



# RELIGION AND HUMAN RIGHTS IN THE THOUGHT OF W. E. HOCKING<sup>1</sup>

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## ABSTRACT

W. E. Hocking (d. 1966) was an American philosopher of religion and metaphysician who also wrote on the philosophy of law, social and political philosophy, and relations among the followers of different faiths. In this article I review Hocking's thinking on the foundations of human rights and their relation to the religious traditions of mankind. In conclusion, I offer a few reflections on Hocking's ideas and their relevance to the issue of the relation of human rights to Islam.

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## INTRODUCTION

William Ernest Hocking (1873-1966) was born in Cleveland, Ohio and graduated from Harvard, where he was Josiah Royce's (1855-1916) favorite student. He also studied in Berlin, Heidelberg and Gottingen, and served as a director of the Lignan University in Canton, China. In metaphysics, he defended idealism and mysticism. In political philosophy, he was a critic of liberalism and found a kindred spirit in the English historian, Arnold Toynbee (1889-1975). In the philosophy of religion, he explored the notion of religious experience in his first major work, *The Meaning of God in Human Experience*, which was reprinted fourteen times. He went on to author some twenty volumes. Although he was a critic of liberalism, his criticisms and proposals regarding Christian missions, and his emphasis on the need for cooperation among the followers of different faiths were seen by conservative thinkers as theologically intolerable and stigmatized as "liberal." Hocking defended himself by remarking: "If this be 'Liberalism,' it is but God's own liberalism."<sup>2</sup> Today, Hocking has been largely forgotten because many of the views he championed have become unpopular.<sup>3</sup> I think his work deserves reconsideration.

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<sup>1</sup> This is a slightly edited version of a paper that first appeared in *Theoretical foundations of human rights : collected papers of the Second International Conference on Human Rights 17-18 May 2003*, (Qom: Mofid University, 2007), 503-522.

<sup>2</sup> Hocking (1958), 146.

<sup>3</sup> One of the few contemporary writers who discusses Hocking's views is Leroy S. Rouner, who has edited a festschrift for Hocking, *Philosophy, Religion and the Coming World Civilization*, and has written a volume on his ideas, *Within Human Experience: The*

In this article, I will take a step toward this reconsideration by focusing on Hocking's ideas about rights as expressed in one of his last works, *The Coming World Civilization*.<sup>4</sup>

Hocking observes that one of the features of modernity is the assertion that legislation is bound by standards to be found in the human individual as "rights of man." However, Hocking insists that the claims to human rights will be detrimental to the human community if enforced by political institutions in the absence of an appropriate spirit. Finally, Hocking suggests that the appropriate spirit can only be found by drawing on the religious traditions of mankind, especially Christianity.

In order to understand Hocking's claims and suggestions with regard to human rights and their relation to religious faith, several elements of his thinking need to be set out and explored in greater detail: his attitude toward modernity, the analysis of human rights, and the role of religion in modern society. I will conclude with some reflections on the implications of Hocking's observations for the status of human rights in Muslim societies.

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## MODERNITY

Modernity is notoriously multifaceted, but our concern is primarily with the political manifestations of modernity, and chief among these is secularism. Hocking sees secularism as an advance (because it enabled Christianity to take steps away from a sort of European parochialism at the same time that it allowed Western arts and sciences to flourish without the strictures that Christianity had come to impose), but one which "has brought a deep-seated malaise from which we now suffer."<sup>5</sup> The point Hocking makes here is very similar, even in its wording, to one that more recently has been argued at length by another North American Hegelian, Charles Taylor. Hocking and Taylor both argue that modernity has brought about social ills due to modernity's own misunderstanding of itself. And both agree with Toynbee<sup>6</sup> that the spirit of individual liberty is "touched with the disease." All three thinkers,

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*Philosophy of William Ernest Hocking.* Rouner is also the author of the entry "William Ernest Hocking" in the *Encyclopedia of Religion*, Mircea Eliade, ed., Vol. 6, 414-415, from which much of the biographical information presented here was drawn. Mention should also be made of Daniel Sommer Robinson's *Royce and Hocking—American Idealists*. There is also a chapter in Charles Hartshorne's *Creativity in American Philosophy*, in which the author recollects conversations and classes he had with Hocking.

<sup>4</sup> This work was first published in the U.S. in 1956. Subsequent to this Hocking also published a book on relations between the United States and the Soviet Union, *Strength of Men and Nations*.

<sup>5</sup> Hocking (1958), xii.

<sup>6</sup> Hocking even suggests that Toynbee's *An Historian's Approach to Religion* and his own *The Coming World Civilization* should be read as supplementing one another. Of the three, Toynbee is the most radical critic of modernism. Toynbee's *Christianity among the Religions of the World* is thematically even closer to Hocking's *The Coming World Civilization* than *An Historian's Approach to Religion*, and it contains a penetrating criticism of secular modernity.

Hocking, Taylor and Toynbee, see secularism as a justified response to the religious intolerance that plagued Europe of the seventeenth century; and all three see it as having gone too far in various respects.

Modern advances in self-consciousness have bred relativism and psychologism; modern advances in objectivity and scientific method have led to the nihilism of cosmic meaninglessness. Nevertheless, the advances cannot be denied, and so, the task is seen as how to maintain the advances while combating the aberrations that have emerged from them. Long before postmodernism became an intellectual fashion, W. E. Hocking was advocating a “passage beyond modernity,” but while postmodernists often seem to resign themselves to difference and irreconcilable diversity, Hocking held to the philosophical quest for unity in variety.<sup>7</sup> In this quest for understanding, he argued that it was essential to recognize the aesthetic factor in cognitive experience. Here too, Hocking’s position seems visionary, since it is precisely the cognitive value of the aesthetic that became the major principle of Gadamer’s hermeneutics, and both Hocking and Gadamer see the aim of the aesthetic as the discovery of the unity of the self.<sup>8</sup>

As Hocking sees it, the most important institutional manifestation of modernity is the rise of the modern nation state. The state has established itself as a rival to religion. Both religion and the state present a view of who we are and for what we stand. Although secular states do not make it their business to refute religion, they relegate religion to the sidelines, remove it from public discourse and present an alternative secular worldview. Like religion, the state offers its own collective values, public mores, education, ritual and authority. Unlike religion in modern Western society, however, the state imposes its authority through the force of arms. Despite his rather circumspect endorsement of secularism, Hocking considers “the secular hypothesis” dubious in the light of what can be learned through experience with the recent history of secularism in social life. By “the secular hypothesis” is meant not only that church and state should be separate, but also that the secular state has the ability to successfully carry out the functions it assigns to itself.

If the state in its secular garb were able to satisfy human nature and succeed in its own work, I should consider that circumstance—not as proof, but as important evidence that the secular hypothesis is valid.<sup>9</sup>

The first chapter of *The Coming World Civilization* is a profoundly negative judgment about the abilities of the secular state to carry out its responsibilities successfully, titled, “The Impotence of the State.” Hocking argues that one phase of

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<sup>7</sup> Hocking (1958), 177.

<sup>8</sup> Cf. Gadamer (1960), Part I. Hocking credits Marcuse (1955) for the idea, although he rejects the political ideals of Marcuse. The cognitive value of the aesthetic in both Marcuse and Gadamer is derived from Heidegger. The theme is explored in Hocking (1958), in a section entitled, “Aesthetic Factor in Experience as Cognitive,” 173-179, although Hocking emphasized the cognitive importance of the arts and the emotions in his (1912), as well.

<sup>9</sup> Hocking (1958), 3.

the malaise of modernity is “a strange powerlessness that afflicts our majestic institution of public power, the political state.”<sup>10</sup>

The most radical form of secularism is manifest in *laïque* political constitutions. For Muslims it will be especially interesting to see that Hocking quotes a Turkish writer to display the failures of laicism. Ahmet Emin Yalman wrote in the daily *Vatan* in Istanbul, 1941:

[A]t least in our great cities, a whole generation has grown up without any religious influences.... [Some of these religionless young people] become materialistic.... These ridicule the idea of love and of help for others, and consider selfishness and the seeking of self-interest acts of cleverness. They call theft ‘free gift’ and stealing ‘lifting.’ They do not believe that one would consequently suffer for one’s doings, neither do they believe that tomorrow will bring any good. They want ... to have every pleasure they possibly can. If these young people could benefit from religion in the ideal sense, they would certainly be better Turks and better human beings. They begin life with a void.... We feel very keenly that while other nations in addition to their national unity hold on also to their religious unity, we cannot neglect this binding force for ourselves... appropriating the religious factor and giving it a clear place in our social life would be the proper course to follow... *every nation needs to build such a bridge between the mind and the feelings.* The Moslem religion is more suitable for this than other religions.<sup>11</sup>

Hocking concludes from this and his own observations that laicism is a failure, that when religion is totally excluded from government, “something politically essential has been lost.... The state depends for its vitality upon a motivation which it cannot by itself command.”<sup>12</sup>

Next Hocking examines the impotence of the state in such diverse areas as the family, crime, the economy, entertainment and education. In every case, he shows that the institutional structure of the state itself renders it unable to guarantee success in any of these areas. Where successes do occur, they spring from sources beyond the control of the state.

Hocking remarks that the modern state has forfeited a great advantage of older political communities, the public force of a sense of honor. After defining *honor* as “a respect for the undefinable and unprotectable obligation,” he asserts: “And as long as honor has no public power, our civilization is not yet civilized. The state alone cannot civilize.”<sup>13</sup>

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<sup>10</sup> Hocking (1958), xiii.

<sup>11</sup> Nov. 25, 1941, cited in Hocking (1958), 5-6.

<sup>12</sup> Hocking (1958), 6.

<sup>13</sup> Hocking (1958), 15.

This is also a theme explored in Charles Taylor's examinations of modernity. Taylor's discussions of the honor ethic are more adroit. He discusses how the bourgeois mores pertaining to work and wealth came to supplant the aristocratic code of honor and warrior virtues in the eighteenth century.<sup>14</sup> Hocking's remarks testify to the fact that some remnant of the old sense of honor was able to survive the social changes elaborated by Taylor into the twentieth century. In its atrophied form, however, it seems to lack the sort of public power Hocking feels necessary for civilization. Of course, what Hocking means by *civilization* is not the anthropologists' concept, but a certain level of culture and what used to be called *good breeding*. This sort of sense of honor requires an appropriate social structure in which honor is esteemed and dishonor is absolutely fatal to continued public life. When high ranking public officials can get away with dishonorable sexual and financial dealings, there can be no hope that a sense of public honor in society at large can do anything to prevent the further collapse of standards in areas of popular culture that are infamous for their lax morals.

His final comments on the impotence of the state concern "the most intimate and paradoxical field of the state's helplessness, the field of law itself."<sup>15</sup> The main thrust of Hocking's reflections on the law is a critique of the notion of rights.

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## HUMAN RIGHTS

Hocking holds that at the foundations of the notion of rights is a peculiarly modern conception of freedom, which is essentially negative and individualist. Modern freedom is freedom of the individual from constraints imposed by others. Rights are designed to protect this freedom by providing a basis in legal theory for the enactment and interpretation of law and legal procedures through which the individual may solicit the state to forcibly prevent or redress restrictions of or threats against such freedom.

Rights differ from interests insofar as what is claimed as a right is claimed for all others similarly placed. The roots of the idea may be traced in some limited form as far back as Tertullian's assertion of the right to choose one's own religion against the power of the Roman state.<sup>16</sup> Christian and humanist thought contributed further to the development of the notion of rights by giving them foundations in theology and theories of natural law. Hocking observes, however, that with the development of modernity, rights claims were cut off from their previous foundations so that, "In particular, that individual disposed to stand alone for his right reflects that he has no ground to stand on: for no one can stand on what may be an insufferable projection of

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<sup>14</sup> Taylor (1989), 285f. Also see Taylor (1991), 46-47.

<sup>15</sup> Hocking (1958), 15.

<sup>16</sup> The point is only mentioned by Hocking (1958), 163; a fuller and much more illuminating discussion of the differences and similarities between pre-modern Christian insistence on freedom of religion and modern religious rights from Tertullian to Menno Simons is presented in Reimer (2002).

one's private pathology.”<sup>17</sup> The basis of civil law in this case becomes nothing more than “a pledge of the power of all to secure the rights of each.”<sup>18</sup>

Although Hocking has been seen as a liberal proponent of rights,<sup>19</sup> he subjects the modern notions of rights and freedoms to stern criticism, as well. As early as 1935, Hocking pronounces liberalism unviable precisely because of flaws in the concept of rights.

Liberalism has infected the Western mind with the disease of Rights-without-Duties. Its music has been bound up with the theme of Natural Rights; and if rights are natural, belonging to the individual by birth, they are not alone costless but also inalienable.

To think of himself as so endowed was a radical encouragement to the individual member of the Demos, an encouragement which he needed in his hour of struggle with authority; it had this pragmatic truth. But now that the conflict is over, it has become a bald flattery. There are no unconditional rights.<sup>20</sup>

World War II did not prevent Hocking from issuing the following scathing remarks about the modern notion of rights:

It is a law of the universe that no man can be freer than he has a head to be. Hence no man can be made free by legislating rights into his hand or conferring rights upon him. Give him a vote, and he will use it, if he has an idea. If he has none,...we know that liberty is being transformed into a lateral servitude because of a general deficit of intelligence. If the nominally free man cannot think, he must imitate.<sup>21</sup>

Hocking, does not react to the endemic stupidity in modern societies with a complete rejection of modern liberal ideals; rather he argues that they need to be modified through and supplemented by a spirit that can only be provided through religion. Thus, the concept of rights defended by John Rawls in terms of a purely procedural conception of justice bears little resemblance to the religiously grounded understanding of rights advocated by Hocking.

Hocking's criticism is toughest on the idea that rights are absolute, inalienable and unmodifiable. This criticism has three elements: first, the denial that rights are

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<sup>17</sup> Hocking (1958), 25.

<sup>18</sup> Hocking (1958), 15.

<sup>19</sup> See Leroy S. Rouner's introduction to Rouner (1988). Rouner claims that he had intended for this volume to confirm Hocking's liberalism, but due to the arguments advanced by the contributors, he now takes a more critical view of rights. I am arguing that Hocking himself expresses some of the same doubts about rights as have been raised by their severest critics.

<sup>20</sup> Hocking (1935), 233.

<sup>21</sup> Hocking (1942), 13-14.

unconditioned; second, an elaboration of the conditions under which rights may be successfully administered; and third, a warning that without the stated conditions, rights will prove detrimental to civilization.

First of all, Hocking complains that if rights are taken as truly absolute, contradictions arise when they conflict with one another or with other absolute standards, and grave difficulties will arise when, short of contradiction, conflicts occur between rights and other social goals and principles. Hocking tells us that the “history of jurisprudence in the nineteenth century is one of continued and varied protest against the legal impossibilities created by this revolutionary conception.”<sup>22</sup> This complaint is one that has been elaborated with regard to more recent theories of rights by Ronald Beiner, although Beiner’s critique is inspired by MacIntyre rather than Hocking.<sup>23</sup> The problem is that the inalienability of rights makes it impossible to weigh them along with other social values and aims in determining policies, and it blocks rational discussion among claimants to competing rights. “The claim of rights as obvious truth became too absolute, too unbending, especially if it was ‘unalienable.’”<sup>24</sup> One who makes a rights claim alleges that the claim must be satisfied, regardless of any other considerations of other duties or consequences. To the contrary, Hocking maintains that there are no rights in the absence of “good will,” by which he means “an inner lawfulness of disposition on the part of the subject of those rights.” He continues:

The presence of this good will is the implied condition of every right—*there are no unconditional rights*. There is no moral right to property, to liberty, to life itself, in the absence of good will.<sup>25</sup>

This brings us to Hocking’s second point: even if the concept of a right is reformed in such a way that its absolute status is dismissed, the administration of a legal system based on rights will be effective only when it is properly motivated, or, in Hegelian terms, when it is animated by an appropriate spirit. Hocking sees the problem of appropriate motivation as the key to the impotence of the modern nation state in all the areas of its influence; so, to understand Hocking’s proposals, we need to review his ideas about motivation and “good will.”

According to Hocking, the first principle of human motivation is that “meaning descends from the whole to the parts.” Individuals find meaning in life when they see the parts of their lives connected by overarching purposes, and when they can assume that these purposes are shared by members of their communities, and in some way or another, are linked to the ultimate purpose of the world. Modernity produces a crisis in meaning because this natural and implicit faith is rejected by the “science-and-world-view” of the age. “Then it is, I say, that the sails of one’s will begin to flop in a

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<sup>22</sup> Hocking (1958), 16.

<sup>23</sup> See Beiner (1992), 41-42, 82-97; and MacIntyre (1981).

<sup>24</sup> Hocking (1942), 41.

<sup>25</sup> Hocking (1958), 16.

failing breeze.”<sup>26</sup> So, in order for any sort of regime of rights, whether domestic or international, to function properly, the parties involved, those who are potential rights claimants and those who would uphold the rights of others, must be motivated by a conception of their activities as contributing to some sort of universal purpose or aim.

Hocking also gives concise expression to these points in his *What Man Can Make of Man*. There, after affirming the excellence of Western conceptions of law and human rights, he remarks that the notion of rights that came during the initial phases of the modern period had a theological foundation that has since been lost. The loss came because Locke treated reason as a sufficient guide to understanding the will of God in social-political affairs. It was an easy step from this to the claim that reason alone would be sufficient. Locke’s rights were rights of the “soul,” rights that God grants to all who possess a soul. When the theological underpinning of rights was dropped, the basis of rights changed from the sanctity of the divine gift of life and soul to wants and interests. Locke saw rights claims as offering a theologically based curb on the power of monarchy. While some notion of the laws of nature can be retained after God is excluded from physics, when the theological basis of rights is removed, they “lose part of their working force.”<sup>27</sup>

The idea that the modern concept of rights could be based on the dictates of reason alone cut off from any religious motivation is rejected by Hocking as he questions *what* concept of reason is to be employed to shore up the rights that were formerly given a metaphysical basis: “Once we have come to reason as the basis of right, we have to inquire what kind of reason we are using.”<sup>28</sup> The point Hocking makes here is little more than a hint, but it is a point that would be effectively elaborated at length by Alasdair MacIntyre.<sup>29</sup> Reason without religion is too amorphous to provide direction or guidance to rights claims. This makes it only too easy for rights enforcement to be given as an excuse for the exercise of force to gain material advantages.

Hocking’s warning, that the attempt to enforce rights will prove detrimental without the proper spirit, has two areas of application: domestic and international.

Within the West, Hocking admits that humanism and Christianity have cooperated, first to define, then to correct and curb, a legally workable doctrine of human rights.<sup>30</sup> But Hocking sees the concept of rights being perverted as a tool to further selfish interests, and he regrets that Christians, as such, seem unable do anything about it:

This same Christianity which once gave the western world a revolutionary concept, the right of the responsible individual against the state, and *sought*

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<sup>26</sup> Hocking (1958), 24.

<sup>27</sup> Hocking (1942), 41.

<sup>28</sup> Hocking (1942), 41.

<sup>29</sup> MacIntyre (1988).

<sup>30</sup> Hocking (1958), 83.

*for it*, seems as a body too flabby to protest when that priceless treasure is transmuted into an unconditional birthday present for each sentient seeker of his personal happiness.<sup>31</sup>

Hocking laments that the “loudest right-claimers are today often those who have some private interest to ‘protect.’ The spreading menace is becoming apparent.”<sup>32</sup> Once again, Hocking credits Toynbee for having rightly identified the problem. Liberals typically claim that it is better to suffer abuses of rights and liberties than to limit them, and Hocking agrees that the liberty to go wrong is well worth “the priceless privilege of going right by free choice rather than by compulsion.”<sup>33</sup> However, Hocking contends that this acceptance of the lesser evil can only be justified if the abuse is relatively minor. When society loses touch with its moral resources and religious traditions, the abuse of rights and liberties can be expected to become intolerable, and the very notion of right will turn into a mere disguise for self-interest. So, while the civil codes of Europe are based on an assumption of natural human rights without explicit reference to religion, as secularization becomes complete, the State will tend to revert to a totalitarian form.<sup>34</sup>

With regard to the globalization (Hocking uses the term “englobement”) of the modern worldview, he warns that the “vices of the West become the poison of the East.”<sup>35</sup> Although Hocking retains a rather utopian vision of a single “world civilization,” he warns that its prospects are threatened by an *imbalance*<sup>36</sup> that Iranians today would refer to as “cultural invasion” (*tahajum-e farhangi*). The danger of the spread of universal rights, as Hocking sees it, is that when a maximum of liberty is conceded to individuals, the coherence of a society grounded in customs and conscience may be undermined.

And this theory of human rights, renascent in the present century, becoming part of a world-wide political pattern, without the conceptions of human nature that once made democracy inwardly strong, can only contribute to its disintegration, and tend to dissolve the coming civilization even while we build it.<sup>37</sup>

Democracy was once made strong, according to Hocking, by a Christian conception of human nature. Where that conception has been eroded in the West, democracy and rights become instruments of self-interest.

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<sup>31</sup> Hocking (1958), 165.

<sup>32</sup> Hocking (1958), 16; also see 54.

<sup>33</sup> Hocking (1958), 17.

<sup>34</sup> See Hocking (1940), 246.

<sup>35</sup> Hocking (1958), 63.

<sup>36</sup> Hocking (1958), Study III, §iv. *Extent of World-community: Danger of Unbalance*, 52f.

<sup>37</sup> Hocking (1958), 56.

The one inalienable element of modern liberty that Hocking is willing to affirm is the “*freedom of individuals to define their own ultimate loyalties*.<sup>38</sup> By means of this freedom, the individual retains a measure of independence from the state. Although this freedom of conscience has been enshrined in various declarations of human rights, Hocking cautions that there is much in such allegedly universal declarations that is not absolute, and he specifically warns against the attempt to put religion at the service of the imposition of Western political systems around the world:

No religion could endure the load of attempting to inject into the coming world order, let us say, American democracy as a requirement of God’s kingdom.<sup>39</sup>

Indeed, Hocking claims that the call to democracy and self-rule has occasionally been blind to the sense of its own message to mankind when it has interpreted freedom as the abandoning of all standards and values as constraints. Here the universality of rights is in danger of being lost.

[W]estern civilization, suffering under an exaggerated self-trust amounting to a worship of man-unleashed, cracks. Freedom is not enough; and, as Toynbee asserts, repentance is due. Without standard, no art, no right, no truth, no joy in living, no civilization to transmit! And without passion, no standard. The free arts must in some sense retain or regain their rootage in the universal as passion, i.e., in religion.<sup>40</sup>

Outside the West, the cultural invasion is abetted by the spread of modern science because the advances of modern science are often misused by those who would replace traditional values and worldviews by something they would construct from what they take to be the spirit of the modern scientific worldview. Although Hocking stops short of an endorsement of Toynbee’s judgment that modernity has rejected the guidance of religion in favor of the guidance of man-made science, he does admit that “science has been at critical points untruthful and therefore unscientific.”<sup>41</sup> The lies told in the name of science, according to Hocking, are primarily metaphysical, such as that what empirical science can show of man is the whole of human nature. A stricter empiricism would show that such claims are false, while “the untruthful science has permeated our incipient world civilization, and is especially deadly where the course of science has entered new ground.”<sup>42</sup> The solution that Hocking proposes in response

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<sup>38</sup> Hocking (1958), 132.

<sup>39</sup> Hocking (1958), 132-133.

<sup>40</sup> Hocking (1958), 84.

<sup>41</sup> Hocking (1958), 62.

<sup>42</sup> Hocking (1958), 63; also see 70, where Hocking identifies the “broader empiricism” with the *Wesensschau* of Husserl, and claims that it is “the potential friend of religion.”

to the cultural invasion that accompanies the spread and influence of modern science is not a “return to the self” (*bar gashtan bi khishtan*), however, but a return to God.

Hocking’s proposal for a foundation of human rights is offered in summary form in the following statement:

Each individual person, being summoned to find in the apparent disorder of human history a *telos* with which he can cooperate, and in so doing to find the worth of his own existence, will discover in his will-to-participate in a world task a nonpolitical basis for those legal rights which, taken as costless gifts of nature, work for the corruption of the political community.

It will uphold the dignity of the individual human being by upholding his responsibility. For it will leave in his hand the freedom to respond or not to respond to the call to co-operate with the divine purpose.<sup>43</sup>

Hocking’s mention of *divine* purpose is not merely a rhetorical flourish. He writes as a committed Christian, but one who shows uncommon respect for non-Christian religious traditions, and for whom religion holds the key to an effective policy on rights.

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#### RELIGION IN MODERN SOCIETY

Although Hocking admits that a simple return to the religious element of premodern civilization is impossible, he maintains that a scientific worldview can never take the place of a religious outlook, and the political authority of the state can never replace religious authority. Religion must assert itself in its confrontation with modern science and politics, not by a display of enmity, which can only weaken the religious impulse among people, and not by submission, for that would be to abandon humanity to the most base and ignoble forces against which the state and modern science are impotent.

A religion that remains hostile to nature *per se* or to the scientific spirit is simply not mature; nor is a religion mature that merely accepts science and retreats, priding itself on its up-to-dateness, its realism, its ability to wear sociological garments. Maturity means the glad and intelligent adoption of *the natural, without the surrender of what is more than nature....*<sup>44</sup>

Religious people need to embrace the findings of modern science and the genuine advances made through modern political institutions without losing sight of the fact that it is through religion alone that the ultimate purpose and direction of both nature and politics are to be found. Ultimate purpose and direction in science, politics, or any aspect of human life are successfully provided only by that which unites the soul with

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<sup>43</sup> Hocking (1958), 185.

<sup>44</sup> Hocking (1958), 159.

the whole, and this, Hocking tells us, is the essence of religion: “*religion is the affirmation of the anchorage in reality of ideal ends.*”<sup>45</sup>

Hocking insists, “it is clearly *not the destiny of the secular state to render the functions of a religious community superfluous.*”<sup>46</sup> To the contrary, Hocking affirms that modernity makes the religious community “increasingly necessary to the vitality of the state, its function being to maintain that integrity of motivation which the state requires and cannot of itself elicit or command.”<sup>47</sup>

The need for religion, however, is not limited to providing motivational support for the state. Hocking also holds that no international order can be maintained by raw power:

Reaching across all boundaries it [the religious community] fosters a moral unity among men without which international order lacks a necessary precondition—that of psychological fraternity. For peace and order must be built on mutuality of feeling before they can be built on laws and powers.<sup>48</sup>

On the other hand, Hocking does not see the function of religion as providing positive laws for a state or for the international community, although it can establish principles that laws and policies must not contravene.

It can never be the state’s duty—as premodernity sometimes assumed possible—to deduce positive law and policy from the premises of religion and ethics, for which these premises are incompetent, as Aquinas clearly saw. But it will always be the duty of the state, unless by persuasion it can transvalue the values of its people, to create policies that do not contradict these premisses.<sup>49</sup>

Perhaps Hocking overstates the impossibility of deriving any positive law from religion, and this might be attributed to his focus on Christian tradition. Nevertheless, even if we grant that important elements of positive law and policies can and must be derived from Islam for the governance of Muslim peoples, there will remain vast areas of law posed by the contingencies of modern life for which jurists will find themselves at a loss in any attempt to derive specific rulings. Even where religious law is clear, the application of the law to contemporary circumstances is fraught with difficulty. Hocking’s suggestion shows us that even in such areas, religion will not be irrelevant to the law, for religion can provide insight into the purposes for which laws

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<sup>45</sup> Hocking (1958), 30; also see 26.

<sup>46</sup> Hocking (1958), 26, italics in the original.

<sup>47</sup> Hocking (1958), 26; he also writes, “*The state is dependent for its vital motivation upon an independent religious community.*” Hocking (1958), 46.

<sup>48</sup> Hocking (1958), 47.

<sup>49</sup> Hocking (1958), 48.

are formulated and can establish “premisses” with which specific laws must be coherent. Hocking affirms that it is in the traditions of their religious thought that the long reflections of a people on their deeper insights find expression; and these reflections “can enter the structure of law in the coming world civilization only as a certain “spirit of the laws” first permeates its fabric”, a spirit that declares “*not the achieved dignity but the potential divinity* of the individual soul.”<sup>50</sup>

Hocking assigns to religion the enormous tasks of providing the necessary motivation for the proper functioning of the state, providing a spirit of international fraternity, and giving a direction or setting limits to policy and legislation. Underlying its ability to perform these tasks, Hocking also speaks of a metaphysical responsibility that religion bears. He describes this metaphysical aspect in rather poetic language by saying, “Religion must descend with the soul” “into the caverns.”<sup>51</sup> What Hocking means by “the caverns” is the hopelessness of a view of reality as objectively meaningless. He writes:

It is necessary to the soul’s maturity that the thought of man should descend into this pit of the meaningless universe. If he is to be saved from that pit, his metaphysical insight, his religion, must descend with him.<sup>52</sup>

Hocking also uses Fechner’s phrase, *the night view*, to describe the pit of an objective universe without purpose, and although Hocking distances himself from Fechner’s *panpsychism*, he sees the scientific objective view of reality as incomplete. The scientific view is valuable, and the exclusion of purpose from physics was what, according to Hocking, “swung the door open to a universal science and technology,”<sup>53</sup> but the scientific view needs to be supplemented by a religious recognition of purpose and value in the universe. Hocking argues that by the very nature of interpretation and understanding, man seeks a comprehensive view of reality that includes ultimate purpose and meaning. It is here that Hocking’s philosophy turns to Hegelian idealism, and sees the rejection of purpose and then its ultimate embrace as successive dialectical stages. Like Hegel, Hocking also sees Christianity as a culmination of the religious spirit, largely because of the paradoxical way in which it includes opposites. Modernity has ushered in advances in both the subjective and objective aspects of reality, but has been unable to reconcile these opposites, which is the task of a reconceived Christianity as it brings the world toward a universal synthesis.

In short, the social functions of religion in the passage beyond modernity, according to Hocking are: (1) motivational, (2) legal/political, and (3) metaphysical.

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<sup>50</sup> Hocking (1958), 187.

<sup>51</sup> Hocking (1958), 48.

<sup>52</sup> Hocking (1958), 59.

<sup>53</sup> Hocking (1958), 60. References to Fechner’s, *Die Tagesansicht gegenüber der Nachtansicht* (1879), are found used to much the same point in Hocking (1912), 468f. Panpsychism is discussed (and judged to be in error) in Hocking (1929), 156.

Religion alone, and specifically Christianity, is capable of bringing civilization through a passage beyond modernity. For this reason, after discussing the impotence of the state, the need for a passage beyond modernity and the structure of history, Hocking turns his attention to Christianity.

For Hocking, the essence of Christianity is threefold: creed, code and deed. Its creed is a faith in divine love for the created world, “a love that suffers.” The code is that one should be willing to suffer for the sake of love. What Hocking calls *the deed* is the social movement to realize the kingdom of God on earth.<sup>54</sup> The social gospel stands out much more prominently in Hocking’s theology than doctrines and dogmas.<sup>55</sup> Hocking is willing to compromise on the doctrine of the incarnation in a way that would be considered quite unorthodox to conservative Christians, although it has found a number of contemporary defenders.<sup>56</sup> He anticipates “degree Christologies”<sup>57</sup> by suggesting that the scruples of Islam’s insistence that God neither begets nor is begotten, (which, he admits, in view of the history of doctrine have genuine grounds), can be accommodated through “the valid insights of Vedanta,” according to Hocking’s revision of which each individual participates in the divine nature to the extent that he or she responds to the divine imperative.<sup>58</sup> On the Trinity, Hocking seems more reticent, although the doctrine plays little role in his theology.<sup>59</sup>

Hocking asserts that Christianity has a unique role to play because it has inspired the dialectical movement that has led to modernity. Christianity has given rise to modernity; modernity has spread around the world, and only Christianity can lead us out of modernity. Hence, Christianity must be spread around the world: “the belief that aspects of western civilization can be borrowed without borrowing the religion which begot them is illusory.”<sup>60</sup> Here Hocking displays his missionary zeal, as well as a certain inability to conceive of how non-Christian religions might come to terms with the problems of modernity from their own resources. Despite these flaws, Hocking’s reflections on the role of religion in leading man beyond modernity remain relevant today, and even the way that Hocking views the distinguishing features of Christianity, which he believes enable it to perform this role, merit the study of Muslims who would turn to their own religious traditions in order to find their way past the confrontation with Western modernity that Muslim societies have been facing for the past two hundred years or so.

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<sup>54</sup> Hocking (1958), 108.

<sup>55</sup> Hocking (1958), 133.

<sup>56</sup> See Hick (1977).

<sup>57</sup> See Hick (1985), 35.

<sup>58</sup> Hocking (1958), 181-183.

<sup>59</sup> See Hocking (1940), 237 fn. There is no discussion of the Trinity in Hocking (1912) or Hocking (1958).

<sup>60</sup> Hocking (1940), 246; cf., Hocking (1958), 161-162.

## HUMAN RIGHTS IN MUSLIM SOCIETIES

Although Hocking defends Christianity with ardor, he shows a respect for Islam uncommon for Americans of his generation. Of Islam he writes:

Within Islam one is aware of a dignity, a sweep, a sense of the instant majesty of God, which we lack. Among Islamic peoples one sees how the habitual thought about God becomes a part of the personal quality of the man; dignity enters into him also. None of these concepts are lacking to us; nor have they failed to find their way into architecture and music. But they lack a saliency in our religious expression and in our lives.

To the Moslem, God in His majesty is also a near and present God. Our mediators aid, and also impede; when we make them objects of worship, they carry a descent. The Moslem never forgets that it is God with whom he has to do. If his escape from the intermediate clutter leaves him stark, it also clarifies his soul.

Islam has also an effective fraternity which crosses racial bounds with an ease which Christianity professes but Christians seldom attain.... Beneath the sects, the simplicity of the central confession, and the felt pettiness of human distinctions in the sight of Allah, weld its people into a religious unity not realised elsewhere.<sup>61</sup>

His shortcomings with regard to understanding Islam are all the more disappointing when we see how far he tries to bend. For example, he quotes a Muslim Lebanese writer (without mentioning his name) who addresses the West saying, “You have to take it out of your mind that Islam is a passing fad. It has come here to stay. Rather than destroy Islam you ought to fill in its gaps.”<sup>62</sup> Hocking approvingly takes the author to mean that a “Christian ethics” is the only answer to the present chaos in the world, but that it should be developed “within the frame of Islam.” No pious Muslim will be comfortable with the idea of Islam containing gaps that need to be filled in by something taken from Christianity, for *Islam* is not the name of a *religion* in the Western sense, i.e., a humanly constructed approach to ultimate reality; rather, it is the name of the guidance God has sent for mankind through the last of His chosen prophets, may Allah bless and grant peace to him and his progeny and to all the prophets.

Hocking’s affirmation of mysticism leads him to the acceptance of an underlying truth that crosses religious boundaries, on the basis of which he calls for an inter-religious appreciation that goes way beyond religious tolerance:

This coexistence [among the great faiths] can no longer be one of mutual effort for displacement. The advance toward a world cultivation proceeds under a disposition close to the essence of all civilization which we may

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<sup>61</sup> Hocking (1940), 255.

<sup>62</sup> Hocking (1940), 247, citing the *Moslem World*, July 1937, 295-7.

call *reverence for reverence*—something far away from toleration—with the general insight that no soul through defects in the particulars of its faith stands apart from the mercy of God.<sup>63</sup>

In this regard, Hocking's thought bears a striking resemblance to the idea of the transcendental unity of religions promulgated by Fritjof Schuon and Seyyed Hossein Nasr. Like them, Hocking rejects syncretism while affirming that the great religions “*are already fused together, so to speak, at the top.*”<sup>64</sup> However admirable is the respect for the religious traditions of the world encouraged by such a view, it is a view with philosophical and theological difficulties that seem to me, at least, insurmountable.<sup>65</sup> Such issues are never adequately addressed by Hocking (although, to his credit, he does attempt to avoid indifferentism and pernicious forms of religious relativism).<sup>66</sup>

Given the thesis of the transcendental unity of religions, the question arises as to why Hocking thinks that it is Christianity that must provide the spiritual motivation for an effective regime of human rights. Although the concept of rights developed in a Christian context, these historical associations do not entail that no religion other than Christianity could motivate adherence to human rights. The answer Hocking gives is that Christianity is uniquely placed to combat the excesses of philosophical naturalism and relativism. He admits that no specifically Christian answers to these problems are generally accepted, but expresses the hope that “the answers are at hand in its immediate context and are being recognized.”<sup>67</sup> It is because of this that Hocking thinks there is an opportunity for Christianity to “lend its maturity to all religions.” He then arrives at a rather outrageous conclusion:

Indeed, in so far as the world faith for the arriving civilization must be a mature faith, finding its way to a natural union of the natural and the supernatural, it is possible to say that this religion under whatever name will necessarily be in substance Christian.<sup>68</sup>

It is tempting to forgive Hocking's statement as an expression of his own religious commitment, and a tendency to consider whatever is true in any religion as “Christian,” but this would be neither true nor fair to Hocking, for he is speaking here of Christianity as an historical phenomena whose “maturity” was reached in Europe. He is suggesting that just as the legacy of ancient Greece has dominated all of Europe and not just Greece, likewise the legacy of modern Europe should be adopted by the world in order to come to terms with modernity. He does not suggest that the world

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<sup>63</sup> Hocking (1958), 154.

<sup>64</sup> Hocking (1958), 149. See Schuon (1948); Nasr (1996), ch. 1.

<sup>65</sup> See Legenhausen (1999).

<sup>66</sup> Hocking (1958), 148.

<sup>67</sup> Hocking (1958), 161.

<sup>68</sup> Hocking (1958), 162.

should formally convert to Christianity, but that there should be a “silent rapprochement of the great faiths, without canceling the differences in historic rootage.”<sup>69</sup> He grants that the West is in need of the “spiritual iron” of the East just as much as the East is in need of Western technology. He also cautions that what he would promote is not endless homogeneity, but a world civilization with organically related but distinctive and different components. He compares his vision to the confluence of two rivers, and finally admits that below the point where they are joined it does not make much difference which name is given to the joined currents.

While there is much that is suggestive here, Hocking’s work on how different religious currents could motivate respect for human rights is limited to the proposal of themes that he leaves for others to examine. In themselves, however, the suggestions are significant enough to warrant further study. There is an important message here for human rights advocacy groups as well as for governments and international organizations such as the United Nations. From Hocking’s teachings we may conclude, first, that without an appropriate religious and moral foundation among those expected to comply with and appeal to human rights, any attempt to impose adherence to human rights by military force or economic sanctions is folly. From this it follows that no nation or group of nations should attempt to *compel* respect for human rights. Force may be a last resort for the prevention of violations, but it cannot instill respect or recognition. In addition to Hocking’s point that such attempts have harmful results because they would lack the proper motivation, the attempt to force adherence to human rights on nations that view the very concept of human rights as foreign would poison the potential for support for human rights on the basis of indigenous values and religious beliefs. Hocking’s insistence here on a moral common ground for international relations is not mere idealism. As a practical measure he urges international bodies to focus on economic and social problems. It is only then that a determined effort to find a mutually agreeable concept of justice might be attained. Shortly after the conclusion of World War II, Hocking wrote:

The aim of “security” conceived solely in military and diplomatic terms is a sham on a world scale; it is aimed at a mechanically defined set of enemies which the next world crisis will split, together with the mechanically defined friends, along a new earthquake fissure. The great hope of peace is (1) that the new world organization set its “economic and social” problems in the foreground, as the central business of long-range security; and (2) that it subordinate its political activities at every point to a determined effort to find in the ethical common sense of all peoples the germs of an idea of justice which could apply to the “non-justiciable” disputes among nations. So long as human intelligence retreats from this unbridged gap in international law, war will make use of the breach in our moral defenses.<sup>70</sup>

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<sup>69</sup> Hocking (1958), 168.

<sup>70</sup> Hocking (1945), 486.

So, the second point is that human rights can only be enforced among those who accept them and who accept in principle the means by which they are to be enforced. This is a general point that Hocking makes about the enforcement of law, whether international or domestic. Third, in order for any international agreement about human rights to be effective, the acceptance of such an agreement must be founded on the values and religious beliefs of those who agree to it. An agreement made because of economic or political pressures cannot be expected to foster respect for human rights, even when limited improvements in compliance are achieved. Fourth, despite the differences in values and religions among the peoples of the world, there is ample reason to hope that through dialogue and mutual respect, agreement about various legal instruments can be furthered. Hocking bases this hope in his views about mysticism, but there are historical grounds for hope, as well, not only because of the international agreements that have already been reached among nations, but also because of increasing interest in inter-religious dialogue, and “dialogue among civilizations.”

To carry the momentum of Hocking’s thought further, it would be necessary to turn to thinkers who have begun more profound inquiries into how different cultures can provide the frameworks within which different forms of political life can flourish. Steps were taken in the 1980’s in this direction with the debate over communitarianism.<sup>71</sup> Since we have already seen similarities between ideas expressed by Hocking and Taylor, Taylor’s work would provide a suitable place to begin to explore political accommodations to cultural differences. The sensitivity to culture in both thinkers resound with the Hegelian emphasis on organic community.

Taylor’s work emerges out of the debate about the relative autonomy of Quebec vis-à-vis Canada. The concern is not so much how religion can support rights or other political instruments, but how language and cultural identity can legitimate political autonomy. Taylor frames this debate in terms of a conflict at the heart of modernity between the universalizing forces of Enlightenment rationality and the particularizing tendencies of Romanticist expressivism. The outcome of the debate has led a number of writers to advocate supplementing individual rights by group rights, while fewer have called the concept of rights itself under question. Hocking would protest that no addition of legal mechanisms can solve the problem. Communities cannot be saved by laws, but respect for whatever laws are adopted must be animated by a spirit found within the community. Although those who have been identified as communitarians have sounded themes that resonate with the views defended by Hocking, I think Hocking would remain dissatisfied with communitarianism for much the same reasons that have led MacIntyre to disavow it.<sup>72</sup> Like MacIntyre, Hocking believes that faith is better placed to hold communities together than politics.

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<sup>71</sup> For a bibliography see Ziles (1988).

<sup>72</sup> See the discussion in Fergusson (1998), 152, and the comprehensive analysis of MacIntyre’s rejection of communitarianism in Beiner (2001).

Building on the work of Talyor, George Grant, and others involved in the debate about Quebec, Fred Dallmayr sketches a political philosophy that takes the values and religious commitments of non-Western cultures seriously, although Dallmayr draws more inspiration from Heidegger than from Hegel. At the end of *Beyond Orientalism*, Dallmayr reviews the debate over communitarianism in Canada, focusing on Taylor. He then turns to “the broader global implications of... the tension between liberal-Western universalism and cultural loyalties in a world-wide setting.”<sup>73</sup> He suggests “diverse possibilities of institutionalizing or giving public recognition to cultural diversity” such as group or collective rights, a degree of autonomy and self-government to ethnic groups within a broader constitutional framework, and various forms of parliamentary systems, all of which would have to be “carefully screened and calibrated to insure the democratic character of multiculturalism.”<sup>74</sup> One wonders who is supposed to do the screening, and who decided that a democratic character had to be insured for multiculturalism. Then Dallmayr proposes that the attention to particular finitude emphasized in Heidegger and Gadamer could provide a corrective to the universalism of liberalism. In the penultimate chapter of his *Alternative Visions*, Dallmayr again suggests acceptance of cultural differentiation. The openness and sincerity of Dallmayr’s reflections are admirable, and Hocking would surely approve of the idea that political ideals of various communities are to be sought from the most noble aspects of those communities’ own religious and moral traditions coupled with his insistence on the point that the politics of recognition has to be “a two way street” in which we learn from our differences without sanctioning discrimination.<sup>75</sup>

Hocking, Taylor and Dallmayr allude to a course of investigation that has only begun to be seriously considered. With regard to Islam, Dallmayr is prepared to countenance the fact that Islamic law may provide resources for political instruments for the governance of Muslim peoples in modern societies, and he even alludes to the possibility that the West may find something to learn about political communities from the religious traditions of others. Perhaps as more steps along these lines are taken, we may come to a greater appreciation of the truth in the following *ayah* of the Qur’ān:

﴿And of His signs is the creation of the heavens and the earth, and the difference of your tongues and your colors. Indeed, in this are signs for those who know.﴾ (30:21)

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