

Secular Formatting of the Sacred

Human Rights and the Question of Secularization and Re-Sacralization

Marius Timmann Mjaaland

University of Oslo

Abstract

Whereas Samuel Moyn has argued that human rights represent the last utopia, sociologist Hans Joas suggests that the modern history of human rights represents a critical alternative to the common theory of secularization understood as *disenchantment* (Weber). In Joas's reading, the political and social emphasis on human rights contributes to a sacralization of the person, not only understood as utopia, but also as societal ideal. Following Durkheim, Joas understands the sacred within the society as the continuous process of refashioning the ideal society *within* the real society. Although acknowledging Joas's critique of Weber, the author is more critical of his idealization of universal human rights and his *affirmative* genealogy of this ideal running back to the so-called Axial Age. Mjaaland argues that the normative and formative functions of human rights are better served by a suspicious genealogy of morals, taking also the problematic aspects of human rights policy into account, including its dependence on new forms of violence and cruelty. He concludes that a more modest and pragmatic understanding of human rights may therefore strengthen rather than weaken their authority and future influence.

Keywords

secularization; sacralization; human rights; Max Weber; Hans Joas

Human Rights and the Sacred Space of Society

The sociologist Hans Joas argues in *Die Macht des Heiligen* (2017) that by studying the *place* of the sacred within the secular society, we may observe how it interrupts and changes the society from within. Whereas many nations have constructed the nation as sacred during the 20th century and still do so today, Joas argues that this is a *false* sacralization, which leads to violence, militarism, and in some cases totalitarianism. According to Joas, human rights represent an alternative to this story of the sacred nation, emphasizing

* Marius Timmann Mjaaland, Faculty of Theology, University of Oslo, P.O. Box 1023 Blindern, NO-0315 Oslo, Norway; m.t.mjaaland@teologi.uio.no

universal humanitarian values and the *sacredness of the person*, hence also the desacralization of the state (Joas 2019).

His argument follows along historical trajectories similar to Samuel Moyn's analysis of human rights as the last utopia (Moyn 2010), yet within a different theoretical framework. Setting out from Durkheim's understanding of the social construction of a sacred space, Joas undertakes a detailed and critical analysis of Weber's theory of secularization as disenchantment of the world. He points out that the idea that religion will gradually disappear in the modern society is a narrative based on Weber's contemporary situation, yet with extremely poor historical basis. Joas has previously discussed the term "post-secular" condition as defined by Habermas (2001) and argued that there was never such a thing as a merely secular society (Joas 2004). In his most recent book, we are offered a more complex but also a more balanced theory of secularization and re-sacralization as an alternative to Max Weber's theory of disenchantment. The article presents and discusses the theoretical background of Joas's argument, formulated in earlier publications such as *The Origin of Values* (2000), *The Sacredness of the Person* (2013), and, with Robert N. Bellah, *The Axial Age and Its Consequences* (2012). They serve as basis for his critical reconsideration of Max Weber's theory of secularization and his argument for a universal moral imperative in the Kantian sense (Joas 2017; 2019). Whereas Joas's detailed critique of Weber is original and highly interesting, I find it more difficult to follow his affirmative genealogy of human rights. Toward the end of this article, I will therefore discuss some of the problems and paradoxes connected to the history of human rights and their contemporary use in international politics.

Weber's Narrative of Disenchantment Revisited

In a recent article on sacralization and desacralization, Hans Joas has questioned the traditional understanding of secularization as "disenchantment" (Joas 2019, 17-18). Moreover, his latest book on the power of the sacred (forthcoming 2020 in English) gives a more detailed argument of his critique of Weber (Joas 2017, 201-77). The concept was coined by Max Weber and used in order to describe a long historical development toward a more natural and secular understanding of the world, from the prophets of the Old Testament up to the modern critique of religion. However, Joas takes issue with the description of a one-way development toward a secular modern world, when it comes to religion as well as politics. On the one hand, Europe has seen a significant decrease in religious observance (often referred to as "secularization"), but morality has not collapsed although Christianity lost influence and authority

– hence, the apologetics were not right in their fears and prophecies. On the other hand, he writes,

[...] nonbelievers and critics of religion must now relinquish the supposed certainty that religion is historically outmoded and the corresponding notion that believers are backward, that existing forms of religious life are mere remnants, and that in their lack of faith they themselves represent the cutting edge of world-historical progress. (Joas 2019, 19)

Morality is a key issue in Joas's argument, but his main point is that religion is neither specifically outdated nor irrational compared to other life-views such as atheism. Moreover, whereas political leaders have often tried to make religion instrumental for dominion and moral control, he argues that religious movements such as the prophets in the Old Testament have often been proponents of secularization in the sense of a stronger separation between the rulers and religious authority (Joas 2019, 26).

In his book on the power of the sacred, Joas ventures to give a detailed analysis of all the texts where Weber applies the concept of disenchantment. Based on a comprehensive reading of Weber, Joas concludes that his notion of disenchantment is neither accurate nor appropriate as a description of historical processes. He argues that the term “disenchantment” as applied by Weber sometimes means “de-magification” [*Entmagisierung*], on other occasions “de-sacralization” [*Entsakralisierung*], and finally, in a few cases “de-transcendentalization” [*Enttranszendentalisierung*] (Joas 2017, 207; 255). The three terms are not exactly easygoing and would hardly function as standard terms for a historical sociology of religion. Still, Joas argues convincingly that the concept of disenchantment is used idiosyncratically by Weber and even more so by subsequent secularization theorists (e.g. Berger 1967; 1974). Hence, he claims that the concept is misleading and obfuscates the fact that there are various processes covered by the term, partly working in opposite directions:

In an incredibly suggestive way, Weber has combined events in the narrative of disenchantment that run from the prophets of the Old Testament via the Reformation and the Enlightenment up to the crisis of meaning in Europe during the so-called *fin-de-siècle* and the eve of the Great War. However, when we uncover the conceptual ambiguity, the narrative molders and loses its suggestive power. Thereby, alternative possibilities of interpreting these events present themselves, in particular other possibilities of understanding the history of religion, the future possibilities of Christianity or other religions, and the potential historical power of universalist morality in general. (Joas 2017, 207-8; *my translation*)

In the last sentence, Joas reveals his own *alternative* agenda to Weber's narrative of disenchantment: (i) a different understanding of the history of religion, (ii) a positive and constructive evaluation of the future of Christianity (and other religions), and (iii) an emphatic argument in favor of moral universalism. Weber has been read as one of the fathers of the so-called secularization thesis, indicating that modern societies are subject to a one-way process toward separation of church and state, privatization of religion, and the thought that religion in general will eventually become superfluous in modern societies. For Joas, this understanding of secularization is by no means self-evident, and he follows José Casanova (1994, 2010), Jürgen Habermas (2001, 2006), Grace Davie (2002), and other sociologists of religion in questioning the premises of the secularization thesis. Acknowledging that significant changes have taken place, in particular in Europe, they all reject the thought that secularism follows *with historical necessity* within a modern society (Mjaaland 2011). There are numerous examples of *public* religion in countries such as Poland, Turkey, and the United States, and although religious observance has declined in many European countries, this is by no means a one-way process in the world as a whole (Casanova 2010). On the contrary, many countries around the world experience religious revivals and new forms of religiosity with a strong political influence in periods of modernization (Davie 2013).

If we look back at the early modern period in Europe, there was a similar ambiguity in relation to processes of modernization (Lehmann 2007). The period after the Reformation was hardly marked by any decrease in religious observance and influence. It was a period of religious transformation and consolidation within the emerging confessions. The confessional characteristics and doctrines became strong identity markers between groups and nations, with influence on political ideals, mentality, and jurisdiction, and the subsequent centuries gave numerous examples of suppression and persecution of religious minorities, and wars along confessional lines of division (Lehmann 2007, 97). Weber was obsessed with the thought that such differences in mentality could explain the emerging capitalism, but his broad historical hypothesis also included references to the even broader narrative of disenchantment (Joas 2017, 233). However, there are hardly any examples of straightforward or one-way processes with respect to secularization or (re-)sacralization. Such processes are always intertwined with other deep structures of historical development, and thus, Joas has a good case when he rejects the broad disenchantment narrative of Max Weber.

Weber's argument on Protestantism and Capitalism focuses first of all on the rejection of magical explanations in favor of more rational thinking. A peculiar

aspect of his argument is that the Catholics are presented as superstitious because they believe in the *transubstantiation* of the sacramental elements in the Eucharist. Conversely, the Protestant denominations, and the Calvinists in particular, are successful in trading and accumulating capital because they believe in immanent and rational laws for giving and taking, on egalitarian terms. The argument is highly disputed, but the discussion concerning Weber's most famous hypothesis still goes on more than a century later (e.g. Lehmann 2012). Weber's point based on an allegedly magical understanding of the sacraments is admittedly one of his weakest. It seems to be more closely related to confessional apologetics between Protestants and Catholics among Weber's contemporaries than any plausible historical trajectories from the 16th to the 20th century (Lehmann 2007, 95-104; Joas 2017, 228). In a discussion of Weber and the process of secularization, Joas (2012, 19) writes: "[...] we realize that his text is shot through with remarks about Catholicism that reduce Catholic practices, if not doctrines, to pure magic". Joas has been particularly sensitive to this kind of confessional argumentation, and he correctly observes that such biased arguments undermine the strand of Weber's narrative that goes in direction of a gradual process of demagification.

Another aspect of Weber's disenchantment narrative is the change of focus from transcendent causation and divine interventions – including divine wrath and revenge – toward inner-worldly causation and explanations of victory and military defeat. Weber identifies such changes as early as by the prophets of Israel, in contrast to the Chinese Confucians. This argument is apparently also based on Weber's contemporary situation, with Capitalism flourishing in Europe and the United States (but not in China at the time), rather than on any deep historical structures and tendencies. This observation reflects a key objection from Joas: the whole narrative of disenchantment fits all too well with Weber's normative agenda. The early 20th century is obsessed with political and spiritual secularization, and Weber adopts the narrative as an irrefutable straw man argument in favor of his contemporary sociological observations.

Hans Joas, by contrast, claims that there is hardly any empirical evidence that the world has become *less* religious over the last centuries and that religion has lost its influence on political issues. On the contrary, there are tendencies toward increased emphasis on religion in the political sphere if we look beyond the western (European and North American) exception: The *sacralization* of politics, indeed of the state, is a recurring tendency in modern history (Davie 2013). Hence, Joas follows Durkheim in the assumption that every creation of

a society or state is accompanied by an image of the ideal state and that this ideal formation is considered as sacred:

A society can neither create itself nor recreate itself without at the same time creating the ideal. This creation is not a kind of optional step, a finishing touch that society adds once it has been formed; it is the act by which it fashions and refashions itself periodically [...] The ideal society is not outside the real society; it is part of it. (Durkheim 2008, 317)

In order to rebut Weber's narrative of disenchantment, Joas thus turns to another classic of sociology. He argues in favor of a Durkheimian understanding of sacredness and sacralization. Following this line of thought, any society would be in the process of producing the symbols and images of the ideal society *within* the real society. This is in accordance with the way Hans Joas thinks about sacredness: an ideal that formats society from within – morally, politically, religiously, and ideologically. Rather than drawing on the contested notion of values, as he has done in earlier texts, he has now turned to the Kantian notion of an ideal formation or even an ideal *fact*. However, he rejects the idea of a merely individualistic morality: "The original character of ideal formation actually involves an idealization of certain states of a collectivity that have been experienced as particularly intense, states that have given rise to the ideal. *The sacralization of particular meanings is, originally, also the sacralization of the collectivity*" (Joas 2019, 23).

This understanding of the sacred and sacralization as an idealization of collective experiences is one of the reasons why he rejects Weber's thought of a general "disenchantment": he needs some notion of the sacred in order to project an ideal for the future development of the society. For Joas, any realistic ideal for a future society needs to include the sacred in one way or another, not exclusively in the form of an established *religion*, but even new forms of collective sacralization (secular or not) tend to *transform* or *reformat* religious patterns. In the case of Europe, he still sees Christianity as a significant factor in forming the future society. However, in accordance with Christian ideals, and including ideals from other religions and philosophical traditions, there is another "sacred" factor with universal aspirations, which seems to be even more significant for Joas: human rights.

Since Joas's argument is developed as a counter-narrative to Weber, it both confirms and rejects the theory of disenchantment. First of all, Joas rejects the thought of a general de-magification as mere confessional anti-Catholicism from Weber's side. Second, he questions the need for a de-transcendentalization as an expression of modern self-understanding. On the contrary, he advocates either a religious or a Kantian understanding of transcendence that remains a

critical corrective to human and national hubris. This second step is significant in order to leave a space for the sacred *beyond* the individual and yet *within* the state. Third, and most significantly, he rejects the narrative of a general desacralization, arguing that secularization and (re-)sacralization cannot be – and historically never were – mutually exclusive. Normatively, he therefore supports a desacralization of the state that gives space for a resacralization of the person. This is the point where human rights come to play a key role as expression of a normative ideal transcending the individual as well as the nation, and this double movement is what I perceive as a *secular formatting of the sacred* (cf. Mjaaland 2019b on the notion of “formatting”).

Human Rights and the Axial Age

Hans Joas takes the idea of an “Axial Age”, first presented by Karl Jaspers in 1949, as a key to understanding the historical development of sacralization and desacralization. The idea is controversial but supported by sociologists concerned with the history of ideas such as Robert Bellah and Shmuel Eisenstadt (Bellah & Joas 2012).

What is, more precisely, the theory of an Axial Age? How does it influence, respectively, the narratives of disenchantment and secularization? Canadian philosopher and author of *A Secular Age*, Charles Taylor, describes a double change that characterizes the Axial Revolution:

On the one hand, the “transcendent” realm, the world of God or gods, of spirits, or heaven, however defined, which previously contained elements which were both favorable and unfavorable to the human good, becomes unambiguously affirmative of this good. But on the other hand, both the crucial terms here, both the transcendent and the human good, are reconceived in the process. [...] The transcendent may now be quite beyond or outside the cosmos, as with the Creator God of Genesis, or the Nirvana of Buddhism. Or if it remains cosmic, it loses its original ambivalent character, and exhibits an order of unalloyed goodness, as with the “Heaven,” guarantor of just rule in Chinese thought, or the order of Ideas in Plato, whose key is the Good. (Taylor 2012, 35)

As we can see here, the theory is universal and it has a global scope. It covers philosophies and religions as different as Platonism, Judaism, Hinduism, Buddhism, and Confucianism, and is even extended to other movements in the period from around the sixth to the third century AC. It is seen as a civilizational step in the process of evolution, indeed even a trans-civilizational step including humanity as a whole. Moreover, it is perceived as a step of humankind in the direction of a more *humanitarian* world, a

more humanitarian religion and philosophy, and a less arbitrary use of violence on behalf of the rulers. In many respects, the theory resembles the modern Enlightenment and, perhaps even more importantly, the *myth* of Enlightenment within the modern world, as representing the universal, the rational, the moral, and the humanitarian as opposed to the particular, the irrational, the immoral, and the cruelty of earlier (“dark”) ages.

In the discussion of a theory of the Axial Age, there are critical voices too. The philosopher of religion Ingolf Dalferth has described it as a normative reinterpretation of Platonism for the 20th century (Dalferth 2012, 181). The Egyptologist Jan Assmann describes it as a sympathetic theory but admits that although many of the analytical tools are helpful, he does not really *believe* in this myth of a global philosophical and religious turn: “In my view, the stress on the alleged and in many cases undeniable synchronicity of Axial moves has led to an unnecessary mystification of the historical evidence” (Assmann 2012, 398).

Two of the key notions emerging in the period of the Axial Age are the concept of transcendence and the concept of self-reflexivity. The latter has strong philosophical and moral consequences, and the former has also political consequences: When societal and religious ideals – including God or gods – are perceived as transcendent, it becomes easier to distinguish between power and sacredness. Through the subsequent process of differentiation, the tension between idea and reality was, according to Hans Joas, intensified. He argues that one important consequence of this process was that religion became an instrument of desacralization rather than the opposite:

Religion, which could be a powerful instrument of the sacralization of power and domination, particularly in the archaic states, becomes an instrument of the desacralization of this very power. Divine kingship is not compatible with this concept of transcendence. If God or the gods exist beyond the realm of the mundane, it is no longer possible for a ruler himself to be God. (Joas 2019, 25)

Whether we accept the theory of an Axial Age or not, this observation concerning the role of religion in relation to power is quite important: Religion itself does not necessarily contribute to sacralization of the state or the ruler. It could also have the opposite impact, and in that case, religion contributes to the distinction between secular and sacred power. In the prophets’ critique of the ruling powers of Israel, Joas sees such a process at stake and hence a secularizing tendency in the sense that there is a clearer distinction between political power and divine authority. This is one of Weber’s favorite examples too, but Joas argues that this development has nothing to do with “disenchantment”. What happens in this period, of which the prophets is just

one example, he claims, is that religions across the Eastern/Western divide become more *transcendent*, and thus also more universal, in their approach to morality and politics. Hence, it does not matter that this process of separation is followed by resacralization in other respects.

In the development of universal human rights from the late 18th century to the Declaration of Human Rights (1948), Joas sees a parallel to this development, a leap forward “in the radical desacralization of political power and domination” (Joas 2019, 31). However, the various nationalisms of the 20th century, including the French, American, and German ones, represent dangers of particularism to this development. The most deterrent examples of such self-sacralization of the state are found in the totalitarian regimes, such as under German, Japanese, and Soviet totalitarian rule, but Joas observes contemporary versions of the same tendency in Iran and Saudi Arabia. Hence, this is not primarily a question of religion versus secularism; it is a modern version of what Durkheim described as the self-sacralization of power and dominion (Joas 2019, 32).

Joas sees this as a continuous threat to not only states but also religions, and his alternative suggestion is to desacralize “every agency of political power” following the tendency of the Axial Age and the idea of the sacredness of the person, underlying the universal human rights. His understanding of how such values evolve (including sacred values) was presented in *The Genesis of Values* (Joas 2000). His monograph on the genealogy of human rights, called *The Sacredness of the Person*, follows up on the same topic but with emphasis on human rights as a global and trans-civilizational step toward equality, universal morality, and weakening of political power (Joas 2013). Summing up this theory, he points out that it demands a *desacralization* of state and dominion, but not necessarily in terms of a general *secularization*:

The history of human rights is a history of sacralization and desacralization. If I am right to assert that what we see in this history is a sacralization of the “person” – in other words, of every individual regardless of his merits and misdemeanors – then this unconditional appreciation of the person and his intrinsic value requires the relative desacralization of state, nation, ruler or community. It does not, as secularists often assume, require secularization, an abandonment of the notion of the holiness of God, because this very notion may provide a counterweight to the sacralization of earthly political power. (Joas 2019, 31)

After the Axial Age and the development of the world religions, Joas sees the development of universal human rights in the 19th and 20th centuries as the second big step of humankind toward a more self-reflexive, universal,

and humanitarian moral code. However, he warns against the tendencies of refragmentation and reparticularization, as is already the case with French nationalism, which paradoxically declares itself a “nation of human rights” (Joas 2019, 32). Hence, in Joas’s alternative story to Weber’s narrative of disenchantment, the universal human rights play a similar role to the *civil religion* of ancient as well as modern regimes in terms of an *ideal* society, which is already a part of the *real* society. It sacralizes the dignity of every human being rather than the nationalist tendency to glorify the state and its rulers. Even when he talks about individuals here, Joas underscores that it is the *collective* understanding of the person that is sacralized. Human rights thus identify the *person* as sacred and among the millions of persons give dignity to the poorest and most wretched ones. This collective and thus social – even political – formatting of the sacred transcends national borders – hence, its scope is universal and directed toward humankind in general rather than a specific race, nation, or strategic alliance.

This is a beautiful idea with far-reaching consequences for the understanding and placement of human rights, albeit by no means undisputable. There have been many spokesmen of the churches, most prominently Pope Benedict XVI, who would see human rights as a secular version of Christian anthropology and hence as unthinkable without the Christian heritage. Hans Joas acknowledges a continuity here, but he nevertheless insists that no single religious tradition can make such a claim. On the contrary, it was a major point prior to the proclamation of the charter of universal human rights in 1948 that all “world religions” were included. Hence, when Joas speaks of human rights as the expression of an ideal fact, it follows from a collective *sacralization* of the person, transcending each tradition, and yet (ideally), it should be compatible with all of them. It does not contradict processes of secularization in terms of separation of church and state, of sacredness and dominion; on the contrary, it presupposes and enhances such a secularization of power and nation. Still, it does not represent a one-way movement, since secularization and (re-)sacralization are intertwined. Given these reservations concerning how the terms “secularization” and “sacralization” are understood, I find it appropriate to understand the theory as arguing in favor of a *secular formatting of the sacred*. The “secular” is thus not defined as non-religious, rather on the contrary, whereas even the secular non-believer is caught up by a *sacred space* at the heart of society, the religious believer shares the same sacred space, as long as he or she acknowledges the value of universal human rights. This genealogy of human rights is contested, but I think Joas has a good point here, given his theoretical point of departure in Durkheim’s theory of religion.

Defining them as an expression of sacred ideals and sacralization is not so much a question of what human rights were intended to be. They were, perhaps, the fragile expression of some common values after the atrocities of World War II and have more recently been reinvented as the last utopia, as Moyn (2010) has argued. From the beginning, they represented an ideal formation and a basis for the establishment of the UN, yet with hardly any political or moral impact beyond their symbolic status. According to Moyn, human rights were almost completely overlooked in international politics throughout the 1940s, 1950s, and 1960s except for some conservative hardliners in Europe agitating against the Soviet Union and the iron curtain (Moyn 2010, 47; 69). Toward the end of the 1970s and the following decade, they finally gained force as a utopian framework for international activism, but it was first after the end of the cold war, when politicians and organizations were searching for a new world order, that human rights according to Moyn became *the last utopia* and achieved the normative role we can observe today (Moyn 2010, 149). The 1990s and the first decade of the new millennium was the period when the big ideologies and grand narratives collapsed, and many Western states were more effectively secularized. The neo-liberal world order in the era of globalization widened this normative and ideological gap at the heart of the modern states.

Among the ideals and utopias that filled this gap within the states, and even beyond the national state, be it at the UN or within the EU, human rights achieved a prominent place. If we accept a Durkheimian understanding of sacralization, human rights may function as such a sacred ideal that is needed for any community, and every state, not only at the moment of its constitution but also for its confirmation and continuous refashioning: “The ideal society is not outside the real society; it is part of it” (Durkheim 2008, 317).

Since human rights are one of the best expressions we currently have of an ideal society, they have somehow come to play the role of a universal utopia but also of a civil religion. In many respects, Hans Joas is right in this observation, and he is not the only one to make it. The Czech philosopher Jan Patočka argued in his defense of Charta 77 that the notion of human rights is

[...] nothing but the conviction that states and society as a whole also consider themselves to be subject to the sovereignty of moral sentiment, that they recognize something unqualified above them, something that is bindingly sacred and inviolable even for them, and that they intend to contribute to this end with the power by which they create and ensure legal norms. (Patočka 1977; quoted in Moyn 2010, 165)

The idea of human rights as something *sacred* in the moral and normative sense was thus familiar to the authors of Charta 77, this significant historical

document. Joas also shares this agenda with the major proponents of the theory of the Axial Age, and it was originally a part of the motivation for Karl Jaspers when he formulated this theory in 1949. The concurrence of circumstances is hardly a coincidence. Jaspers' theory of an Axial Age was formulated as a retrospective historical justification of the Declaration of Human Rights (Dalferth 2012). It unites all religions and all secular philosophies in a higher unity, for the sake of humanity. It is definitely a great humanitarian idea, with strong normative and historical consequences. Yet, could it also be an ideology or a mythology? Has it turned into a secular alternative to religious observance in the age of secularization?

Human Rights: Sacred Ideal, Utopia, or Pragmatic Compromise?

I can follow Joas's argument against Weber and in particular his critique of the common reception of Weber, where the so-called disenchantment becomes not only a descriptive but also a normative explanation of how the modern world ought to be understood. He criticizes this narrative as suggestive and implausible, since Weber neither gives sufficient empirical evidence for this narrative nor takes obvious counterexamples into account. By giving preference to Durkheim's theory of the sacred, he convincingly argues that human rights represent a secular formatting of the sacred, thereby transcending some of the group-specific and national limitations to Durkheim's analysis of religion. Joas thus establishes a new and alternative narrative of secularization and human rights, where the latter represents a resacralization of the person. This seminal theory is a result of not only putting Durkheim up against Weber but also, and in other respects, transcending the scope of Durkheim's theory of religion. With his postsecular approach to the issue, Joas is able to argue convincingly that processes of sacralization and desacralization are still at work in the 21st century, although the framework of understanding has changed.

This counter-narrative is a good and innovative starting point for further discussion, but Joas's theory of "the power of the sacred" calls for critical assessment and objections too, and the following discussion addresses some of its key points. First, it seems like Joas runs into several problems and contradictions when he constructs a narrative of sacralization that follows a pattern opposed to and yet in other respects resembling the one presented by Weber. Second, I will raise some concerns related to the *affirmative* genealogy suggested by Joas, articulated in Talal Asad's critique of Western humanitarianism. Finally, I will discuss whether the moral idealism dominating Joas's theory is a strength or a burden for the credibility of human rights understood as a common normative framework in national and international politics.

Joas criticized Weber for letting his contemporary normative agenda dominate the reconstruction of history as a narrative of disenchantment. I agree with Joas that this is a precise objection to Weber's theory, to such an extent that it undermines its credibility, but what comes up if we look more carefully at Joas's own theory? Does not the alternative narrative presuppose a normative (moral) agenda, too, although a different one? Moreover, am I right in suspecting that this normative agenda is the basis for his (rather selective) reconstruction of the history of human rights as a history of sacralization?

Hans Joas readily admits that there are several normative presuppositions for his defense of human rights as a sacralization of the person: (a) the need for a continuous desacralization of the nation and a sacralization of the person; (b) an emphasis on self-reflexivity and transcendence; and (c) the idea that every community – even the global community – presupposes a sacred space where it permanently refashions the ideal society *within* the real society. These normative presuppositions tend to dominate the historical narrative structuring his argument for the power of the sacred. These are in accordance with his high valuation of the Axial Age, implying a transcultural step toward self-reflexivity and transcendence. Whether we look at Löwith's original motivation for the theory of an Axial Age or current case studies to the same topic, they are all structured by this normative agenda and adjust the empirical observations to this scheme (Dalferth 2012). In their historical reconstructions, the scholars are looking for confirmation rather than counterexamples, and the articles collected in the volume of *The Axial Age* (Bellah and Joas 2012) show that the evidence for such a transcultural evolution remains rather speculative (Assmann 2012). The alleged historical parallelism between the Axial Age, the era of the Enlightenment, and the post-war era of human rights nevertheless becomes Joas's preferred example for a history of desacralization of the nation combined with a resacralization of the person. All three eras are reconstructed as ideal examples, and the key argument of a sacralization of the person fits almost too well with his normative agenda. However, this idea is hardly based on historical evidence but rather on his position in contemporary controversies in the early 21st century. Hence, whereas Joas criticizes Weber for constructing the narrative of disenchantment "in an incredibly suggestive way", his own narrative of sacralization and desacralization is hardly any less suggestive. This alternative historical trajectory, beginning with the Axial Age and running up to the present controversies on secularization and resacralization is not necessary for his critique of Weber, and it undermines the credibility of the hypothesis of sacralization, which in other respects deserves careful consideration.

My second critical remark concerns the sacred ideal (or “ideal fact”) and the affirmative genealogy with which Joas seeks to undergird the position of human rights today. The social anthropologist Talal Asad has recently criticized the role of human rights and humanitarianism as a quasi-religion in Western societies. He argues that this quasi-religion has taken over the role of Christianity as a hegemonic religion in the West. Responding to the claim by Charles Taylor, Stephen Pinker, and others that we are today observing a more benevolent, compassionate, and humanitarian world than any generation before us, Asad expresses some reservations. These ideals of benevolence, compassion, and freedom, he argues, are followed by new forms of suppression, violence, and control – either directly or by proxy:

This should alert one to the possibility that what the modern world has inherited from the Enlightenment is not simply the moral standard that universal suffering should be reduced but a complex genealogy that is partly older than the eighteenth century in which compassion and benevolence are intertwined with violence and cruelty, an intertwining that is not merely a coexistence of the two but a mutual dependence of each on the other. (Asad 2015, 402)

The key point in Asad’s argument is that the same values that we defend for the sake of humanity, which are thereby considered as “sacred” values, are *betrayed* for the sake of humanity. Hence, he uncovers the duplicitous character of these normative ideals, and such hypocrisy might be unavoidable as soon as human rights achieve the status of sacred value on behalf of states and communities. This is a consequence of the secular formatting of the sacred: “As Ludwig Wittgenstein would say, the grammar of the sacred articulates the form of life of those who use it. The sacred, therefore, does not explain things universally; it presents ways of relating to, experiencing, and talking about particular events in life” (Asad 2015, 418). According to Asad, there is some kind of sacrificial logic inscribed in this notion of the sacred, which accepts cruelty as long as it serves a sacred goal.

A typical example is the defense of military intervention in Afghanistan for the sake of human rights. Since women have a traditional status in Afghanistan, they are suffering, from a Western perspective, under a “violation of women’s human rights”. Hence, Asad writes, “the military presence of NATO in Afghanistan is, in part, justified as an attempt to restore them; what this justification does, in effect, is to try to transform a conception of moral rightness into a positive right” (Asad 2015, 409). His critical point is that since the intervention depends on the use or threat of violence, it should be measured by its *effects* rather than its intentions. When it comes to effects, the use of violence and its consequences are rather certain, whereas the expected

liberation of women, in the name of human rights, remains insecure and based on military force. Over the last decade, we have seen a series of such military interventions justified with reference to human rights concerns. It started with the NATO intervention in Libya, which lacked UN mandate, but was effective in the sense that the regime collapsed (Terry 2015). As Terry points out, the public reason given for the intervention was to protect the citizens of Benghazi (captured by rebels) from a humanitarian disaster. The reason was thus humanitarian, playing on the duty of protecting civilians. Still, how many civilians were killed by more than 14,000 bombing attacks over six months?

Muammar al-Gaddafi is reported to have warned NATO before the intervention started:

“Now listen you people of NATO. You’re bombing a wall, which stood in the way of African migration to Europe and in the way of al Qaeda terrorists. This wall was Libya. You’re breaking it. You’re idiots, and you will burn in Hell for thousands of migrants from Africa”. (BBC 2018; Blum 2018)

Since 2011, there has been a flood of refugees moving to the north – many of them dying in the Mediterranean Sea. However, Europe, to a considerable extent responsible for the collapse of Libya, has hardly been willing to take the consequences by giving the refugees asylum in respect of human rights. Similar questions of credibility can be raised in the case of Syria and other conflicts where human rights language was involved.

I am afraid that the same duplicitous grammar applies to the ideal construction of human rights suggested by Joas. In my opinion, this is not a big problem as long as we discuss human rights as an expression of minimal moral and juridical standards, the “power of the powerless” in a world of suffering and suppression. However, as soon as human rights are perceived as a universal ideal for structuring and reformatting the society, it also becomes an ideology and a utopian ideal, where sacred values of compassion and benevolence are intertwined with violence and cruelty, as asserted by Asad. Joas’s combination of a grammar of the sacred with universal ideals undermines the credibility of human rights rather than undergirding their rational and societal foundation. A similar problem applies to his affirmative genealogy of human rights, where he only identifies the *ideal* and not the dark redoubling of this ideal in new forms of cruelty and violence. Only a suspicious genealogy in the traits of Nietzsche and Asad would be able to uncover the mutual dependency of compassion and cruelty, benevolence, and violence.

In my third critical remark, I will discuss the moral idealism central to Joas's theory of the power of the sacred. Whereas Joas seeks to reconstruct a sacred narrative of human rights, Samuel Moyn argues that the contemporary emphasis on human rights is a recent invention (Moyn 2010, 225). Joas is less inclined to accept this perspective and endeavors to undergird their moral and ideal status by reconstructing the genealogy of human rights from the Axial Age until today. This is in stark contrast to Moyn's assessment:

Instead of turning to history to monumentalize human rights by rooting them deep in the past, it is much better to acknowledge how recent and contingent they really are. Above all, it is crucial to link the emergence of human rights to the history of utopianism – the heartfelt desire to make the world a better place. [...] And so the program of human rights faces a fateful choice: whether to expand its horizons so as to take on the burden of politics more honestly, or to give way to new and other political visions that have yet to be fully outlined. (Moyn 2010, 225-6)

With his affirmative genealogy and theory of sacralization, Hans Joas – consciously or not – contributes to the tendency of mythologizing and monumentalizing human rights. This tendency is enhanced by his normative agenda in favor of universal moral standards, what Moyn characterizes as the “moral burden” of human rights. Moreover, in a period of three decades, human rights have undergone the transition from representing the “power of the powerless” to the “power of the powerful”, a completely different challenge where they aspire to the doubtful honor of representing a host of (even conflicting) political agendas (Moyn 2010, 227). With his thought of desacralization of the state, Joas seeks to counter this tendency to sacralize the powerful in the name of human rights, but he does not succeed in drawing a clear line of separation here. As soon as human rights achieve the position of a sacred value that ought to represent a high normative ideal for international politics, they do so because they have already become instrumental for the political agendas of the powerful. I cannot see that Joas clearly identifies this dilemma, and I presume this is the reason why he has not identified the danger of maximum politics in the name of human rights when they come to represent a secular formatting of the sacred.

Conclusion

Hans Joas has convincingly rejected Max Weber's understanding of a general “disenchantment” of the world by deconstructing this idiosyncratic term in a close reading of Weber's texts. This is the most significant achievement of his latest book on the power of the sacred. However, the alternative historical

narrative he presents is in many respects similar to the one he criticizes. Joas explains the contemporary emphasis on human rights as the result of a sacralization of the person, with roots going back to the enlightenment and the so-called Axial Age. His Kantian idealism in favor of universal normative standards represents a questionable presupposition for this affirmative genealogy. Human rights are claimed to be universal in scope and content, and thus, they may fill the role of religion in the public sphere, as political ideal, and as foundation for national laws. Hence, in the 21st century, human rights have come to represent a secular formatting of the sacred that supplements and/or replaces public religion.

In international politics, human rights have gained force and influence over the last decades, but their normative and sacred role also inevitably makes space for new forms of political dominion *in the name of human rights* – while covering up the violence and cruelty executed in the name of these sacred ideals (Asad 2015, 425). Hence, on the one hand, I believe that Hans Joas is right in proclaiming that human rights may actually fill the need for sacred values both in secular societies that reject religious hegemonies and in societies that cling to a specific religious hegemony. On the other hand, however, we have to acknowledge that this is a dubious honor and a problematic status, paving the way for duplicitous political strategies in the name of human rights. The future relevance and authority of human rights are therefore not only undergirded but also undermined by the sacralization Joas describes. If they achieve the role of a secular formatting of the sacred, the ideals of human rights may profit from a more modest and pragmatic approach to their history, their genealogy, and their future influence.

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