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Between humility and boldness: Explicating human rights from a Christian perspective

ABSTRACT

After a brief explication of the historical links between Christian theology and human rights (a source for humility), some methodological considerations for the grounding (or not) of human rights in the Christian faith are put forward. The primary task of theology is the explication of human rights with a view to their progressive realisation (a source for boldness). Trinitarian theology, especially the notion of *imago dei*, is a rich source for such a task. The essay concludes by putting forward five reasons for the relativity of human rights.

1. INTRODUCTION: A CAUTION TO HUMILITY

A reflection on the link between Christian theology and human rights in their 20th century form should start with a note of humility. Although one may construct a historical and conceptual relation between Christian theology and the *Universal Declaration of Human Rights* (1948), there are a number of reasons why such a relation varies widely from support to active opposition.

The notion of inalienable human dignity that underpins human rights, has been linked to the creation of humans in the image of God (Gen 1:26). To this we return below, but the strong influence of the doctrine of hereditary sin, inhibited the development of rights based on universal dignity. Because of sin, humans are exactly unworthy, and not in a position to claim rights.

The notion of a common humanity – crucial for the development of universal rights - was eroded by the sharp distinction at various stages of history between what was considered orthodox versus heterodox; true Christians versus heretics; cultured, civilised, Western Christianity versus uncivil, un-reached, indigenous peoples; Jews and sentiments of anti-Semitism; and - in contemporary times - Christian culture and values versus those of Islam.

One can still show some Judeo-Christian roots for the rights of all persons in the early stages of the Aufklärung: Luther's interpretation in 1521 of the *Magnificat* clearly refers to humans' rights to life and property and the "higher goods" of faith and the gospel, as well as the freedom of conscience before the state (Huber 1992: 580). Calvin's notion about religious freedom and the ethical responsibilities of the covenant fostered the idea of reciprocal rights and duties. And the papal bull, *Sublimis Deus* from 1537 regarded non-European Indians as "true persons", able to participate in the Catholic faith and sacraments (Huber 1992: 579).

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Once the humanist notion of an autonomous individual person developed where worth and dignity are seen in secular terms, it was very difficult for Christian theology to regain lost ground.

Although the English and American revolutions were still shaped by a Christian creation theology and anthropology, the French revolution was in fact anti-clerical and fundamentally secularist. After Locke who established pre-stately rights based on the dignity of humans in their natural state, and after Kant who established the equal worth of all persons in the autonomy of reason, the notion of human rights were from the 18th century onward build on an anthropocentric and sometimes atheistic foundation.

The paradox of theology in Enlightenment and post-Enlightenment times was that, although the roots of human rights could at least partially be claimed by the Christian tradition until the 16th century, mainline confessional traditions began to consider the ideas underlying human rights as a body of thought that should be resisted. The motivations for such resistance obviously differed:

Catholics saw secular humanism and liberalist ideas of freedom as a threat to the ecclesial and political authority of the church; Protestants rejected the optimistic underlying anthropology that was steeped in a materialism thereby negating justification through faith and self-knowledge through being known by God. The specific situation for Germany as summarised by Huber and T?dt may be typical of a wider trend: "Der deutsche Protestantismus ist im 19. und in der ersten H?lfte des 20. Jahrhunderts den Menschenrechten ueberwiegend aus kritischer Distanz, wenn nicht gar feindselig begegnet" (1977:45).

Official theological endorsement and support for the 20th century notion of human rights as expressed in the Universal Declaration, are therefore scarce before 1948. One could refer to pope Leo XII's *Rerum Novarum* (1891) as a bold statement on the equal worth of all people, and must not exclude Christian involvement via the *Commission of the Churches on International Affairs* (CCIA, established 1946) in the securing of religious rights in the Declaration itself.

It was, however, only after 1948 that theological responses from all traditions began to emerge slowly but surely. Even then there was theological resistance in some cases: In South Africa the white Reformed churches stood overtly negative toward human rights based on two broad considerations: The idea that humans could claim inherent natural rights in an autonomous manner contradicts Scripture where God's grace is the source of rights. And individual rights cannot be claimed without rights for communities (see Du Toit 1984:7-9). Though both points have some validity in themselves, one should read them ideology-critical to understand what they actually meant in the historical situation between 1948 and 1974 when this view was first published (NG Kerk 1974:72)

Yes, **Christian theology today should approach the issue of human rights with a humility borne of our paradoxical past:** our tradition has been both a source of support and of resistance against human rights in its modern form. Historically, the religious wars in Europe already pointed away from religion as common foundation for society and an emerging world order. We know from modern and contemporary history that religion may be a source and the very focal point of conflict. This can be based on intra-confessional grounds like in Northern Ireland and apartheid South Africa or on inter-religious conflict like in the Middle East and Sudan.

I am convinced, however, that **humility needs not lead to silence. The question is not whether Christian theology should speak, but rather how and what it should say.** This immediately raises the methodological question: How shall we approach a discussion of human rights theologically?

2. A FEW METHDOLOGICAL CONSIDERATIONS

There are basically two oppositional views on the grounding (*Begronding*) of human rights in the convictions of Christian theology:

2.1 There are those who claim that such grounding is indeed possible and that it is very important to show the Christian foundation of human rights as such. Prime examples of this view are the Catholic and Reformed approaches to human rights:

Typical of their theological approach, Catholics are able to ground human rights in both the natural law tradition (see Hughes 1998) and in the salvation-historical perspective of the special grace of God in Christ. In the recently published *Compendium of the Social Doctrine of the Church* it is stated clearly: “Faith and reason represent the two cognitive paths of the Church’s social doctrine: revelation and human nature,” bringing a complementary relation between the truth of revelation and the truth of human nature (2004: 41). The ultimate source of human rights is therefore found both “in man himself and in God his Creator” (2004: 83). Human rights are built on the dignity of the human person as primary principle of social doctrine, followed by the common good, subsidiarity, and solidarity (2004:88).

The Reformed position is obviously theologically different, but structurally it shares the conviction of a grounding of human rights in theological doctrine. In the context of the World Alliance of Reformed Churches, Moltmann writes as follows:

“On the ground of the creation of man and woman in the image of God, on the ground of the incarnation of God for reconciliation of the world, and on the ground of the coming kingdom of God as consummation of the history, the concern entrusted to Christian theology is one for the humanity of persons as well as for their ongoing rights and duties. **The specific task of Christian theology in these matters is grounding fundamental human rights on God’s right to –i.e., his claim on human beings,** their human dignity, their fellowship, their rule over the earth, and their future” (Moltmann 1977:130, my emphasis).

By grounding human rights in creation, incarnation and eschatology, Reformed theology shifts the basis of these rights away from the natural law tradition, from an idealist anthropology and from these rights’ assumed origin in evolutionary historical processes (Lochman 1977:21). In this way the theo-logical contribution to human rights is underscored, demanding their universal regard by all.

2.2. The opposite view is that one should not attempt such a grounding of human rights in theology. Again the motivations for this view are greatly differentiated, although structurally the same.

2.2.1 Erich Weingärtner’s article on Human Rights in *Dictionary of the Ecumenical Movement*, takes a fairly negative view of the history alluded to above: “In the light of early official church opposition to human rights, that they viewed for much of their history as the product of humanistic philosophy, the claim of a ‘theological basis of human rights’ might be considered somewhat presumptuous”. Where churches attempt to derive human rights from traditional theological concepts, it may be construed as an *aposteriori* attempt, functionalising theology to regain churches’ credibility “or to justify Christian engagement in human rights activities” (Weingärtner 2002: 550).

2.2.2 The specific **Christian** grounding of human rights inevitably implies the particularising of rights to the view of one religion whilst these rights should by their very nature be universal to have any global effect. “Einer exklusiv christlichen Begründung widerspricht die Tatsache, dass der Begriff der Menschenrechten selbst nur ernst genommen wird, wenn der Zugang aller

Menschen, unabhängig von ihren religiösen oder politischen Ueberzeugungen, zu ihnen offengehalten wird” (Huber 1992: 583, see discussion of Martin Honecker by Huber/Tödt 1977:68). Where human rights are exclusively grounded in the specifics of the Christian tradition, a certain monopolising and imperialist tendency emerges, even against the intentions of theologians and churches that do this exactly to support human rights.

Let us turn to more specific theological arguments for the opposition against the grounding of human rights in theology:

2.2.3 The traditional structure of Lutheran theology in terms of the two kingdoms is very useful in establishing a theological link with human rights in a different manner. By assuming the two domains of the sacred/the church and the secular/the state, Lutherans are able to honour the secular nature of modern human rights without having to embrace secularism or its concomitant autonomous anthropology. The key lies in Luther’s distinction between the gospel of grace that guides the church in love, and the universal significance of the law that precedes both Israel and the church, and establishes universal principles of justice accessible to all.

The Lutheran World Federation states clearly in its *Theological Perspectives on Human Rights* (1977) that “we need reason, illuminated by the law and the Gospel guided by love, in order as Christians to deal responsibly with human rights...” This rational approach to the issues of earthly life stand in contrast to the biblical faith that is normative in the life of the church. It is consequently “not our task to deduce (human rights) theologically from specifically Christian premises” (quoted in RES 1983:41).

2.2.4 Latin American liberation theologies developed a theological method that seeks its point of departure in the experience of the suffering poor at the “underside” of history. “Theology is a critical reflection on Christian praxis in the light of the Word”, says Gutierrez in his classical *A theology of liberation* (1973:13). This theology starts with an analysis of the historical situation of oppression with a view to discover its meaning in the light of the gospel “with the purpose of making the Christians’ commitment more radical and clear” (1973:13).

To be honest, liberation theologians from Korea, Africa and North America, would argue that the question of grounding human rights in pre-existing theological categories is not their urgent concern. Seeing that theology is the theory of a definite practice based on the experience of oppression, the theoretical question of “grounding” is not their primary interest. The need for and the role of human rights as part of securing political and economic liberation, are acknowledged, but the exact grounding of these rights in theology is not overtly on the agenda.

In a situation of life and death, one does not have the luxury of an articulated prior justification to struggle for liberation. One could say with HR Reuter that “Menschenrechtsforderungen sind... als geschichtliche Antwort auf **exemplarische Unrechtserfahrungen** zu verstehen” (quoted by Link 2004:207; emphasis original).

2.2.5 From a completely opposite angle, evangelical and charismatic theologies could also be classified in groups who do not link the grounding of human rights with theology. The “evangelical” churches and “charismatic” groups are hugely diverse, and (like in most cases above) one is compelled to draw very broad outlines in which some representatives of these groups might not fully recognise themselves. (The construction of typologies and models always represents a paradoxical challenge: What you gain on clarity and overview, you loose on particulars and detail).

The evangelical view is more coherent and has undergone a definite shift from a radical dualism between “socio-political issues” on the one hand, and “evangelical mission” on the other.

In its first phase up to the *Lausanne Covenant* of 1974, the world is seen by evangelicals as under sin, and, although some good remains, the kingdom of God is primarily transcendent, and there is little hope for reforming the structures of society. Salvation is highly personal, the church is a haven and refuge, and its task in the world is personal witness via mission, and not to become involved in reforming social structures – or by implication – fighting for human rights.

In this regard, there are some agreements with charismatic groups/churches whose view on reality is constructed in terms of the struggle between the devil and Christ, darkness and light. We now live in the dispensation of the power of the Spirit, manifest in healing and exorcism. This is as source of motivation for reborn Christians to continue as soldiers of spiritual warfare in the expectation of Christ's imminent and triumphant return.

It is evident that this kind of theology is not open to the idea of grounding social reform and human rights in Christian categories. Although some of these groups are involved in social charity projects, their theological framework renders a theoretical justification for human rights obsolete.

The developments in evangelical theology between 1974 and the Grand Rapids consultation of 1982, closes the gap between “social activity” and “evangelism”. The report, *Evangelism and Social Responsibility – an Evangelical Commitment*, attempts to see social activity as consequence of evangelism, as bridge to and as partner of evangelism (see Reformed Ecumenical Synod 1983:51-52). The tension, however, remains and the clear but uneasy distinction between social action and evangelism will probably inhibit evangelical theology to make a sustained contribution in the link between Christian faith and human rights. The evangelical understanding of an encompassing salvation – personal, communal and societal – does hold some promise for the future.

2.3 The question now arises: **Is there a third way possible between grounding human rights in theology and the rejections of such a process?** Here I wish to refer to the creative and well-known effort of Huber and Tödt to construct a model of “Analogie und Differenz”.

Huber and Tödt are critical of both Catholic and Reformed efforts as outlined above, but at the same time do not endorse a discussion of human rights without clear theological criteria (Honecker) or only based on limited theological parallels (Rendtorff).

They reject the notion of grounding (Begründung) if that implies deductive reasoning where human rights are derived and legitimised from selected antecedent theological premises. “Diese Rechten sind nicht aus theologischer Obersätzen abzuleiten” (Huber und Tödt 1977:158). They are also not willing to accept the emergence and further establishment of human rights as a purely secular process devoid of a theological contribution. “Wir nehmen also an, dass in den Menschenrechten etwas aufleuchtet, dass in **Analogie** zu dem steht, was der Glaube als Gabe Gottes für alle Menschen zu entschlüsseln vermag, das aber zugleich die **Differenz** jeder menschlich-geschichtlichen Gemeinschaft gegenüber der Teilhabe an der Herrschaft Gottes und dem Sein im Leibe Christi deutlich erkennen lässt” (Huber und Tödt 1977:162, my emphases).

What is the task of theology then? It can be expressed as a threefold task, namely to **provide access** (*Zugang*) to the historical development of human rights, to **foster a deeper understanding** of human rights from a Christian perspective, and to **contribute to the struggle for the realisation** (*Verwirklichung*) of these rights (158).

How is this task accomplished? The answer lies in two dialectical movements: The one starts off with “die Grundfigur des Menschenrechts” that are explained “in ihrer Analogie und Differenz zu Grundhalten des christlichen Glaubens” (see pp 162-175). The other moves in the opposite direction and allows us to interpret “bestimmte theologische Grunddimensionen... in ihrer Bedeutung für den Menschenrechtsgedanken” (Huber und Tödt 1977:160; see pp 175-193).

I personally prefer the first movement as it accepts the achievement and development of human rights in its paradoxical relation to theology, and places theology in the more humble, but very important role of explication, and not grounding.

3. THE EXPLICATION OF HUMAN RIGHTS FROM A THEO-LOGICAL PERSPECTIVE

3.1 There is little doubt that the core question facing us in a discussion of human rights is: **Wherein lies the dignity of the human person?**

Is it derived from the nature of things or natural law? Is it embedded in the self-reflecting being (Descartes)? Does it lie in the *Vernunft* of the autonomous individual (Kant), or the self-realising, subjective spirit (Hegel)? Should we look to Africa and derive dignity from *ubuntu*, the energy that exudes from every human being?

Christian theology (with Judaism and Islam) interprets human dignity theo-logically: Human beings are created in the image of God and this is the foundation of human dignity (see Moltmann 1999:119, 122; Link 2004:211-212).

In this way both the analogy and difference between human rights and Christian theology are evident: The inalienable dignity is endorsed by both (*Analogie*), but the reference point is not the same (*Differenz*). The EKD report, *Die Menschenrechte im ökumenischen Gespräch*, states unambiguously: “Das Menschenbild der Aufklärung ist mit dem christlichen nicht identisch... diese Rechte stehen ihm auf Grund seiner Vernunftsnatur zu. Die christliche Glaube bestreitet diese rationalistische Verständnis des Menschen, insoweit, als es den Menschen auf sich selbst stellt und ihn aus sich selbst heraus versteht und erklärt” (EKD 1979:13). This self-referentiality is exchanged for a theological reference point: each human person is created *imago dei*.

3.2 The next logical question is: In what way can *imago dei* concretely elucidate human rights? The answer may be sought in an exploration of the question **who God is** in whose image we are created.

The “image of God” is a fundamentally relational concept that moves as it were in two directions: It firstly relates human beings’ dignity to their being created in the image of the triune God, and an exploration of this God yields fruitful results for our understanding and realisation of human rights. But God’s immanence, Karl Rahner has taught us, is only known via God’s economy. Therefore the historical revelation of God in creation and history is just as important for a Christian interpretation of human rights.

Let us briefly explore these two viewpoints on God’s immanence and economy:

The Christian tradition concurs that this creator God is a unity of three distinct Persons, described (in somewhat patriarchal language) as Father, Son, and Holy Spirit. We know from Scripture that the Father created us in the image of the Son, the archetype of God’s image (Col 1), and that the Holy Spirit is the One who continually renews us into conformity with the Son. “The image of God is then that being which takes shape by virtue of the creating and redeeming agency of the triune God” (Gunton 1993: 117, see Koopman 2003:197).

Without exploring the detail of dogmatic history here, one could say that the creative tension between distinct personhood and reciprocal indwelling (*perichoresis*) in the Trinity provides important clues for our understanding of human rights:

Individual human rights, requiring freedom and equality, reflect the unique and distinct Personhood of the triune God: The three Persons each has an own identity and is ascribed specific deeds in salvation history in which the other Persons are always also present, but which never violate each Person’s distinctiveness.

Social rights, requiring participation, reflect the plurality and participative community of divine Persons, where the Father creates through the Son and the Spirit; where the Son is resurrected by the Father through the power of the Spirit; and where the Spirit proceeds from the Father and teaches the truth that the Son reveals.

If God created us in God's image of man-and-wife, the right of marriage and family, **gender equality and procreative rights** are indeed embedded in the aetiological creation accounts. So is our duty toward the **rights of future generations** that come about because of the blessing of procreation, to multiply and fill the earth (Gen 2). It makes no sense to have children whose very safety and livelihood are threatened by us overstepping the ecological capacity of the earth, or misusing technology to develop weapons of mass destruction.

If God declares his creation good and asks us to be its guardian, it clearly supersedes any anthropocentric notion of human uniqueness and provides an explanation of **ecological rights**, including the rights of animals and other living species (Ps 8, 104). "As the image of the Creator, human beings will love all their fellow creatures with the Creator's love." The image of the Creator requires from us to be a "lover of all the living" (Moltmann 1999:132; see Conradie 2003:313-314)

If God reveals God self as One who cares especially for widows, orphans, foreigners, refugees, the marginalised, and the poor, **socio-economic rights** in the context of a global economy must be pursued under the perspective of the "Vorrang für die Armen" (Bedford-Strohm 1993). The realisation of this "Vorrang" is indeed constitutive for our living out the image of God, by standing where the righteous God stands, namely with the poor and against the mighty (Belhar Confession, article 4, see text in Cloete and Smit 1984).

This is just a glimpse of what the systematic theological task in relation to human rights might entail. If space would allow, the development of freedom, equality and participation as core principles of human rights would be reconstructed from a Trinitarian perspective. This is a task for another occasion.

3.3 The important question in our contemporary situation is not only what contribution "internal" Christian theological resources could make, but whether we not urgently require a "theology of the religions" that could underpin inter-religious dialogue. The controversial but important contributions of Hans Küng need to be mentioned here. He was instrumental in the *Declaration toward a Global Ethic* accepted by the Parliament of World Religions in 1993, followed by a *Universal Declaration of Human Responsibilities* in 1997. There is no world peace without peace between the religions, he argued prophetically in 1991.

In terms of this essay, one must reiterate the need for interpretation of human rights from the unique perspective of different religions. This plurality is important, because the support for human rights (if indeed that is the outcome) will only gain credibility in non-Western contexts if religious leaders in the Middle-East, Latin-America, Africa, India, Japan and China make the case from their specific religious viewpoints. Let us not fear analogies and differences here!

In the face of ecological depravation and weapons of mass destruction, all religions face and share the same planet. Indeed, as Paul Knitter wrote, "no peace with the earth without peace between the religions." There are, writes Sean McDonagh, "no Catholic lakes, Protestant rivers or Muslim forests" (see Conradie 2003:329, 330 for references).

The development of criteria and guidelines for fruitful inter-faith dialogue is one of the most urgent items on the ecumenical agenda in the first half of the 21st century.

4. THE RELATIVITY OF HUMAN RIGHTS

This essay started off on a note of humility for theology. It now concludes with a few notes of humility with regards to proponents of human rights. I call this the relativity of human rights discourse and practices.

As long as discourse about rights takes its presupposition from **human** rights, “does this not imply that a certain anthropocentrism is hermeneutically inevitable?” (Conradie 2003:314-5). In other words: Can we use rights language to describe the rights of other living species without an unintended, implied reference to their “usefulness” for *homo sapiens*? Can human rights language be really **universal** if it by implication excludes the large reality of non-human species and non-living creation as such? Should we not replace universal rights with **cosmic** rights? If so, what does this mean for theology and the use of theological metaphors, or should we accept the anthropocentric bias of the linguistic turn?

Human rights are **relative to their own historical development** in Western Europe and North America. We know that the philosophical anthropology and specific historical events that underlie the development of human rights in its 20th century form are different from the situations in Africa, the Middle East and the Far East. The difficult question is whether the assumed universality of human rights are not the merely a reflection of specific Western developments (see Lindholt 1997). Or are there, despite the particular history and philosophy, a certain supra-cultural truth entailed by the declaration of human rights? Or even if we acknowledge its relativity, does it matter now that the original rights to personal freedom were extended to include second and third generation rights, exactly to respond to situations outside the West? Must all people now accept human rights as common legacy, because we need a certain “modernist” centre, an agreed moral charter, to live harmoniously in a pluralist, global world? If you reject human rights as “western”, what is the alternative?

The power or not of human rights is also **relative to the historical and geographical particularities of its application**. Let me use South Africa, my home country, again as example in a very sketchy manner:

The human rights declaration was accepted in the same year when the National Party came to power in South Africa. This party systematically introduced race-based policies on a personal and spatial scale. Later when resistance against apartheid increased, gross human rights violations were committed by the security forces. The system was underpinned by a moral legitimacy derived from neo-Calvinist, Kuyperian Christian theology, which *inter alia* led to the formation of race-based churches in the same Reformed family (see Naude 2005)

In a situation that was shielded from the impact of modernity and secularism, the struggle against apartheid was not fought with recourse to human rights, but to exposing the false Gospel on which a so-called “Christian society” was built. Both proponents and opponents of apartheid theology knew that the battle was indeed one of ecclesiology (the unity of church), Christology (reconciliation in Christ) and justice before God.

Yes, after 1994 and the acceptance of human rights in our Constitution, as well as joining the global world, theology without recourse to human rights is unthinkable (See Villa-Vicencio 1995). But to claim that no political liberation is possible without human rights is to overestimate their power and to underestimate other social forces in the absence of modernity, materialism and secularism.

Human rights are clearly also **relative to its limited application in the Christian church**. The church may support freedom of expression in society, but, for the sake of her identity, she limits speech freedom to the orthodox boundaries of the faith community. The church may support freedom of religion in society, but cannot match such freedom with membership of the faith community that confesses Christ and not Mohammed or Buddha or atheism. In some churches full equality amongst men and women or between officials and laity has not yet been realised, or is even resisted. In the ethical realm, it is possible in a situation of state-church separation to acknowledge the equal marriage rights of gay persons under the constitution, but still maintain that for the church such marriages fall outside her notion of holy matrimony.

The pursuit of human rights is **relative to the uncomfortable truth of the gospel of love**. Over against an entitlement attitude to human rights (on whatever grounds) stands the utter foolish message: Greater love has nobody than to give up his/her right to life for the sake of a brother and sister. Follow the Son of Man who did not come to establish his right to be served (Mark 10:45), but – though rabbi and master – washed the feet of his disciples. The same attitude should be in us that was in Christ who did not cling to his right to the Godhead, but humiliated himself until a God-forsaken and unprotected death on the cross (Philippians 2).

The intention of this section on relativity is not at all to diminish the importance of human rights. It aims to warn against imperialist human rights propaganda or an idolatrous faith in human rights as our deepest source of hope for the future.

5. A SHORT CONCLUDING WORD

From where I write in Africa, amidst glaring poverty and the Aids pandemic, the most important matter is not new declarations of intent regarding human rights, but their actual implementation so that people can regain their God-given dignity. The task of this systematic reflection was to illuminate, interpret and support the realisation of human rights from a Christian perspective on a global scale. For this we need the commitment of the ecumenical church.

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KEY WORDS

Human rights
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TREFWOORDE

Menseregte
 Sistematiese begroning van menseregte
 Beeld van God
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