Church*, 572.
6. For a more comprehensive treatment, see John Bowlin, ed., *The Kuiper Center Review*, vol. 4, Calvinism and Democracy (Grand Rapids: Eerdmans, 2014). See also James D. Bratt, *Abraham Kuiper, Modern Calvinist, Christian Democrat* (Grand Rapids: Eerdmans, 2013); Abraham Kuiper, *Guidance for Christian Engagement in Government: A Translation of Abraham Kuiper's Our Program*, trans. and ed. Harry Van Dyke (Grand Rapids: Christian Library Press, 2013).
7. Joseph H. H. Weiler, *Een christelijk Europa. Een verkennend essay* (Deventer: Kluwer, 2004; originally published in Italian in 2003 as *Un'Europa Christiana*), vii.
8. See, however, Joseph H. H. Weiler, "A Christian Europe? Europe and Christianity: Rules of Commitment," *European View* 6, no. 1 (2007): 143–50.
9. Weiler, *Een christelijk Europa*, 12.
10. Cf. James W. Skillen and Rockne M. McCarthy, eds., *Political Order and the Plural Structure of Society* (Atlanta, GA: Scholars Press, 1991); Mary Ann Glendon and Rafael Alvira, eds., *Religion and Civil Society: The Changing Faces of Religion and Secularity* (Hildesheim: Georg Olms, 2014). See also a special issue of the *Journal of Markets and Morality* 14, no. 2 (Fall 2011) on modern Christian social thought, with contributions from both Neo-Calvinist and Roman Catholic perspectives, <http://www.marketsandmorality.com/index.php/mandm/issue/view/4>.
11. For a critical evaluation of these economic results, see Samuel Gregg, *Becoming Europe: Economic Decline, Culture, and How America Can Avoid a European Future* (New York: Encounter Books, 2013).
12. Joseph H. H. Weiler, "The Political and Legal Culture of European Integration: An Exploratory Essay," *International Journal of Constitutional Law* 9, nos. 3–4 (2011): 678–94, at 682–83.

13. Weiler, "The Political and Legal Culture of European Integration," 685.
14. The decline of Christianity has, probably rightly so, not prevented international post-secular literature from envisaging new spaces for religious groups in Europe. See, for example, *Postsecular Cities: Space, Theory and Practice*, ed. Justin Beaumont (London: Continuum International, 2011); and, more generally, José Casanova, "The Secular, Secularization, Secularism," in *Rethinking Secularism*, ed. Craig Calhoun, Mark Juergensmeyer, and Jonathan VanAntwerpen (Oxford: Oxford University Press, 2011), 54–74.
15. Weiler, *Een christelijk Europa*, 62.
16. Weiler, *Een christelijk Europa*, 15.
17. Weiler, *Een christelijk Europa*, 23. See Michelle Evans and Augusto Zimmermann, eds., *Global Perspectives on Subsidiarity* (Dordrecht: Springer, 2014).
18. Weiler, *Een christelijk Europa*, 81.
19. Weiler, *Een christelijk Europa*, 67.
20. Weiler, *Een christelijk Europa*, 68.
21. John Paul II, encyclical letter *Redemptoris Missio* (December 7, 1990), 39.
22. Vatican Council II, Declaration on Religious Liberty *Dignitatis Humanae* (December 7, 1965), 8. See on this Declaration: Kenneth L. Grasso and Robert P. Hunt, eds., *Catholicism and Religious Freedom: Contemporary Reflections on Vatican II's Declaration on Religious Liberty* (Lanham: Rowman and Littlefield, 2006).
23. John Paul II, encyclical letter *Centesimus Annus* (May 1, 1991), 47.
24. Weiler, *Een christelijk Europa*, 68–72.
25. Weiler, *Een christelijk Europa*, 73–76.
26. Weiler, *Een christelijk Europa*, 77.
27. Joseph H. H. Weiler, "Federalism and Constitutionalism: Europe's *Sonderweg*," Harvard Jean Monnet Working Paper No. 10/00 (2001), 11–12.
28. Weiler, "Federalism and Constitutionalism," 14.
29. Weiler, *Een christelijk Europa*, 12.
30. Weiler, *Een christelijk Europa*, 14.
31. Weiler, *Een christelijk Europa*, 15.
32. Weiler, *Een christelijk Europa*, 26.
33. Weiler, *Een christelijk Europa*, 32.

34. Weiler, *Een christelijk Europa*, 33.
35. Weiler, *Een christelijk Europa*, 34.
36. William A. Galston, *Liberal Pluralism: The Implications of Value Pluralism for Political Theory and Practice* (Cambridge: Cambridge University Press, 2002), 23.
37. Weiler, *Een christelijk Europa*, 41.
38. Weiler, *Een christelijk Europa*, 47. Cf. Pera, *Why We Should Call Ourselves Christians*, who—referring to Weiler—speaks of an “apostasy of Christianity” (22).
39. Weiler, *Een christelijk Europa*, 54. Cf. Ran Hirschl, *Constitutional Theocracy* (Cambridge: Harvard University Press, 2010).
40. Although the ECtHR forms part of the Council of Europe, and not the EU, Weiler’s notion of constitutional tolerance can be applied to both organizations.
41. ECtHR 3 November 2009, *Lautsi v. Italy*, App. No. 30814/06.
42. Joseph H. H. Weiler, “State and Nation; Church, Mosque and Synagogue—the Trailer,” *International Journal of Constitutional Law* 8, no. 2 (2010): 157–66, at 163.
43. Weiler, “State and Nation,” 164.
44. Weiler, “State and Nation,” 165.
45. ECtHR (Grand Chamber), 18 March 2011, *Lautsi v. Italy*, App. No. 30814/06.
46. This section is largely based on a corresponding section on “Dooyeweerd’s position” in George Harinck and Hans-Martien ten Napel, “Democracy: Instrument for or Expression of a Christian Political Order?” *Journal of Inter-Religious Dialogue* 11 (2013): 42–49, at 44.
47. Jonathan Chaplin, *Herman Dooyeweerd: Christian Philosopher of State and Civil Society* (Notre Dame: University of Notre Dame Press, 2011), 1–2.
48. Chaplin, *Herman Dooyeweerd*, 29.
49. Chaplin, *Herman Dooyeweerd*, 47.
50. Chaplin, *Herman Dooyeweerd*, 161.
51. Chaplin, *Herman Dooyeweerd*, 215.
52. Chaplin, *Herman Dooyeweerd*, 213. Chaplin defines the law side as “the ordering framework that establishes the diversity of reality and the coherence within this diversity, that is, time as ‘order.’” See Chaplin, *Herman Dooyeweerd*, 52.
53. Chaplin, *Herman Dooyeweerd*, 52.

54. Chaplin, *Herman Dooyeweerd*, 235.
55. David T. Koyzis, "Persuaded, Not Commanded: Neo-Calvinism, Dignitatis Humanae, and Religious Freedom," in *Catholicism and Religious Freedom*, 115–34.
56. Jonathan Chaplin, "Civil Society and the State: A Neo-Calvinist Perspective," in *Christianity and Civil Society: Catholic and Neo-Calvinist Perspectives*, ed. Jeanne Heffernan Schindler (Lanham: Rowman and Littlefield Publishers, 2008), 67–96, at 77–78.
57. James W. Skillen, "The Pluralist Philosophy of Herman Dooyeweerd," in *Christianity and Civil Society*, 97–114, at 111.
58. Hans-Martien ten Napel, "Pluralism and European Unification," in *Rethinking Europe's Constitution*, ed. Andreas Kinneging (Nijmegen: Wolf Legal Publishers, 2007), 85–94.
59. G. Bouchard and C. Taylor, *Building the Future: A Time for Reconciliation—Report* (Commission de Consultation sur les Pratiques d'Accommodement Reliées aux Différences Culturelles, 2008), 137.
60. Hans-Martien ten Napel, "A Right Not to be Offended? In Search of the Limits of the Government's Ability to Display Religious Symbols in the Public Workplace," in *A Test of Faith? Religious Diversity and Accommodation in the European Workplace*, ed. Katayoun Alidadi, Marie-Claire Foblets, and Jogchum Vrielink (Farnham, Surrey: Ashgate, 2012), 87–99.
61. Robert P. Kraynak, *Christian Faith and Modern Democracy: God and Politics in the Fallen World* (Notre Dame: University of Notre Dame Press, 2001), 115–20.
62. For the contours of this debate, see Siedentop, *Inventing the Individual*, 349–63.
63. Weiler, "State and Nation," 10.
64. William A. Galston, *The Practice of Liberal Pluralism* (Cambridge: Cambridge University Press, 2005), 23.
65. Armin von Bogdandy, "The European Lesson for International Democracy: The Significance of Articles 9–12 EU Treaty for International Organizations," *The European Journal of International Law* 23, no. 2 (2012): 315–34.
66. Weiler, "The Political and Legal Culture of European Integration," 693.