

# MELITA THEOLOGICA



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## **MELITA THEOLOGICA**

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# VALLETTA: A city in history<sup>1</sup>

Lino Bianco<sup>2</sup>

Sociologist Richard Sennett sets the theme of his book *Flesh and Stone* in the first sentence of this text, namely, that it “is a history of the city told through people’s bodily experience: how women and men moved, ... saw, ... heard, ... smelled, ... ate, ... dressed, ... bathed, ... made love in cities from ancient Athens to modern New York”.<sup>3</sup> He holds that the turning point in the interest and treatment of the body and its relation to the built space, took place with the French Revolution. The resultant of this change was ‘sensate passivity’ of the body and its isolation from other bodies and built space. ‘Senate passivity’ emerged in the eighteenth century and became the main feature of our age. The body is too comfortable; it no longer knows what pain is.<sup>4</sup>

With this lost contact with pain, the body lost its contact with the real experience of the environment. With a loss of contact with physical reality, space became intangible. It was abstracted and isolated from reality. Isolation became more pronounced with the emergence of the megalopolis. Can such a process be recognized on a small scale city such as Valletta, a Capital with a few thousand inhabitants?<sup>5</sup> The following is an attempt to construct an interpretive theme/theory based on sexuality, labour, bodily metaphor in planning, population density and

1. This paper, unedited, was read in 1995 at a research seminar on The Representations of Cities at The Bartlett, University College London. The author would like to acknowledge the constant and consistent support of Professor Denis De Lucca, former Dean of the Faculty of Architecture and Civil Engineering and currently Head of the Department of Architecture and Urban Design and Director of the International Institute for Baroque Studies, University of Malta.
2. Lino Bianco lectures and supervises research in modern architectural history and theory at the Department of Architecture and Urban Design, Faculty for the Built Environment, University of Malta.
3. R. Sennett, *Flesh and Stone: The Body and the City in Western Civilization* New York 1994, 15.
4. Sennett distinguished between comfort as ‘an effort to rest bodies fatigued by labour’ and ‘individual comfort’. He noted that the latter could easily serve “the person at rest in withdrawing from other people” *Ibid.* 338-9.
5. The whole of Malta, with a population of approximately 370,000, can hardly classify as a provincial city at the European level.

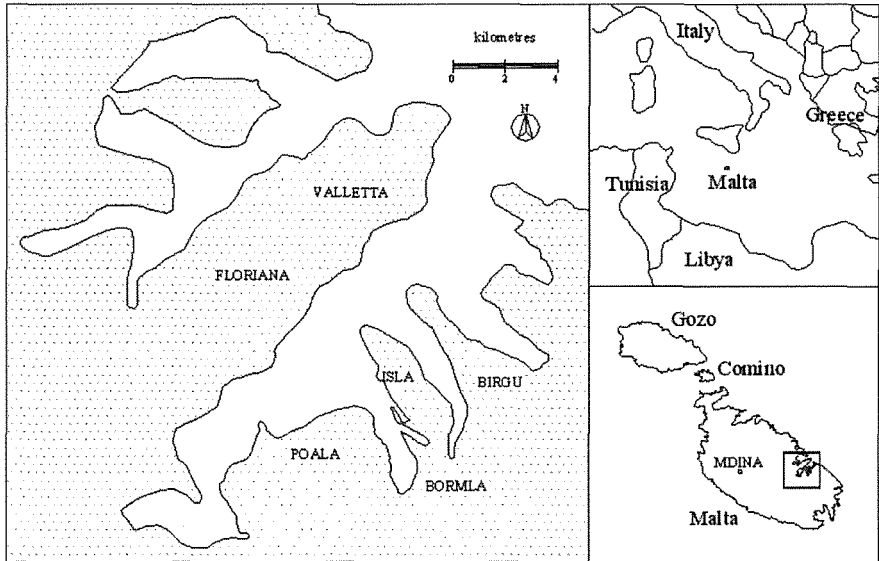


Figure 1: Site location plan of the city of Valletta

social encounters in Valletta founded over four centuries ago by the Sovereign Military and Hospitalier Order of Saint John, the Hierosolymitan Order of Malta, the forerunner of the Red Cross.<sup>6</sup> The Order was given tenure of Malta by the Holy Roman Emperor Charles V in 1530 after Rhodes, their base since 1310, was captured by the Ottoman Empire in 1522. The Order reluctantly came to Malta, “the finest heap of rock in the World” in George Bernard Shaw’s words.<sup>7</sup> Being a sea faring power, it established Birgu as its administrative base rather than Mdina, then the capital city (see insert in Figure 1).

6. Breycha-Vauthier and Potulicki argued that, given the motto of the Order of the Saint John for many centuries was ‘infirmes et infirmas benigne recipere’, the said Order can be regarded as the forerunner of the Red Cross (A.C. Breycha-Vauthier and M. Potulicki, ‘The Order of St. John in International Law: A Forerunner of the Red Cross’ in *American Society of International Law*, 1954, 554-563).
7. At the time the Order was organized into the following seven ‘tongues’ (or ‘langues’): Provence, Auvergne, France, Spain, Italy, England, and Germany. The Spanish ‘tongue’ was later divided into two, the Aragon and Castile-León, thus creating eight ‘tongues’ in total. Each ‘tongue’ had specific responsibility in the administrative and military running of the Order and resided in an auberge usually established in close proximity to the areas/tasks in the management of the city.

### *Conception and birth*

Work on the building of Valletta commenced in early 1566, a few months after the end on the Great Siege of Malta whereby the Turkish armada was repelled from the Maltese shores, 'undoubtedly a propaganda victory' for the Order.<sup>8</sup> The idea for a new city was conceived by the Grand Master who led the Island against the Ottoman attack, Fra Jean Parisot de la Valette, after whom the city took its name.<sup>9</sup> The architect and military engineer entrusted with the task of planning the city and designing its fortifications was Francesco Laparelli, an architect in the service of the Vatican.<sup>10</sup>

In the year following the Great Siege of Malta which had 'humbled the pride of the Ottomans' and perhaps saved Christendom from the yoke of Islam, three men, namely La Valette, Laparelli and Girolamo Cassar, realised a vision of a new, fortified city; a city worthy of the ancient, aristocratic and Christian ideals of the religious and military Order whose 'Convent' was to sustain within defences which were to be impregnable.<sup>11</sup>

The site for the city was the Schieb-er-ras peninsula, a bleak, barren, rocky promontory 42 metres above sea level. "The 'developers' ... were people of a

8. Q. Hughes, 'Give Me Time and I Give You Life: Francesco Laparelli and the Building of Valletta, Malta, 1565-1569' in *The Town Planning Review*, Vol. 49, No. 1 (Jan., 1978), 61-74. Although the foundation stone of Valletta was laid down on 28th March 1566, allegedly on the site where the Church of Our Lady of Victories now stands, the building of the city effectively commenced in the 1570s soon after Laparelli's layout was established (Ellul, M., 'Francesco Laparelli da Cortona and the Fortifications of Valletta', *Atti del XV Congresso di Storia dell'Architettura*, Rome 1970).
9. Fra Jean Parisot de la Valette, French by birth, was Grand Master of Malta for the period 1557 and 1568.
10. Francesco Laparelli (b.1521 – d.1570), an Italian from Cortona, worked for Duke Casino I and Pope Pius IV. He worked on the defences of Civita Vecchia and Rome, and assisted Michelangelo Buonarroti in the building of St. Peter's (Q. Hughes, *The Building of Malta*, London 1956, 217-8). On pleading to the Vatican for services of an architect specialized in planning and fortification design, Pius IV sent Laparelli for the service of the Order. In Michelangelo's words, in all his life Laparelli 'studied fortifications with more passion than sculpture and painting' (*ibid.* 218). After Laparelli's death, his former Maltese student architect Girolamo Cassar (b.1520-d.1586) carried on with the work. Vide Hughes, 'Give Me Time and I Give You Life'.
11. R. De Giorgio, *A City by an Order*, Malta 1985, 216.

particular kind who by their chosen vocation in life were concerned with both civil and military matters".<sup>12</sup> The latter was the main criterion for the selection of the site. In contemporary literature on military warfare design at the time, the site was considered very suitable for effective defence.<sup>13</sup> The Vitruvian ideal for a site suitable for a new city was a plateau rather than a fertile land.

Valletta was not just designed as a fortress; it was designed to cater not only for the military but also for the Convent and other civilians. It was not designed as a fort but as a fortified city. It needed to be able to offer refuge to inhabitants of the island of Malta in the case of another siege. The topography of Valletta is illustrated through Figure 2.

In fear of another attack, grounded more in paranoia, fortifications were built first. In a correspondence addressed to the Duke of Anjou, La Valette wrote that 'news that we receive from day to day from a good source warns us that the Turks are organizing a very powerful force with the intention of besieging us again next spring because, after what has passed, we are still weak'.<sup>14</sup> The general layout of the rectangular street pattern was decided at an early stage of the design of the city: twelve streets in length and nine in breadth. The original Lapparelli grid plan was accepted and it was approximately followed in the layout of the various building blocks. The sizes of the blocks differed from the original to suit the levels of the site.<sup>15</sup> Furthermore, provisions were made by the Valletta Commission for open spaces, absent in Lapparelli's plan.<sup>16</sup> Figure 2 illustrates the division of the city layout in various blocks which still regulates contemporary Valletta.

The work on the fortifications was nearly completed by 1573 following heavy financial assistance sought from all over Europe and five years of hard manual

12. *Ibid.* 31.

13. Q. Hughes, *The Building of Malta*, 23. In a footnote Hughes refers to Nicolò Machiavelli *L'Arte della Guerra*, VII.1 and Porroni II, v 'De siti in peninsula, e suoi vantaggi ...' as then contemporary writers on fortifications (*ibid.* 23n).

14. Letter, dated (3<sup>rd</sup>?) November 1567, from Grand Master Jean Parisot de la Valette to the Duke of Anjou, brother of the King of France. This correspondence is available at the Library of the Order of St. John of Jerusalem (St. John's Gate, London, Clerkenwell K2 16M) and reproduced in R. De Giorgio, *A City by an Order*, 232.

15. R. De Giorgio, *A City by an Order*, 121. The sizes of the various blocks in Lapparelli's drawings varied between 96m x 90m, to 45m x 96m and to 45m x 48m while those approved by the Valletta Commission differed substantially from one another (*ibid.* 121).

16. R. De Giorgio, *A City by an Order*, 121.

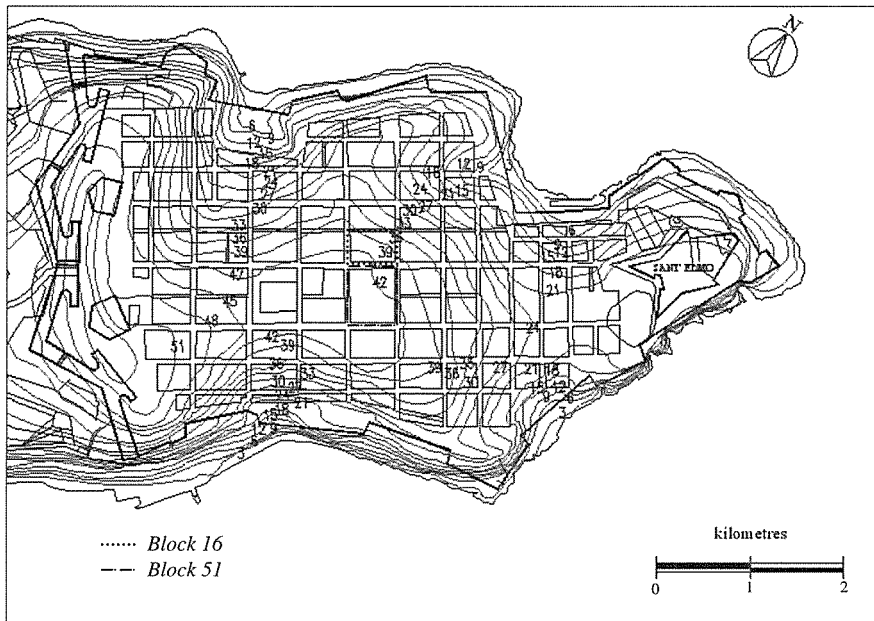


Figure 2: The topography and the grid layout of Valletta (contours are in metres)

labour to build the city's fortifications running over three kilometres in length.<sup>17</sup> By 1570, besides fortifications, only a few houses and some other constructions were erected on the peninsula.<sup>18</sup> Buildings in the new city were considered in

17. *Ibid.* 129.

18. B. dal Pozzo, *Historia della Sacra Religione Militare di San Giovanni Gerosolomitano, detto di Malta* (Verona 1703), Vol. I, 5 referred to by De Giorgio, *A City by an Order*, 127. Also, vide map in Georg Braun and Franz Hogenberg, *Civitates Orbis Terrarum*, Cologne 1572, Vol. I. An almost identical map was produced by Henry de Beauvau (*M Relation journalière du voyage du levant fait & décrit par haut et puissant Seigneur Henry de Beauvau, Baron du dict lieu et de Manonville, Seigneur de Fleuille, Sermaise, Domepure etc., Nancy, 1615*).

*Civitates Orbis Terrarum* is a city atlas enclosing 546 prospects, bird-eye views and map views of cities from all over the globe at the time. The first volume was issued in 1572 whilst the sixth and the final volume was issued in 1617. It was mainly edited by Braun. He was assisted by Abraham Ortelius, the editor of *Theatrum Orbis Terrarum* published in 1570, the first orderly and comprehensive compilation of maps in consistent style. Most of the plates included in both the *Civitates Orbis Terrarum* and the *Theatrum Orbis Terrarum* were engraved by Hogenberg (1535-1590). The *Civitates Orbis Terrarum* provided an outstandingly ample view of urban life at the turn of the sixteenth century.

relation with other buildings in the street and other public spaces. This way of perceiving town planning was in line with the contemporary Renaissance idea on the Continent of re-discovering and re-evaluating urban design. There was growing awareness of the importance that buildings have in composing streetscapes and defining public spaces.<sup>19</sup>

### *Social life*

'Spatial relations of human bodies ... make a great deal of difference in how people react to each other, how they see and hear one another, whether they touch or are distant'.<sup>20</sup> Despite the Great Siege and plague epidemics, during the stay of the Order on the Island, population grew at an unprecedented rate from nearly 15,000 in 1530 to 114,000 in 1798.<sup>21</sup> The variation of population at various instances during this period is illustrated by Figure 3.<sup>22</sup> The slave population in Malta, at any given time, during the seventeenth and eighteenth centuries, was circa 2,000.<sup>23</sup>

Twelve planning regulations controlling sanitary and aesthetic matters were issued by the Valletta Commission, known as *Officium Commissariorum Domorum*. The regulations stated that "This new city shall be divided into two

19. E. Guidoni and A. Marino, *Storia dell'Urbanistica*, Rome 1979.

20. Sennett, *Flesh and Stone: The Body and the City in Western Civilization*, 17.

21. The Order governed the Maltese archipelago from 1530 until 1798 when the Islands were occupied by Napoleon through the assistance of French members of the Order.

22. This figure is based on data supplied by J. Murray 'The Maltese Islands with Special Reference to their Geological Structure', *The Scottish Geographical Magazine*, Vol. 6 (1890), 457, and cited in Hughes, *The Building of Malta*, 4.

Despite these epidemics and a high infant mortality rate, the local population remarkably increased over the period from the late seventeenth century to the early eighteenth century. Furthermore, rather than increased emigration, this period is characterised by a sizeable number of foreigners living in Malta besides members of the Order. These included merchants, mercenary soldiers, sailors, galley convicts and slaves.

23. Two out of five slaves were Moors, the remainder being Turks, Africans and Jews. The slaves were involved in various assignments ranging from building construction and shipbuilding to the transportation of Knights and nobles by sedan-chair. Occasionally they were allowed to get involved in their respective trade(s) such as shoe-making, woodcarving and hairdressing.

In 1653 Inquisitor Federico Borromeo reported that slaves "strolled along the street of Valletta under the pretext of selling merchandise, spreading among the women and simple-minded persons any kind of superstition, charms, love-remedies and other similar vanities (A. Bonnici, 'Superstitions in Malta towards the middle of the Seventeenth Century in the Light of the Inquisition Trials,' in *Melita Historica*, Vol. 4, No. 3, 1966, 156-7).

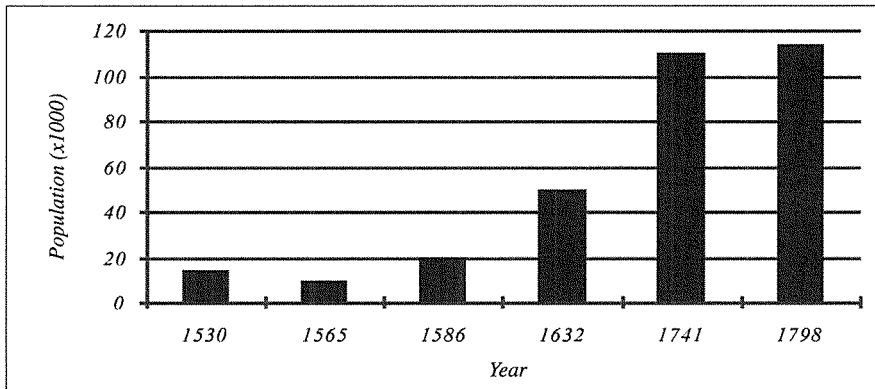


Figure 3. Variation in Population (based on Murray, 1890)

areas, the first, known as the Collachio, to be reserved for the residence of the Religious of the Order and the other, outside the Collachio, for that of the general public, both of which shall conform with the following conditions, the right, however, being reserved to locate within the Collachio other buildings as may be required by the Religion, such as the Church, the Infirmary, the Grand Master's residence, the Treasury, the Chancellery, the Bakery, the Arsenal, as well as other public building".<sup>24</sup> Despite these regulations, the idea of the Collachio

24. R. De Giorgio, *A City by an Order*, 115. A summary of these conditions as recorded in the Archives of the Order (Liber Conciliorum MS. 92 f. 133) is reproduced in De Giorgio, 115-7.

The Collachio was the segregated part of the city where the members of the Order resided (Auberges), worked (the Infirmary), and prayed (the Conventual Church). The Castellania, the administration, was also located in the Collachio (De Giorgio, *A City by an Order*, 119, n.26).

The Officium Commissariorum Domorum introduced these regulations on 12 May 1569, "to control all non-military fortifications of Valletta" (Sammur, E., 'Officio Delle Case e Regolamenti per la Fabbrica della Valletta', *Atti del XV Congresso si Storia dell'Architettura*, Roma 1970). The first regulation related to the establishment of a 'Rhodian type collachio for the exclusive use by the Order', a concept abandoned on grounds of feasibility given that different auberges had to be in close proximity to the responsibilities related to the defence infrastructure. The other regulations were essentially enforced and account for much of the present historic urban design and building fabric. A résumé of these Regulations as recorded in the Archives of the Order (Liber Conciliorum MS. 92f, 133) is reproduced in De Giorgio, *A City by an Order*, 115-116; for a concise discussion on same, vide De Lucca, 'The Architecture of Valletta', *Atrium*, 6 [1983], 13-20. In this publication De Lucca addresses the pertinent question whether one can "isolate the formative factors which were ultimately responsible for the unique architectural character of Valletta".

was abandoned.<sup>25</sup> The residence of each langue was dispersed throughout the whole city. Each Auberge was built close to the area for which the respective langue was responsible.<sup>26</sup>

Segregation between members of the Order and the remaining society was a distinguishing character of this religious order. Members had to be celibate and any contact with women was a criminal offence. Although sexual promiscuity was officially forbidden in society as a whole and among members of the Order in particular, homes for abandoned children and for children of unwedded mothers were built within a decade of the foundation of the city.<sup>27</sup> Mention is also made in the early seventeenth century of a convent intended to house the daughters of unwedded mothers.<sup>28</sup> Furthermore, towards the middle of the seventeenth century, works commenced on the *Ospedale delle Donne Incurabili*. Most women who needed hospitalization were street walkers. Such women were usually housed and paid an allowance as long as they were ill, an unendorsed provision catering for the sexual promiscuity among a number of members of the Order.<sup>29</sup>

The monumental architecture of the Order of St John is essentially the labour of their subjects especially slaves. By late 1574, the Chapter General decided, among other things, to build new prisons because the existing ones were hardly habitable and hence marked the end of the practice of drowning prisoners alive.<sup>30</sup> De Giorgio suggests that the old prisons were likely to be uninhabitable due to overcrowding.<sup>31</sup> In this religio-political system of power, the body was controlled and repressed. It was a means to an end. Prohibition and/or punishment, rather than control and transformation of subjects, was the rule. Power proceeded from a visible, identifiable, well-defined centre. A prison was an institution through which such power was communicated and legitimized. It was a center of control.

25. R. De Giorgio, *A City by an Order*, 119, n.26.

26. Q. Hughes, *The Building of Malta*, 28.

27. R. De Giorgio, *A City by an Order*, 173.

28. *Ibid.* 175.

29. *Ibid.* 210 and 215 (n.1). His main source was dal Pozzo, *Historia della Sacra Religione Militare di San Giovanni Gerosolomitano, detto di Malta*, 273.

30. B. dal Pozzo, *Historia della Sacra Religione Militare di San Giovanni Gerosolomitano, detto di Malta*, 99 as cited by De Giorgio, *A City by an Order*, 172.

31. *Ibid.* 172.

By the first part of the seventeenth century, the urban development of Valletta was almost complete, a statement supported by a map of Valletta of Henry Raignauld.<sup>32</sup> After 1650, following an increased birth rate, various zones of the city degenerated into a large slum. Building developments within the city in the second half of the seventeenth and throughout the eighteenth century were essentially embellishment works to the existing building fabric erected prior to 1650.<sup>33</sup> The panoramic views of the port of Valletta produced by Joseph Groupy,<sup>34</sup> dated early eighteenth century, compliments this claim as it corroborates with the 1643 map of Raignauld referred to earlier. The remaining, undeveloped block which was built in the late eighteenth century, was the site where the National Library is located, namely, the square between the Conventual Church and the Grand Master's Palace. This site was developed at the turn of the nineteenth century;<sup>35</sup> its absence is evident in a hand-coloured, highly detailed map of late eighteenth century Valletta.<sup>36</sup>

Between 1631 and 1776, the General Chapter of the Order met only once; the Grand Master was becoming more of a tyrant, his powers subject only to the authority of the Pope. Still the Order was efficient in managing its affairs to cater for the needs of the population. An astonishing increase in the population forced the Order in the seventeenth century to increase food supply. Uncultivated land was restored and rendered agrarian produce. Irrigation and drainage infrastructure were also introduced. Despite the constant increase in the population, by the eighteenth century, the agricultural and cotton industries flourished to an extent that exports of cotton, principally to Marseilles and Barcelona, generated more revenue to the local economy than the finances of the Order. During the rule of Grand Master Nicholas Cottoner (1663-80), the main ward of the Sacra Infermeria, the main hospital of the Order in Valletta since 1574, was extended to measure circa 150 metres in length. In 1676, a

32. H. Raignauld, *Valletta Città Nova di Malta*, 1643.

33. D. De Lucca, 'The Architecture of Valletta', 14-15.

34. Vide Joseph Groupy's panoramic views entitled "*Veduta della Città di Malta dalla Parte del Lazaretto*", *Veduta della Città di Malta dalla Parte dei Gesuiti and Veduta del Porto dell' Entrata e della Città di Malta*, early XVIII century.

35. J. Stockdale, *A Plan of the City of Malta*, London, 1800; J. Luffman, *Select Plans of the Principal Cities, Harbours, Forts etc. in the World*, London, 1799-1802, Vol. II, Map 7.

36. *La Città della Valetta nell'Isola di Malta*, Italian, late eighteenth century.

school of anatomy and surgery was set up in the building as it developed into one of the finest infirmaries in Europe at the time.<sup>37</sup> Although the infirmary catered for male patients, segregation was also present. The main ward provided for knights, soldiers, sailors and foreigners. Maltese patients and slaves were lodged in another hall below the main ward. Besides trade and finances and the extension of the main hospital, the Order kept to its programme, occasionally supported through the private funds of members of the Order, to equip the city with public buildings fitting for a European city. Such buildings included a theatre, library and an university, institutions, all founded in a span of five decades in the middle part of the eighteenth century.

The eighteenth century was a period of significant social turmoil for Valletta ending with the capitulation of Malta to the French in 1798 and the advent of the British in 1800; indeed a century which saw the Island moving from being a protectorate of the Kingdom of Naples to a protectorate of the Kingdom of Great Britain except for a brief interval under the French Republic. Two thirds of the economy of Malta of this century depended on French trade. Public debts were running high especially in the latter part of the century.<sup>38</sup> Compared to contemporary European cities of the time, the quality of urban life in the higher strata of society in Malta had a certain degree of sophistication whilst many locals, on average, had a similar standard of living. Foreigners visiting Valletta noted large numbers of street beggars and prostitution.

The politico-economic situation in Malta became unbearable in the latter part of the eighteenth century. The influence of the French Revolution affected the island, a main port along the French eastern Mediterranean trade route. At the same time the rule of the Order opted for more despotic and totalitarian over centralized control.<sup>39</sup> The 1782 Code de Rohan is a proof of the Grand Master's arbitrary power, which the few professionals on the island grew to

37. Fra Dr Giuseppe Zammit, appointed 'lettore' in Anatomy and Surgery at the medical school in 1676, established the first medical library on the island as well as a medicinal herb garden in one of the ditches of Fort St Elmo.

38. In 1775, high debts and high grain prices due to poor harvest in Sicily had instigated a small, unorganized group from the lower hierarchy of the Church to lead a revolt against the Order which revolt miserably failed.

39. During this period, besides having a small navy and an arsenal, the Order had a work force of circa 2000 slaves.

resent, the rest of the population being mainly illiterate and submissive.<sup>40</sup> The enlightenment movement and the Revolution also bore its toll on the Order. The hostility of the newly established French Republic led to the confiscation of the bulk of the Order's wealth by 1792 and, eventually to the loss of its territorial sovereignty by 1798.<sup>41</sup> The Order departed from Malta but during their stay, they transformed the site of Valletta from a barren rock to a cosmopolitan city, an administrative and a cultural centre with magnificent Auberges, palaces, a hospital, an university,<sup>42</sup> a public library<sup>43</sup> and a public theatre.<sup>44</sup> Birgu, Isla and Bormla (Figure 1), better known as The Three Cities, were its industrial suburbs.

Slavery was abolished with the advent of Napoleon in 1798. An institution which was also eradicated soon after the arrival of the French, was the university. The latter was reinstituted by Captain, later Sir, Alexander Ball a few weeks

40. The nobility was loyal to the Order and often high public offices, as in the case of ecclesiastical offices, were occupied by nobles.

The *Code de Rohan*, a constitutional law book published in two volumes entitled *Saint John of Jerusalem of Rhodes of Malta*, was published in 1782. It was introduced by Grand Master De Rohan. A revised edition of the Code appeared shortly before his death in 1797.

41. The Orders of the Holy Spirit, Saint Michel and Our Lady of Mount Carmel and Saint Lazarus were abolished by the post Revolution French Administration in 1790 and 1791. Following a speech by Deputy J.C. Vincens in 1792 on the finances of the Order at the French Assembly, the estates of the said Order were confiscated. Attempts were made to lift this state of affairs but they ran futile with the 1793 manifesto, falsely circulated in the name of the Grand Master. This fraudulent manifesto did not only place the Order at odds with the French Republic, but provided an excuse for the Directory to embark upon its plan to seize Malta under the pretext of hostility of the Order to the Republic.

Not all the knights agreed to the surrender of Malta to the French. This disagreement eventually led to the removal of Grand Master Ferdinand von Hompesch from Grand Master a few years after the Order departed from the Island. The removal of the Grand Master was the first in the Hierosolymitan Order who once appointed, served for life.

42. The University of Malta was founded in 1769. Its origins dates back to the foundation of the Collegium Melitense, set up through papal intervention on 12 November 1592, and was run by the Jesuit Order as a 'Collegia Externorum', thus catering for non-Jesuit students. The Jesuit Order was expelled from Malta in 1768 and, through monies derived from its estate, the Order aimed at setting up a 'Pubblica Università di Studi Generali'.
43. The Public Library was established in 1761.
44. The public theatre, nowadays known as the Manoel Theatre after Grand Master António Manoel de Vilhena. He commissioned and funded its construction in 1731 to serve "ad honestam populi oblectationem", the motto inscribed on its main entrance, meaning "for the honest recreation of the people".

after the departure of the French from the Island<sup>45</sup> whilst the former was not introduced due to other implications mostly diplomatic in nature. In 1799, the National Congress composed of representatives from the main towns and villages on the Island, presided by Ball, petitioned the King of Naples, the legitimate sovereign of the islands, to transfer his sovereign rights over the islands to the King of Great Britain. The petition was acceded to by King Ferdinand IV of Naples and thus his sovereign rights were transferred to King George III hence Britain became the Protectorate over Malta. This status was repelled in 1813 when Malta was assigned the role of a fortress-colony by Britain, a move which betrayed the pro-British Maltese patriots.<sup>46</sup>

The British found new uses for some public buildings in Valletta. Auberges were transformed into offices linked to the Crown whilst the public library, the public theatre and other buildings catered for public utility retained their use, although occasionally modified to cater for the needs of the British. Renamed 'Station Hospital', the *Sacra Infermeria* kept on operating as a hospital until the end of the First World War. The British introduced the Neoclassical style in Malta soon after their arrival, evident in several palaces and other edifices, whether public schools or hospitals, built during this period. Valletta is not an exception. Indeed the first Greek revival portico is the one at the main guard whilst two new edifices erected in this style in Valletta are St Paul's Anglican Cathedral and the Royal Opera House. Other buildings erected in Valletta include Palazzo Ferreria, erected on the site of the former foundry of the Order in the late nineteenth century.

Malta's importance as a supply station and as a naval base increased throughout the nineteenth century, in particular in the later part, following the opening of the Suez Canal. This increased prosperity brought about by this development was to the benefit of a faction of the local population. Over the period from the mid-nineteenth century to the beginning of the First World War, Malta

45. To acknowledge his services throughout the rebellion against the French, Ball appointed Reverend Canon F.X. Caruana as rector of the re-established university.

46. These Maltese expected the Island to retain the status of a British Protectorate, a move which could not be challenged because the other leading powers in Europe at the time, meeting in Vienna, had assigned Malta to Britain. Military governors, with unlimited powers and answerable only to the Secretary of State for the Colonies, replaced the Civil Commissioners from 1813 onwards.

experienced a dramatic increase of 70% in its population. Although the Island was experiencing rapid urbanisation as town planning schemes for existing and new towns were being projected by the British, the majority of the population resided in Valletta and the Three Cities. Poverty was rampant as was cholera.<sup>47</sup> Parts of Valletta became associated with poverty and related crime. Till the arrival of the British, Strait Street, the notorious red light district of 19th and 20th century Malta, was a typical residential area. It was the birth place of the saintly clergyman and lawyer Nazju Falzon, a son of a judge. He resided and affected most of his pastoral work for several years in this street until the groups visiting him grew so large that he had to move out to another residence in another part of the city.

Great urban transformation occurred during the Second World War all over Malta. Inhabitants moved away from the harbour areas, namely Valletta and Cottonera, and the various airports to find shelter into towns and villages which were away from sites of military importance and thus less of a target to Luftwaffe which were concentrated in Sicily, 93 kilometres north of Malta. In this context, Valletta was not spared especially due to its Grand Harbour and its dockyards – a haven for the Allies Mediterranean fleet. In the post-war years up to recent times the human geography of the city experienced a steady decline in population. Most of the middle and upper middle classes moved away from the city to live in newly emerging suburbs and towns. In Sennett's language, the population shifted from the densely packed town centres to thinner, more amorphous space. The car made this even more possible. Due to its physical geography, human settlement in Valletta could not extend to its peripheral space but was forced to move into other towns. The exodus of higher social classes away from the city led to a greater proportion of lower, semi-illiterate people living in the city. They were mainly concentrated in slum areas, some of which were centuries old. The property, originally inhabited by the well-off, was sold or rented out as office space, initially at a very low price.

Traditionally three main suburban meeting places could be identified. These were the church square, the city square and the theatres. There are five parishes

47. In the mid-1830s, 2,500 beggars were reported in the villages alone (V. Mallia-Milanes, *The British Colonial Experience, 1800-1964: The Impact on Maltese Society*, Malta 1988, 181n).

in Valletta. Only the Conventual Church has a square in front. Notarial acts dating back to 1576 state that two thirds of the block in front of the Grand Master's Palace were designated as a public open space.<sup>48</sup> This space was and still is the principal square of the city. Where present, squares still function somehow as a meeting place. The city squares used to provide a good walk usually ending in theatre, or later, cinema going. With the advent of the car, in particular during the last two decades, the city squares became the main parking areas.<sup>49</sup> The site of the Royal Opera House, destroyed during Axis bombing, provided an official, informal, parking space.<sup>50</sup> The principal square of the city, the venue of military parades on state occasions, is officially used as a carpark. Other theatres were converted into cinemas in the 1950's. Most of them have, in turn, closed down in the 1980's and subsequently converted into shopping arcades. With the dawn of videos and highly sophisticated films, people prefer home entertainment rather than going to the cinema.

### ***Biological life and chemical death***

The entire city is considered by UNESCO as one single monument, a site of outstanding heritage importance for the enjoyment of posterity.<sup>51</sup> During his visit to Valletta in August 1830, Benjamin Disraeli (b.1804-d.1881) remarked that the city "equals in its noble architecture, if it even does not excel, any capital of Europe".<sup>52</sup> This cultural designation, coupled with transport infrastructural requirements, led planning authorities to reconsider and rehabilitate the city. The main streets, especially at the core, house government and business offices.

48. De Giorgio, *A City by an Order*, 143, n.6. The Grand Master's Palace occupies the entire area of block 5 (see Figure 2). The main entrance overlooks Strada San Giorgio, known as Kingsway during the British era and presently Republic Street, and thus the Notarial acts cited refer to block 16.
49. On the Island, the average proportion of cars to inhabitants is nearly one to three.
50. The Royal Opera House, on Republic Street, was designed by Edward Middleton Barry (b.1830 – d.1880), the son of Sir Charles Middleton Barry (b.1795 – d.1860), the architect of the present Palace of Westminster and Houses of Parliament. The erection of the opera house commenced in 1862 and was completed in 1866.
51. Valletta is a site of World Heritage significance. Outstanding buildings and monuments within the city include the Grand Master's Palace, the Co-Cathedral and Conventual Church of St. John, the remaining Auberges of the Knights and the Sacra Infermeria.
52. Disraeli visited Valletta on the recommendation of his friend, Lord Byron (b.1788-d.1824). He passed away on the same day, fifty seven years later, that Lord Byron died.

Schools and housing apartments, the centres of residential communities, are located along the edges of the city. The perimeter track is the ring road which directs traffic around, thus cealing off the city. Officially, except for the residents of Valletta, cars passing through this ring road do not need a special police licence as others going through the city.<sup>53</sup> Vehicular traffic through the city is thus discouraged. Originally conceived as a traffic impact measure, this measure had bearing on the air quality and served in reducing the chemical weathering of the building fabric.

Large efforts are being made to restore and conserve the architecture of buildings and streetscapes. Rehabilitation of unused or uninhabited property is an attempt to give soul and life to some of the buildings. The Auberges which are still standing, have been effectively used for other purposes.<sup>54</sup> Brothels in Strait Street, the most popular street in nineteenth and twentieth century Malta for prostitution, were converted into offices mainly for lawyers and notaries. Indeed, the extension of the Law Courts replaced some of the tenements in Strait Street.<sup>55</sup> Commerce, and allied criminal activity, gradually diminished with the run-down and eventually closing down of the British base in Malta. Brothels catered for sailors and officials stationed in the Grand Harbour and other servicemen associated with the air force and the army, the market which they addressed.

The city is the official seat of Government and a main administrative and business centre of the Island. It is corpse and stone after office hours and on weekends. It is haunting to walk through straight streets in pitch silence. It actually becomes more haunting when one is aware of the memories of the various streets – sites of crime and punishment; the sites of murders, conspiracy and public punishment including torture. Some metres above street level there is a niche-like feature at the corner of one of the palaces embellishing the city along Merchant Street corner with St John's Street, as one walks in the direction of the Grand Harbour.

53. The special police licence which allows vehicles less than 1600cc to enter Valletta is 50% more expensive than standard car licences.
54. Two such Auberges are the Auberge de Provence and the Auberge d'Italie. They were converted to the National Museum of Archaeology and the General Post Office respectively.
55. Like the Grand Master's Palace, the new Law Courts are built on an entire block. The main elevation overlooks Republic Street, the main street of the city, and its back elevation overlooks Strait Street.

It is not a niche for a saint, typical of Roman Catholic Malta. It now seems to be some form of permanent decorative feature in line with the regulations of the *Officium Commissariorum Domorum* issued in 1569.<sup>56</sup> Yet it was not designed to be so. It was the place where the convict would have been incarcerated, imprisonment being the language which the three official powers championed.<sup>57</sup> Valletta was not just a city by an Order but it was a city for an Order. It was the soul of the nation for more than three and a half centuries. Now it is dead. The Valletta Rehabilitation Project has created a political agenda intended to give new life to the city. Experience shows that it only serves to keep the city biologically active but in fact it is chemically dead. Valletta is no longer flesh and stone; it is corpse and stone.

### ***Resuscitation and the epitaph***

The *Structure Plan for the Maltese Islands* offers a recipe for the future role of Valletta. It is strongly linked with meeting demands relating to vehicular transport. It seeks to:<sup>58</sup>

1. Improve transport through underground parking spaces;
2. Park all non-resident cars in public carparks;
3. Create jobs and householders through better utilization of existing buildings;
4. Promote cultural activities and cultural tourism;
5. Establish public gardens and other viewing areas along the fortifications including 'discretely located food, drink and other facilities';<sup>59</sup>

56. Regulation No.7 stated that 'Owners of houses sited on corner plots shall undertake to set up some form of permanent decorative feature in such corners, failure to comply with which shall entail the demolition of the house at the expense of the owner' (De Giorgio, *A City by an Order*, 116).

57. The main powers on the Island were the Order, the Church, and the Inquisition, each respectively headed by a non native. These powers, especially the Order and the Inquisition, could hardly see eye to eye. Actually, only palaces and other official buildings related to the respective duties of the Order and Church were built in Valletta. The new seat for both was Valletta. The Inquisitor's palace was not built in the new city. The seat of the Inquisition remained at Birgu.

58. Ministry for Development of Infrastructure, *Structure Plan for the Maltese Islands: Explanatory Memorandum* (Malta 1990), 94, para. 15.7.

59. *Ibid.* 94, para. 15.7.7.

6. Maintain the grid iron plan of the city in order to provide scenic views and allow the streets to breathe the incoming breeze from the sea. Encourage design of new public spaces and bridges over the streets;
7. Improve taste of the overall cultural character of the city, repair and embellish fortifications, preserve monuments and their settings and 'create development opportunities within the city to house new uses and activities';<sup>60</sup> and
8. Add flavour and ensure Valletta to remain as the Capital, remove all governmental departments to a new complex just outside the city except for ministerial buildings.

The *Structure Plan for the Maltese Islands* as a whole was conceived as an electric shock to the bizarre urban turmoil which commenced with the building boom of the 1960s and continued through the 70s to the 80s. Its objective was the entire Maltese archipelago. With respect to Valletta, the *Structure Plan for the Maltese Islands* promotes the various life-restoring techniques highlighted above. These techniques are intended to resuscitate the city. It is widely acknowledged that the city has deteriorated both physically and socially in the last decades. The various techniques to resuscitate the city put forward were supplemented by the following six ways which aim to:<sup>61</sup>

1. Provide a civic focal space in front of the Grand Master's Palace to integrate the Conventual Church, the Law Courts and the seat of Government;
2. Redevelop Mattia Preti Square area by creating 'a maritime gateway with offices overlooking Marsamxett Harbour', and provide car parking facilities at a lower level;<sup>62</sup>
3. Redesign City Gate<sup>63</sup> and Republic Square which lie just inside the gate;
4. Develop the site of the Opera House into a cultural centre;

60. *Ibid.*, para. 15.7.6(c).

61. *Ibid.* 94-6, para. 15.8.

62. *Ibid.* 96, para. 15.8.2.

63. The original city gate was designed by the Knights and was remodelled by the British. The present gate was designed in the 1960s. The former two were similar in scale while the last was enormously bigger. It had to cater for the fact that King Carnival had to go through during its three-day annual reign in February. Previously, King Carnival used to enter the city through a main street on the sides of the fortifications leading to Auberge de Castille.

5. Proliferate activities within Republic Street, the main artery, into other parts of the city; and
6. Design a new contextual building complex around a new public space to unite and improve the quality of the part of Republic Street where low income housing is situated.<sup>64</sup>

These measures are intended to maintain motion and sensation. In this context one may argue for premature burial rather than claim that the city is corpse and stone. Such argument will encourage one to think that the city is drowning but not really dead. Artificial respiration as the one provided by the *Structure Plan for the Maltese Islands*, undermines faith in diagnosing death but, at the same instant, it is widely held that the city is decomposing. This is a contradiction in terms. One may argue whether it is premature burial or not, certainly putrefaction is an indication of real death. Furthermore, to continue the analogy with resuscitation, one may equate the inflation of the lungs with the starting of the pendulum on a stopped clock but one cannot turn the clock back. The introductory paragraph of the *Structure Plan for the Maltese Islands* related to the conservation of Valletta can be read as the epitaph: 'The Valletta Harbours Heritage Area can be considered as Malta's crown with Valletta as the jewel in the crown'.<sup>65</sup>

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64. The quality of Republic Street deteriorates as one moves inwards from city gate to the harbour in particular from corner with Archbishop Street to Fort St Elmo.

65. *Structure Plan for the Maltese Islands*, 93, para. 15.5.

# **‘DIAKONIA’ in the New Testament era**

Charles Buttigieg

## **Introduction**

“The son of man came not to be served but to serve” (Mk 10,45). Jesus himself gave us an example of authentic *diakonia*. By his baptism in the river Jordan by John the Baptist he descended into the mud of the river, he became misery for us. At the last supper he himself washed the feet of the apostles. He taught the great parable of *diakonia* in the story of the Good Samaritan. Therefore Jesus true God and true man lived and taught this *diakonia*.

From the beginning, the New Testament church immediately recognized *diakonia* as preaching the gospel of the Risen Lord in charity instead in words. “Go, sell what you have, and give to the poor” (Mk 10,21), and “Sell your possessions, and give to the poor” (Lk 12,33), were the prophetic words of Jesus which we find concretized into the actual life among the christian communities in the Acts of the Apostles where everyone held all things in common. Everyone sold his/her possessions and goods, like land and houses and distributed them to all between the church, as any had need: “And all who believed were together and had all things in common; and they sold their possessions and goods and distributed them to all, as any had need” (Acts 2,42-47). “There was not a needy person among them, for as many as were possessors of lands or houses sold them and brought the proceeds of what was sold and laid it at the apostles’ feet; and distribution was made to each as any need.” (Acts 4,32-35).

Therefore *diakonia* in the New Testament was regarded as one of the ways of proclaiming the truth of Jesus Christ. The Church as an active community had to be present where there was human need in order to help and heal. Hence *diakonia* was a above all a bearing witness to faith. For the Pagans and Jews this *diakonia* was something unusual and striking. For christians, *diakonia* was turning earth into heaven, transforming poverty, sadness and sickness through the power of great commandment of love. This is the reason why our Mother Church took great care to see that there was always a *diakonia* in all the beginning local christian communities.

### The term '*diakonia*'

First we must distinguish between two important dimensions in the church, that of *koinonia* which is the unity of the fellowship of believers and *diakonia*, which is the service, also service to those who are strangers and opponents. Therefore the service to others extends outside the community of the church. The Greek term *diakonia* literally means waiting at tables but is usually translated as service or ministry.

In the Old Testament we encounter the Hebrew word '*avad*' meaning 'to work' as closest to *diakonia*. In the New Testament we actually encounter four different words for service. First we have *diakonia* which occurs 96 times. We have *douleia* which is related to slavery and occurs 165 times. We have *latreia* the service of adoration to God and occurs 25 times and *liturgos* the service with others in worship and this occurs 15 times in the NT. The apostles themselves were involved in the *diakonia* of the Word. Also the deacons ordained by the apostles were involved in the *diakonia* of tables and then they became involved also in the *diakonia* of the word.

"It is not right that we should give up preaching the word of God to serve tables. Therefore, brethren, pick out from among you seven men of good repute, full of the Spirit and of wisdom, whom we may appoint to this duty ...and they chose Stephen, a man full of faith and of the Holy Spirit, and Philip, and Prochorus, and Nicanor, and Timon, and Parmenas, and Nicolaus, a proselyte of Antioch. These they set before the apostles, and they prayed and laid their hands upon them" (Acts 6,2-3. 5-6).

There were also female deacons, deaconesses, involved in this ministry. The other usage which we are going to elaborate here, signifies the service of helping others which every christian was called to do in faith and in love. *Diakonia* hence implies subordinate service. It can be used for christian pastoral ministry (cf. Acts 1,17; Rom 11,13) or for some particular service as for example Paul's great theme of bringing famine relief to the christians in Judea as one reads in Rom 15,31ff. Paul frequently uses the word *diakonos* for himself and his companions. It can refer to the entire ministry of a local Church as in Rev 2,19 and of the universal Church as in Ephesians 4,12;

Therefore *diakonia* in the NT is neither exclusively liturgical nor exclusively

clerical but it belongs to everyone. In fact it implies a 'charisma', it is a gift of the Holy Spirit. In order for the early Church to exercise this *diakonia* effectively some as we have mentioned, were chosen, to the special order of these ministers who are called *diakonoi*.

We must also note here that *diakonia* which is service with love is different from slavery (*douleia*) which is servanthood without choice. "If one of you wants to be great, he must be the servant (*diakonos*) of the rest; and if one of you wants to be first, he must be the slave (*doulos*) of all. For even the Son of Man did not come to be served (*diakonethenai*); he came to serve (*diakonesai*) and to give his life to redeem many people" (Mk 10,43-45). Jesus is the model of such freely chosen service because he has made choices of self-giving and self-sacrifice rather than allowing his background to dictate his behaviour. *Diakonia* is realised in the life of Jesus, the founder of our Church called for the *diakonia*.

### "See how they love one another"

These were the words often applied by the pagan to the christians. Hence this was a pagan observation and not a christian observation. There was no other religion who had this service and social initiative as obligatory as in the new religion founded by Jesus Christ. Christians in fact insisted on the obligatory nature of the ministry of *diakonia* as service for others since the Church of Christ was a church for others. According to the Greek Christian Athenagoras writing in the second century:

"Among us you can find uneducated people, craftsmen and old women, who cannot discuss the usefulness of christian teaching in words, but who can prove the usefulness of their decision by their activity. They are not constantly using words, but are exhibiting good deeds. When they are struck, they do not hit back and when they are robbed, they do not go to court. They give to those who ask them and they love their fellow-men as themselves." (*Suppl.* 11).

The core of christianity is therefore selfless activity and selfless attitude. Also in the second century, Minucius Felix wrote: "We do not speak of good things. We do them" (*Oct.* 38.6). Evidence about this *diakonia* is given also in some mocking way in pagan documents. We encounter for example the non-Christian Emperor Julian (361-363) nicknamed by the christians, 'the Apostate' who was influenced in some way by the christians in his childhood; he tried to introduce

this diakonia to his people through his pagan priests. In fact he urged his priests to help the poor, including the poor of the enemy, to take care for prisoners and to show hospitality as found in christian *diakonia*. Therefore from all this testimony we can understand the great impact and influence of the christian diakonia in the early church.

### ***“Making earth into heaven”***

St. John Chrysostom (died 407) as a bishop realized the importance of the question of service and help to his people. He created a vision of redistribution of all the possessions of christians so that there would be no more poor people. This was therefore his preaching: “God said: I have made earth and heaven. I give you too creative power. Make earth into heaven! You can do this!” (cf. *Ep. I ad Tim. Hom. 15,4*; PG 62, 585f.). He saw this *diakonia* or living for others as something that could transform the earth, as salvation that had already began.

St. Paul in Gal 6,10: “So then, as we have opportunity, let us do good to all men, and especially to those who are of the household of faith”, gives us clear light on the *diakonia* in the Church that is solidarity within in the Church. One must note however that aid was not given without a process of selection in the sense that the degree of the need had to be assessed and the age and status of the persons had to be considered without any form of discrimination. All this meant that the christians in being generous to a beggar: “Give to him who begs from you” (Mt 5,42), had to sensibly ascertain the need of everyone too since *diakonia* has no limits.

St. Augustine says that the bishop is the ‘procurator’, a servant. The spiritual goods which the bishop distributes to the faithful are not his own but God’s. He takes them from the divine ‘storeroom’, since he is only God’s servant, to share them with the faithful, his ‘fellow servants’, who work in the company with himself in their Lord’s vineyard. He continues to argue that according to the etymology of the Greek noun, a bishop (*episkopos*) is one who keeps watch from height, like a watchman who guards the vineyard from an elevated position. “But the account we have to render from this raised place is in danger, unless we stand there so humble in heart as to pray for you, that he who knows your souls may keep watch over them” (cf. *Commentary on Psalm 126, 3*).

### *The organization of the diakonia in the NT Church*

Jesus himself gave an example of service in his life. The apostolate itself was a ministry. The word *diakonia* is applied beyond the apostolate as we have seen since it refers also to certain material services in the community. The early church institutionalized the *diakonia* ministry in order to exercise always, without prejudice, and everywhere. As we have said earlier, the apostles have chosen seven deacons from the community in order to help them. The deaconate in which the deacons were ordained by the impositions of hands, was responsible for the material goods of the Church but in helping the poor and organizing the *diakonia* but they became concentrated on the service of the Word also. In fact St. Stephen (died c.35), the first deacon and the first christian martyr was martyred because of his preaching, whose wisdom was irrefutable.

There was unlimited care for a number of widows as we can find in 1 Tim 5,8: "If any one does not provide for his relatives, and especially for his own family, he has disowned the faith and is worse than an unbeliever." This care of widows is an early form of the *diakonia* which in turn they themselves were involved in. From the middle of the second century, Sunday collections were set aside as a precondition for helping the needy and the poor. The organization of the *diakonia* in the early church was in the control of the bishop who had some deacons helping him in such an important ministry. St. Laurence Martyr was one of the seven deacons (he is known as the 'achdeacon', the head of the deacons) of the bishop of Rome, the Pope. The bishop was in charge of the treasury and of the places where the food was stored. There were other donations and collections made during days of fast. Therefore the *diakonia* managed by the bishop provided the care to everyone in the community.

### *"Christ in the poor"*

This *diakonia* administered to those in need was not a profane activity, rather the church encountered Christ in helping the needy as we find in Mt 25,35-46 with regards the corporal works of mercy where Jesus finishes by saying: "As long as you did it for one of these, the least of my brethren, you did it to Me". Gregory of Nyssa states expressly that: "Christ is for you a stranger, naked, in need of food, sick, in prison and everything that is predicted in the Gospel. He goes around without a home, naked, sick and lacking the most necessary things" (*Orat. I*). Gregory of Nazianzen also declares: "As long as there is still time,

we want to visit Christ, care for Christ, feed Christ, clothe Christ, gather up Christ ... since the All Powerful wants mercy and not sacrifices and mercy is more valuable than thousands of fat lambs, we are to take these things to him in the poor and in those who have been thrown today to the ground. Christ is there in the poor" (*Orat.* 14, 40; PG 35, 909).

*Diakonia* as we have seen is serving Christ in others, Christ who is calling for help, who is himself directly in need of help of the poor. According to St. Jerome: "Christ is clothed in the poor, visited in the sick, fed in the hungry and given shelter in those who have no roof over their head" (*Ep.* 130, 14).

### **Conclusion**

The fate of the Church in the coming future will not depend on her external success but on her return to the *diakonia*, to the service of mankind. No man will believe in the message of salvation and of the Saviour, if the Church has not worked to the bone being herself a living testimony in the service of man, whether he be sick in mind or body or in need in his social, economic or moral life. During World War II the protestant theologian Dietrich Bonhoefer in his prison cell came out with a famous statement about the subject of *diakonia* in the Church: "The Church is only the Church when it is there for others." Above all, the image of the *diakonia* is to try to end the hell on earth for many people. It is therefore when the Church stands for others as Christ became the man for others. Christ's example is not only a model but it is He himself who meets the Church in suffering human beings naked of their dignity, poor and weak.

The Church follows the footsteps of her founder Jesus who he himself was the diaconal human being. The *diakonia* in the Church enables the Church to help the needy and the least among us (cf. Mt 25,31ff). The Church of the *diakonia* is also the Church of the first commandment, that of love of God and all people. The Church of the *diakonia* is the Church of the body of Christ where we are the different members working and helping each other in the body having Christ as the head. The Church of the *diakonia* is the Church of peace where differences are put aside. "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female; for you are all one in Christ Jesus" (Gal 3,28). The Church of the *diakonia* is the Church for the disabled, for the suffering, of the dying. Above all the Church of the *diakonia* is the Church in motion towards heaven, its homeland for ever.

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# **L-Ekonomija fi Djalogu mal-Bniedem Riflessjonijiet fl-Isfont ta' "*Caritas in Veritate*"\*\***

Prof Joseph Falzon

## **1. *Dahla***

Fl-ahhar Enċiċlika tiegħu *Caritas in Veritate* (l-Imhabba fil-Verità), il-Papa Benedittu XVI għamel hafna referenzi sbieħ fuq ir-relazzjoni bejn l-ekonomija u t-tagħlim soċjali tal-Knisja. Il-Papa semma hafna aspetti mportanti fil-hajja ekonomika fid-dinja tal-lum u kif dawn jidhru fil-lenti tat-tagħlim soċjali tal-Knisja.

L-Enċiċlika *Caritas in Veritate* tkompli tibni fuq l-Enċiċlika tal-Papa Pawlu VI *Populorum Progressio* u tmiss temi fundamentali bħal ġustizzja u l-ġid komuni, l-iżvilupp shiħ tal-bniedem, u d-diżugwaljanzi bejn l-ghana u l-faqar fid-dinja. Nahseb li wiehed irid jaqra din l-Enċiċlika *Caritas in Veritate* aktar minn darba biex veru japprezza r-rikkezza tal-hsibijiet profondi ta' ġo fiha u s-sbuhija tat-tagħlim soċjali tal-Knisja.

It-tagħlim soċjali tal-Knisja jitfa' dawl fuq kif il-bnedmin għandhom jittrattaw lil xulxin u jaqsmu dak kollu li jipproduċu ma min hu veru fil-bżonn. Is-sistema ekonomika tas-suq hija effettiva hafna biex tipproduċi hafna ġid bl-iżjed effiċjenza possibbli. Imma ma hiex effettiva biex taqsam dan il-ġid bejn il-bnedmin kollha bl-ahjar ekwita ġusta.

## **2. *Is-sistema ekonomika tas-suq hieles***

Is-sistema ekonomika tas-suq hieles kif hija pp Prattikata fl-Amerika u fl-Ewropa, rebhet lil dik is-sistema ta' ekonomija ppjanata mill-istat, kif kienet ipprattikata mill-Unjoni Sovjetika, għax din tal-ahhar ma kienetx thalli jnizjattiva privata biex wiehed jirsisti, jahdem aktar u jiehu aktar frott tax-xogħol tiegħu. F'sistema ppjanata mill-istat, kien l-istat li jiddeċiedi kemm l-ekonomija għandha tipproduċi,

\*\* This paper was read by the author at the Co-Catedral of St John, Valletta, on 11th December 2009

x'tiproduċi u għal min tipproduċi. Fuq medda ta' żmien, is-sistema mhaddma fl-Unjoni Sovjetika ma baqghetx aktar effiċjenti u kompetittiva (meta mqabbla mas-sistema tal-Punent) u għalhekk fl-ahhar kellha tfalli.

Issa fadal il-mudell ta' ekonomija tas-suq hieles kif imhaddma fil-Punent. Is-sistema tas-suq hija tajba hafna biex tipproduċi eżatt dak li jridu l-konsumaturi u tipproduċi dawn il-prodotti u servizzi bl-aktar mod effiċjenti. Il-konsumatur huwa r-re f'sistema tas-suq. Jekk ikun hemm id-domanda, l-produtturi jagħmlu minn kollox biex jipproduċu dak li jrid il-konsumatur. B'hekk il-bżonnijiet (*needs*) u x-xewqat (*wants*) ta' kull konsumatur ikunu maqtugħa, sakemm dan ikollu flus biżżejjed biex jixtri dak li jkun jixtieq.

Il-kompetizzjoni bejn il-produtturi ġġiegħel lil dawn il-produtturi li jipproduċu l-prodotti u s-servizzi, li jixtiequ jbiegħu, bl-inqas spejjeż u bl-aktar effiċjenza possibbli. Dan jagħmluh għax fejn hemm il-kompetizzjoni vera fis-suq (fejn hemm hafna produtturi żgħar li jistgħu jidhlu u johorġu mingħajr xkiel fis-suq), il-prezz tal-prodott jew servizz jiġi determinat fis-suq, u l-produttur ma jkollux saħħa li jgħolli l-prezzijiet kemm ikun jixtieq. L-għan tal-produzzjoni fis-suq hieles huwa li jitkabbar kemm jista' jkun il-profit. Għalhekk il-produzzjoni ssir bl-inqas spejjeż u bl-aktar effiċjenza possibbli.

Jekk ikun hemm settur li jkollu profitti aktar minn setturi ohrajn, aktar produtturi jidhlu f'dan is-settur, jipproduċu aktar u jniżżlu l-prezz fis-suq sakemm il-profit isir hafna simili għal setturi ohra fl-ekonomija. B'hekk ekonomija bbażata fuq is-suq hieles, jirnexxiela tipproduċi l-prodotti u servizzi li jixtiequ l-konsumaturi, bl-inqas spejjeż u bl-aktar effiċjenza possibbli, waqt li ġġib ċertu ekwilibriju bejn il-profitti tas-setturi diversi.

Is-sistema ekonomika tas-suq hieles issolvi tajjeb hafna il-problema ta' liema prodotti u servizzi għandhom jiġu prodotti (*what to produce*), u b'liema mod għandhom jiġu prodotti (*how to produce*), imma mhix sistema tajba biex tqassam dan il-ġid (*for whom to produce*). F'sistema ekonomika tas-suq, wiehed jaqla' daqs kemm huwa kapaċi jipproduċi dak li jrid is-suq. Il-haddiema li għandhom xi sengħa jew professjoni, jaqilgħu hafna aktar minn dawk li ma għandhomx xi hiliel speċjalizzati. Minn hu bla xogħol (*unemployed*) ma jaqla' xejn, u min hu pensjonant jew marid ma jipparteċipax fis-suq tax-xogħol. Min għandu kapital fi flus, assi ohra jew art, jaqla' wkoll sehemu mill-qliegħ tal-produzzjoni. Izda min hu fqir, mingħajr riżorsi, ma jaqla' xejn.

### 3. *Il-bilanċ bejn l-Effjenza u l-Ugwaljanza*

Fl-Amerika u fl-Ewropa, l-ekonomija hija bbażata fuq is-sistema tas-suq hieles, imma b'differenza bejniethom. Fl-Amerika s-suq jithalla kemm jista' jkun li jopera bl-inqas tfixkil mill-gvern biex jipproduċi bl-aktar mod effiċjenti – xi haġa li s-suq huwa kapaċi hafna li jagħmel. Il-gvern fl-Amerika jagħmel mill-inqas indhil biex inaqas id-diżugwaljanza ekonomika. Ir-riżultat ta' dan huwa li l-pagi u d-dhul saru anqas uguali fl-Amerika minn wara l-aħhar tas-sebghinijiet. Il-haddiema mharrġin bis-sengha žiedu d-distakk mill-haddiem bla sengha. Is-sinjuri saru aktar sinjuri, waqt li l-fqar saru relattivament ifqar. Minkejja dan, il-qagħad fl-Amerika kien hafna inqas minn dak fl-Ewropa għal hafna żmien.

Fl-Ewropa, l-gvernijiet jintervjenu biex iżommu d-diżugwaljanza li tinbet fis-suq fl-inqas livell possibbli. Hafna Ewropew isibuha diffiċli li jifhmu kif hafna haddiema fl-Amerika jahdmu għall-anqas minn \$6 fis-siegħa, mingħajr l-ebda benefiċċji u sigurtà tax-xogħol. Il-liġijiet tax-xogħol fl-Ewropa jimponu mhux biss pagi minimi relattivament għoljin, imma anke benefiċċji oħra sostanzjali u sigurtà tal-impjieġ. Ir-riżultat ta' dan huwa li t-taxxi fl-Ewropa huma hafna aktar għoljin biex ikunu jistghu jfornu dawn il-programmi soċjali.

Hafna ekonomisti jaraw dawn l-iżviluppi fl-Amerika u fl-Ewropa bħala żewġ naħat tal-istess munita. L-Amerika u l-Ewropa għamlu għażliet differenti ta' kif wiehed jibbilanċja l-aħjar l-għanijiet konfliġġenti ta' iżjed effiċjenza ekonomika (aktar produzzjoni u mpjiegi) ma' iżjed ugwaljanza fid-dhul. Is-saħħa ta' kull sistema (kif imhaddma fl-Amerika u fl-Ewropa) hija wkoll d-dgħjufija tas-sistema. Hemm bilanċ (*trade-off*) diffiċli bejn id-daqs tal-produzzjoni f'ekonomija u l-livell ta' ugwaljanza li bih il-qliegħ ta' dik il-produzzjoni jiġi mqassam. Il-policies Ewropew magħmulin biex iqassmu l-qliegħ mill-produzzjoni aktar uguali, jistghu jikkawżaw id-daqs tal-produzzjoni biex jiċkien. Is-sistemi fl-Amerika, mill-banda l-oħra, biex jippromovu l-aktar effiċjenza u l-akbar produzzjoni possibbli, jistghu jhallu jew anke jippromovu diżugwaljanzi kbar (Baumol and Blinder, chapter 1).

Quddiem din is-sitwazzjoni, il-Papa Benedittu XVI, fl-Enċiklika *Caritas in Veritate*, jgħidilna li: “Jehtieġ nagħrfu li l-progress li jsir biss mil-lat ekonomiku u teknologiku mhux biżżejjed. Jehtieġ li l-iżvilupp ikun qabel xejn veru u shiħ.

Il-hruġ min-nuqqas ta' progress ekonomiku, haġa fiha nfisha pożittiva, ma jsolvix il-problematika kumplessa tal-promozzjoni tal-bniedem, la fil-pajjiżi li huma l-protagonisti ta' din il-mixja, la fil-pajjiżi li huma ġa żviluppati ekonomikament, u lanqas f'dawk li ghadhom foqra." (parag. 23).

Il-Papa jkompli jghid li: "Nixtieq infakkar lil kulhadd, l-aktar nett lill-gvernijiet impenjati fit-tkabbir tal-ġid ekonomiku u soċjali tad-dinja, li l-kapital ewlieni li ghandhom iħarsu u jivvalutaw huwa l-bniedem, il-persuna umana fis-shuhija tagħha. Kif jghid il-Konċilju Vatikan II, fid-dokument *Gaudium et Spes*, "Il-bniedem huwa l-awtur, iċ-ċentru u l-ghan tal-hajja ekonomika-soċjali kollha." "(parag. 25).

#### 4. *Id-Distribuzzjoni tad-Dhul*

Is-sistema tas-suq ma tiġġarantix li l-pagi u d-dhul tal-operaturi jkunu ugwali. Anzi s-sistema tas-suq tnibbet in-nuqqas ta' ugwaljanza, ghax ir-raġuni bażika tal-effiġjenza kbira tagħha hija s-sistema ta' premijiet u penali li thalli ghand l-operaturi. Is-suq huwa ġeneruż ma' dawk li jirnexxilhom jipproduċu b'mod effiċjenti, il-prodotti u s-servizzi li jkun jixtieq il-konsumatur. Imma jippenalizza bl-aħrax lil dawk li ma jkunux kapaci jew li ma jridux, jipproduċu b'mod effiċjenti il-bżonnijiet tal-konsumatur.

X'inhi r-realtà? Fl-Amerika fis-sena 2001, l-ghoxrin fil-mija tal-popolazzjoni fil-qiegh tal-klassifika tad-dhul, qalghu biss 3.5 % tad-dhul globali, waqt li l-ghoxrin fil-mija tal-popolazzjoni l-aktar sinjuri fil-quċċata tal-klassifika tad-dhul, qalghu 50.1 % tad-dhul globali tal-pajjiż. Id-distribuzzjoni tad-dhul fl-Amerika saret sostanzjalment inqas ugwali minn madwar is-sena 1980. Tant hu hekk, li s-sehem tal-ifqar 20 fil-mija issa sar l-inqas, u s-sehem tal-20 fil-mija l-aktar sinjuri issa sar l-akbar, fil-klassifikazzjoni tad-dhul, mis-sena 1947 – minn kemm ilu l-Gvern Amerika jiġbor din id-data (Baumol and Blinder, chapter 17).

Fi studju li jsir regolarment minn *Luxembourg Income Study*, organizzazzjoni li tqabbel id-distribuzzjoni tad-dhul bejn pajjiżi fid-dinja, jinstab li l-Iżvezja u l-Fillandja ghandhom id-distribuzzjoni tad-dhul l-aktar ugwali. Id-Danimarka, in-Norweġja u l-Belġjum, jiġu qrib warajhom. L-Amerika nstabet li ghandha distribuzzjoni tad-dhul l-aktar mhux ugwali minn fost il-maġġoranza tal-pajjiżi industrijalizzati.

## 5. *Ir-Raġunijiet għad-Diskrepanzi fid-Dhul*

Hemm diversi raġunijiet li jikkawżaw diskrepanzi fid-dhul (Baumol and Blinder, chapter 17). Dawn jinkludu:

*Differenzi fl-abiltajiet:* Kulhadd jaf li żewġ haddiema ma jahdmux l-istess – wiehed kapaċi aktar mill-iehor. Għalhekk ma nistghux niskantaw jekk il-haddiem l-aktar kapaċi jaqla' aktar flus u malajr jiehu *promotion* għal aktar responsabiltà b'salarju ahjar.

*Differenzi fl-intensità tax-xogħol:* Xi haddiema huma beżlin aktar minn ohrajn, u jahdmu siegħat twal ta' xogħol jew jagħmlu x-xogħol tagħhom b'aktar herqa. Għalhekk dawn il-haddiema jaqilghu aktar flus.

*Riskju akbar ta' investment:* Hafna minn nies li jsiru sinjuri, jagħmlu dan għax jiehdu riskji kbar billi jinvestu flushom f'entrapriżi jew *businesses* żgħar li għall-bidu jkunu riskjużi. Jekk dawn l-*businesses* jirnexxu, l-investituri jagħmlu hafna flus; jekk ifallu, l-investituri jtitilfu kolloxx. Hafna minn nies jippreferu li ma jiehdux riskji daqstant kbar u jispiċċaw x'imkien fin-nofs ta' bejn falliment u rikkezzi kbar.

*Xogħol aktar diffiċli:* Xi haddiema jagħmlu xogħol aktar diffiċli, bħal jitolghu jahdmu fil-gholi. Ta' dan jiehdu paga akbar bħala *danger money*. Ohrajn jahdmu bix-shift jew bil-lejl. Ta' dan jaqilghu *shift allowance*. Ohrajn jagħmlu xogħol iehor mhux pjaċevoli, li għalih ukoll jirċievu salarju aktar għoli.

*Edukazzjoni u taħriġ:* Forsi din ir-raġuni hija l-aktar wahda mportanti li għaliya jinholqu differenzi kbar fil-qliegħ. Hafna żgħażaġħ jiddeċiedu li jkomplu jitharrġu fis-settur terzjarju u jitgħallmu xi sengha jew jiehdu xi lawrija, diploma jew professjoni fl-università. Huwa fatt li haddiema bis-sengha u professjonisti jaqilghu hafna aktar flus minn haddiema tal-id li jibqgħu bla skola jew bla sengha.

*Esperjenza fix-xogħol:* Haddiema li jkollhom esperjenza akbar fix-xogħol li jgħamlu, jaqilghu aktar flus. Hekk haddiema li jkunu ilhom f'xi xogħol partikulari, idahhlu aktar flus minn haddiema li jkunu għadhom kemm bdew.

*Wirt ta' ġid:* Min jiret artijiet, flus jew assi mill-familja tiegħu, ikun jista' jdaħħal aktar qliegħ minn dan il-ġid li ma jkunx marbut mal-qliegħ mix-xogħol tiegħu.

Hafna familji li jkollhom *businesses* kbar jghaddu l-gid tal-familja taghhom b'dan il-mod minn generazzjoni għall-oħra.

## 6. *Ir-Ridistribuzzjoni tad-Dhul*

Wahda mill-*policies* prinċipali li l-gvernijiet għandhom biex jagħmlu d-dhul aktar ugwali, hija t-taxxa fuq id-dhul mix-xogħol (*l-income tax*). *L-income tax* generalment tkun progressiva, jiġifieri, aktar ma' wiehed jaqla', aktar jiżdied il-persentaġġ tar-rata tat-taxxa fuq il-qliegħ globali.

Minkejja dan, l-aħjar distribuzzjoni tad-dhul dejjem ikollha xi element ta' nuqqas ta' ugwaljanza fiha. Wiehed isaqs i x'jiġri kieku nippruvaw inġiebu ugwaljanza perfetta billi nagħmlu taxxa fuq d-dhul ta' 100 fil-mija u mbagħad naqsmu dan id-dhul mit-taxxa ugwalment bejn il-membri tal-popolazzjoni kollha. Hadd ma jkollu inċentiv biex jahdem, biex jinvesti, biex jiehu r-riskji, jew biex jagħmel xi haġa oħra biex jaqla' l-flus. Il-frott mix-xogħol u s-sagrificċju jispiċċa, u l-produzzjoni fl-ekonomija tinżel drastikament.

Minn dan l-eżempju (għalkemm xi ftit estrem) johroġ il-prinċipju li l-*policies* li jippruvaw jagħmlu d-distribuzzjoni tad-dhul aktar ugwali, inaqsu r-rikumpens ta' dawk li jaqilghu hafna, waqt li jżidu r-rikumpens ta' dawk li jaqilghu ftit. Għalhekk, dawn il-*policies* inaqsu l-inċentiv biex wiehed jaqla' *income* għoli. Meta s-soċjetà tiehu miżuri biex iżżid l-ugwaljanza fl-ekonomija, normalment tnaqqas l-effiċjenza ekonomika. Dan jirriżulta fi tnaqqis tal-produzzjoni globali fl-ekonomija. Jekk wiehed jipprova jaqsam il-gid aktar ugwalment, wiehed bla ma jrid, jispiċċa biex inaqas id-daqs tal-gid globali fl-ekonomija. Għalhekk l-aħjar (*the optimal*, l-iżjed favorevoli) distribuzzjoni tal-*income* dejjem irid ikollha xi elementi ta' diżugwaljanza fiha (Baumol and Blinder, chapter 17).

Minkejja dan, fl-Enċiklika *Caritas in Veritate*, il-Papa jishaq li: “Is-suq huwa sugġett għall-prinċipju tal-hekk imsejha ġustizzja kommutattiva, li tirregola r-relazzjonijiet ta' min jagħti u jiehu fi transazzjoni. Izda d-duttrina soċjali tal-Knisja dejjem uriet bla ma qatt waqfet l-importanza tal-ġustizzja distributtiva u tal-ġustizzja soċjali għall-ekonomija tas-suq. Mingħajr forum interni ta' solidarjetà u fiduċja reċiproka, is-suq ma jistax iwettaq bis-shih il-funzjoni ekonomika tiegħu” (parag. 35).

Il-Papa jkompli li: “L-attività ekonomika ma tistax issolvi l-problemi soċjali

kollha billi semplicement tapplika l-logika kummerċjali. Din tehtieg li tkun diretta lejn il-kisba tal-ġid komuni, li ghalih il-komunità politika ghandha tidhol responsabbli. Ghalhekk wiehed ghandu jżomm f'mohhu li meta l-azzjoni ekonomika, meqjusa biss bhala magna ghall-holqien tal-ġid, tinfired mill-azzjoni politika, meqjusa bhala mezz biex tinkiseb il-ġustizzja permess tar-ridistribuzzjoni, jinholqu żbilanċi kbar" (parag. 36).

## 7. Il-Hsara lill-Ambjent

Is-sistema ekonomika bbażata fuq is-suq hija tajba hafna biex tipproduċi bl-aktar mezzi effiċjenti l-prodotti u servizzi li jkunu jixtiequ l-konsumaturi. Is-sistema tas-suq hija tajba hafna biex toffri l-aħjar inċentivi biex wiehed jistinka u jahdem aktar, imma mbagħad thalli diżugwaljanza fid-dhul mix-xogħol.

Is-sistema ekonomika mibnija fuq is-suq ghandha problema gravi ohra: l-hsara li din tikkawża lill-ambjent. Fl-ekonomija tas-suq hemm dawk li nsejnhom "*externalities*". Dawn jistghu jkunu pożittivi jew negattivi. *Externality* negattiv tkun meta wiehed jipproduċi xi haġa u jhalli effett negattiv fuq haddiehor bla ma jikkompensah għal din il-hsara. Eżempju car huwa meta *power station* tohroġ duhhan bil-kubrit (li jiġi mill-hruq taż-żejt) u dan id-duhhan jinfirx fuq l-inhawi tal-madwar u jagħmel hsara lir-residenzi li jibilgħuh. Jekk dawn ir-residenti ma jiġux ikkompensati finanzjarjament għad-duhhan li jbagħtu, dawn ir-residenti jsoffru minn *externality* negattiv li tkun thalli l-*power station*.

*Externalities* negattivi ohra huma meta nhallu l-karozzi tagħna jittfegħu *exhaust* fl-arja, jew meta nitfegħu kimiċi u sustanzi tossiċi ohra fil-baħar. Meta naghmlu dan inkunu qed ngawdu minn xi attivita' ekonomika bla ma nhallu għal hsara kollha li tkun qed issir fl-arja, fil-baħar u fl-ambjent ta' madwarna.

Eżemplu ta' *externality* pożittiv huwa meta wiehed ikabbar il-fjuri fil-ġnien tiegħu, u dawn ikunu jistghu jitgawdew mill-ġirien. Il-ġirien ikunu qed igawdu xi haġa tajba bla ma jhallu għaliha. Eżempju importanti ta' *externality* pożittiv fl-ekonomija huwa r-riċerka basika li ssir fl-universitajiet u li fuqha tinbena l-innovazzjoni. Meta ssir innovazzjoni f'xi prodott, il-qliegħ mhux dejjem imur kollu għand ix-xjenzat li jkun ivvintah. Is-soċjetà nġenerali tgawdi minn dik ir-riċerka basika bla ma thallas direttament għaliha.

Peress li l-*externalities* negattivi ma jkoprox l-ispejjeż kollha għal min

jipproduċihom, u l-*externalities* posittivi ma jgawdux mill-qliegħ kollu li jinholoq, l-ekonomija tas-suq tipproduċi hafna aktar *externalities* negattivi minn kemm hu mixtieq, u hafna anqas *externalities* posittivi minn kemm jagħmlu għid lis-soċjetà.

Dawk li jikkawżaw *externalities* li jagħmlu hsara lill-ambjent, ma jhallux għall-hsara li jagħmlu. Għalhekk ma għandhomx inċentiv biex inaqqsu din il-hsara, u l-ekonomija tas-suq tispicċa biex tipproduċi hafna aktar *externalities* hżiena minn kemm hu mixtieq. Dawk li joholqu *externalities* tajbin, minn naha l-oħra, ukoll ma jgħux ikkompensati għalihom. Għalhekk dawn ukoll ma għandhomx inċentiv biex jipproduċu hafna aktar *externalities* li jkunu ta' benefiċċju għas-soċjetà. L-ekonomija tas-suq hawn tispicċa biex tipproduċi hafna anqas *externalities* tajbin minn kemm hu mixtieq (Baumol and Blinder, chapter 20).

Ma dan kollu, is-sistema tas-suq għandha ġo fija mezzi biex tikkontrolla din il-hsara li qegħda ssir lill-arja, lill-baħar, lix-xmajjar, lill-*global warming*, u lill-ambjent ingenerali. Hija s-sistema tal-*pollution tax*, jew it-taxxa fuq min iħammeġ jew inigġeż l-ambjent. It-taxxa fuq min jikkawża *pollution* tgholli l-ispejjeż għall-kumpanija jew individwu li jkun qed jagħmel din il-hsara, u għalhekk iddahhal l-inċentiv biex titnaqqas din il-*pollution* fl-ambjent. Inqas kemm wiehed iħammeġ l-ambjent, inqas wiehed iħallas, u għalhekk inqas issir hsara lis-soċjetà.

Marbut mal-ambjent, fl-aħħar enċiklika tiegħu, il-Papa Benedittu XVI jikteb li: “Illum l-iżvilupp huwa wkoll marbut mill-qrib mad-dmirijiet ġejjin mir-relazzjoni tagħna mal-ambjent naturali. L-ambjent hu d-don ta’ Alla lil kull wiehed, u fl-użu li nagħmlu minnu għandna responsabbiltà lejn il-fqar, lejn il-ġenerazzjonijiet tal-ġejjieni u lejn l-umanità shiha. Il-proġetti għal żvilupp uman shih ma jistgħux jinjoraw lill-ġenerazzjonijiet li ġejjin, iżda jehtieġ li jkunu mmarkati bis-solidarjetà u l-ġustizzja inter-ġenerazzjonali” (parag. 48).

Il-Papa jkompli li: “Il-holqien kollu ma għandux jgħaddi f’idejn il-ġenerazzjonijiet tal-ġejjieni mneżża’ mir-riżorsi tiegħu. Il-bnedmin b’mod leċitu ġew afdati li jieħdu hsieb in-natura bir-responsabbiltà, biex iharsuha, biex igawdu l-frott tagħha u jikkultivawha b’metodi godda, bil-ghajnuna ta’ teknoloġiji avvanzati, biex hi tkun tista’ taqdi u titma’ kif jixraq lill-popolazzjoni tad-dinja. Fuq din l-art hawn post għal kulhadd: hawn il-familja kollha tal-bnedmin għandha ssib

ir-riżorsi biex tghix bid-dinjità, bil-ghajnuna tan-natura nfisha, li hi r-rigal ta' Alla ghal uliedu, u b'hidma sfiqa u kreattivitàt." (parag. 50).

## 8. *Il-Credit Crunch*

Problema ohra li l-ekonomija tas-suq tidhol fiha minn żmien ghal żmien, hija r-riċessjoni. Bhal issa, l-ekonomija tal-pajjiżi l-aktar żviluppati qeghdin jorġu mill-ahhar riċessjoni li dhalna fiha minnhabba l-*credit crunch*, il-kriżi kbira mondjali li dahhlu fiha il-banek internazzjonali. Ir-riċessjoni tigri meta l-konsumatur inaqqs l-infieq tiegħu, u meta l-kumpaniji jnaqqsu l-infieq tagħhom fuq l-investiment fil-magni, fl-apparat u fl-impjanti tagħhom. B'hekk id-domanda globali tal-pajjiż għall-prodotti u servizzi tonqos, il-kumpaniji jibdew jbiegħu inqas, u jkollhom jnaqqsu l-produzzjoni u jkeċċu l-haddiema. Il-haddiema li jtilfu x-xogħol, jibdew jaqilgħu anqas flus u jkollhom inaqqsu iżjed il-konsum tagħhom, waqt li l-kumpaniji li jnaqqsu l-produzzjoni, inaqqsu wkoll l-infieq tagħhom fuq xiri minn kumpaniji oħrajn. Pajjiżi li jesportaw jtilfu wkoll parti mill-esportazzjoni tagħhom. B'hekk id-domanda globali għall-prodotti u s-servizzi tonqos aktar, u tkompli tiggrava r-riċessjoni globali.

Ir-riċessjoni li herġin minnha giet ikkawżata mill-*credit crunch* (in-nuqqas ta' self u fiduċja li feġġet bejn il-banek wara li dawn tilfu hafna kapital fuq self hażin), li l-qofol tagħha kien il-falliment ta' *Lehman Brothers* f'Wall Street f'Settembru 2008. Il-Gvern Amerikan permess tat-Teżor (*Treasury Department*) u tal-Bank Centrali (*Federal Reserve Board*) kien irnexxielu li jsalva diversi banek kbar milli jfallu. Il-Gvern Amerikan kien irranga biex J. P. Morgan jixtru lil *Bear Sterns*, waqt li *Bank of America* jiehdu lil *Merrill Lynch*. Ir-raġuni kienet li dawn il-banek kienu "*too big to fail*" – dawn il-banek kienu tant kbar u kellhom tant depositi u self mxerdin mal-Amerika kollha, li kieku hallewhom ifallu, kienu jniżżlu s-sistema bankarja Amerikana magħhom.

Għal xi raġuni, il-Gvern Amerikan halla lil *Lehman Brothers* ifallu. Dawn kienu ir-raba' l-akbar "*investment bank*" go Wall Street. Immedjatament, is-sistema bankarja ffrizat u hadd mill-banek ma beda jsellef. Il-*Federal Reserve* ppompja biljuni kbar ta' dollari fis-sistema bankarja biex itejjeb il-likwidità u biex jinkoraġixxi li l-banek ikompli jselfu, waqt li l-Kungress Amerikan invota madwar 770 biljun dollaru biex isalvaw banek u kumpaniji kbar bhal *AIG*, l-ikbar kumpanija tal-insurance fid-dinja.

Minn fejn giet din *il-credit crunch*? Ir-risposta formali hija mis-*subprime mortgages*: is-self ghal xiri ta' djar lil nies li ma kellhomx biex ihallu lura dan is-self. Wara l-waqgħa tat-*Twin Towers* fil-11 ta' Settembru 2001, il-*Federal Reserve* naqqas l-imghax biex jistimula l-fiduċja u l-ekonomija. L-imghax baxx tejjeb il-kundizzjonijiet fuq is-self ghax-xiri tad-djar u għen biex beda "*boom*" fis-suq tal-proprietà. Meta n-nies raw il-prezzijiet tal-proprietà telghin għmelhom, aktar għamlu kuraġġ biex jixtru d-djar tagħhom. Din kieku kienet haġa tajba, li ma kienx għal dawn is-*subprime mortgages*.

Għalhekk jgħidulhom *subprime*? Ghax ma kienx self tajjeb li jista' jithallas lura. Xi għoxrin fil-mija tas-self kollu ghax-xiri għad-djar kien *subprime*. Peress li l-imghax kien baxx, u l-prezzijiet tal-proprietà kienu telghin, hafna banek lokali għalqu għajnejhom u sellfu flus lin-nies li lanqas kellhom *job* jew *income* iehor biex jhallu lura dan is-self. Il-banek lokali kienu aġenti tal-banek il-kbar ġo Wall Street. Dawn l-*investment banks* ikkonvertew dan is-self għad-djar (self tajjeb mhallat ma' self *subprime*) fi prodotti oħra (*mortgage-backed securities*, *MBSs*, u *collateralized debt obligations*, *CDOs*) u mbagħad bieghu dawn il-*bonds* lil terzi investituri. Il-kumpaniji li jivverifikaw ir-riskju ta' dawn il-*bonds* (bħal *Standard and Poor's*, u *Moody's*), ittimbraw dawn il-*bonds* bħala AAA (li jfissru *bonds* tal-aqwa kwalità u l-anqas riskju) meta fil-fatt ma kinux hekk, ghax kellhom hafna riskju. Imbagħad, il-banek il-kbar ġo Wall Street bieghu dawn il-*bonds* lil banek oħra, u lill-investituri oħra fl-Ewropa u fl-Asia, li mingħalihom kienu qed jixtru AAA *bonds*.

U għalhekk għamlu dan kollu? Raġuni sempliċi, ghax kull min kien imdahhal fl-istorja, għamel hafna flus. In-nies li hadu *loan* bla ma kellhom impjieġ, għamlu dan ghax xtaqu jgawdu mill-qliegħ tal-proprietà li l-prezz tagħha kien dejjem qed jikber; il-*brokers* li bieghu dawn is-*sub prime loans*, hadu hafna *commissions* (kien hemm *pizza delivery persons* li qalghu \$20,000 fix-xahar); l-banek il-kbar ġo Wall Street qalghu hafna flus meta kkonvertew dawn l-*mortgages* ġo dawn il-*bonds* (*CDOs*) u bieghu hom lil banek oħrajn; waqt li l-kumpaniji li jivverifikaw ir-riskju tal-*bonds*, thallu tajjeb talli ttimbrawhom AAA. Rota sabiha ta' kif wiehed jagħmel hafna flus, malajr.

Minhabba din ir-reġħa għall-flus u *bonuses* ta' miljuni ta' dollari, l-aktar għal ftit irjus fil-banek il-kbar ġo Wall Street, hafna banek tilfu hafna flus meta il-*bonds* marbutin mal-proprietà, li huma kienu xtraw, fallaw. Dawn il-*bonds* fallaw ghax in-nies li kienu hadu *subprime mortgages*, ma kienux aktar possibbli

li jhallsu lura il-pagament ta' kull xahar, meta dan beda jizdied b'imghax aktar gholi minn wara xi sentejn li hadu s-self.

Minhabba li l-banek tilfu biljuni kbar ta' dollari, kellhom jidhlu l-gvernijiet biex isalvaw is-sistema milli tikkollassa totalment. Kellhom jippompjaw biljuni ta' dollari fil-banek biex isahhulhom il-kapital, biex dan ikun jista' jghamel tajjeb ghat-telf li huma kienu garrbu. Il-gvernijiet kellhom jisselfu biljuni ohra biex jaghmlu *budgets* akbar mis-soltu, biex jghinu l-ekonomija tohroġ mir-riċessjoni gravi li dahlet fiha minhabba din il-*credit crunch*. B'hekk it-*taxpayers* ta' llum u l-generazzjonijiet futuri kellhom jerfghu l-piż ta' dan id-dejn kbir li kellhom jaghmlu l-gvernijiet biex isahhu l-kapital tal-banek u jistimolaw l-ekonomiji taghhom. Dan kollu minhabba r-regħba ta' ftit irjus imlahħqin sew fil-banek il-kbar ta' Wall Street.

Fuq l-abbuż tas-sistema finanzjarja, l-Enċiklika *Caritas in Veritate*, tishaq li: "L-ekonomija u l-finanzi, bhala ghodda, jistghu jintużaw hażin meta dawk li jmexxu jkollhom ghanijiet purament egoistiċi. L-ghodod li huma tajbin fihom infushom, jistghu ghaldaqstant jinbidlu f'ghodod ta' hsara. Izda dawn il-konsegwenzi jtnisslu mir-raġuni mdallma tal-bniedem, mhux mill-ghodda fiha nfisha. Ghalhekk ma ghandniex nixlu lill-ghodda, imma lill-individwi, lill-kuxjenza morali taghhom u lir-responsabbiltà personali u soċjali taghhom" (parag. 36).

"L-ekonomija tehtieg l-etika biex tahdem tajjeb – mhux kull etika, izda etika li ddur madwar in-nies" (parag. 45).

## 9. *Is-Sitwazzjoni tal-Ġuħ fid-Dinja*

Problema kbira ohra li s-sistema tal-ekonomija bbażata fuq is-suq ghadha ma solvietx, hija l-problema tal-ġuħ fid-dinja. Wiehed isaqsi, ghaliex fl-Amerika, l-izjed pajjiż sinjur fid-dinja, 50 miljun ruħ jorqdu bil-ġuħ kull jum? Ghaliex wiehed minn kull sitta fl-Amerika, li jinkludu, wiehed minn kull erbgħa fost it-tfal, ma ghandhomx biżżejjed x'jieklu? Dan meta US \$116 miljun jintefqu kull jum f'ikel fl-Amerika li mbagħad jiġi mormi, u meta US \$108 miljun iehor jintefqu kull jum fl-Amerika fi prodotti u programmi biex jitnaqqas il-piż żejjed.

Ghaliex kważi nofs in-nies fid-dinja – 'il fuq minn 3 biljun ruħ – jgħixu fuq inqas minn US \$ 2.5 kull jum?

Ghaliex l-ifqar 40% tan-nies fid-dinja, jaqilghu biss 5% tad-dhul globali fid-dinja, filwaqt li l-20% l-aktar sinjuri, jaqilghu tlett kwarti (75%) tad-dhul globali fid-dinja? ([www.globalissues.org](http://www.globalissues.org)).

Ghaliex fil-popolazzjoni fid-dinja llum, li hija ta' 6.8 biljun ruh, hemm 1 biljun minnhom (15%, wiehed minn kull sebgha) li huma neqsin mill-ikel (huma *undernourished*), filwaqt li hemm 1.1 biljun (16.8 %, wiehed minn kull sitta) li ghandhom hxuna żejda (huma *overweight*)? ([www.stopthehunger.com](http://www.stopthehunger.com)).

Ghaliex 28,000 ruh imutu bil-ġuh kull jum (10 miljun ruh fis-sena)? Dan meta US \$36 miljun kull jum ikunu biżżejjed biex jitimghu lil dawk bil-ġuh fid-dinja. Ghaliex l-pajjiżi sinjuri qed joffru biss US \$5.5 miljun kull jum bhala ghajnuna għall-ikel għall-fqar fid-dinja meta kull jum, jintefqu fl-Ewropa u fl-Amerika US \$48 miljun f'ikel għall-annimali li jinżammu bhala pets fid-djar? Ghaliex il-pajjiżi sinjuri joffru kull jum 30 tunnellata ta' ikel bhala ghajnuna lill-pajjiżi foqra, meta fl-Amerika biss, 130 tunnellata ta' ikel jiġu mormija kull jum? ([www.stopthehunger.com](http://www.stopthehunger.com)).

## 10. *Il-Kuntrast tal-Prijoritajiet Globali fuq l-Infieq*

F'sistema ekonomika bbażata fuq is-suq hieles, id-domanda għall-prodotti u servizzi jagħmilha l-konsumatur u dan dejjem skont ix-xewqat strettament personali tiegħu. Fis-sena 1998, kien stmat li l-prijoritajiet globali fuq l-infieq kienu dawn:

Prijoritajiet Globali	\$ U.S. Biljuni
Kosmetiċi fl-Amerika	8
Ġelat fl-Ewropa	11
Fwejjah fl-Ewropa u fl-Amerika	12
Ikel għall-Pets fl-Ewropa u fl-Amerika	17
Business entertainment fil-Ġappun	35
Sigaretti fl-Ewropa	50
Xorb Alkoholiku fl-Ewropa	105
Drogi Narkotiċi fid-dinja	400
Infieq Militari fid-dinja	780

Nistghu nqabblu dawn il-figuri ma x'kien stmat bhala spejjeż **addizzjonali** biex ikollna aċċess universali fil-pajjiżi kollha li qed jiżviluppaw ghas-servizzi soċjali baġiċi.

### Prioritajiet Globali

### \$U.S. Billions

Edukazzjoni Basika ghal kulhadd	6
Ilma u Sanità ghal kulhadd	9
Sahha Reproduttiva ghan-nisa kollha	12
Sahha u Nutrizzjoni Basika	13
(www.globalissues.org).	

Dawn il-bżonnijiet addizzjonali għall-pajjiżi li qed jiżviluppaw jammontaw għal US \$40 biljun fis-sena, li huma 38 % tal-infieq fuq xorb alkoholiku fl-Ewropa, 10% tal-infieq fuq drogi narkotiċi fid-dinja, jew 5% tal-infieq militari globali fid-dinja.

### 11.It-Tagħlim Soċjali tal-Knisja fuq il-Guħ u l-Faqar

Il-Papa Pawlu VI fl-enċiklika *Populorum Progressio* juri kif għandu jkun “l-iżvilupp awtentiku”: dan “għandu jkun shih, jiġifieri jsir b’risq kull bniedem u b’risq il-bniedem shih” (parag. 18).

L-Enċiklika *Caritas in Veritate* tghilna li: “Pawlu VI kellu vizjoni ċara tal-iżvilupp. Bil-kelma “żvilupp” ried juri l-oġettiv li bih il-popli johorgu l-ewwel nett mill-ġuħ, mill-miżerja, mill-mard endemiku u mill-analfabetiżmu. Min-naħa tal-ekonomija, dan kien ifiser is-sehem attiv tagħhom b’mod indaqs fil-proċess ekonomiku internazzjonali; min-naħa soċjali, l-iżvilupp tagħhom f’soċjetajiet mgħallma karatterizzati mis-solidarjetà; min-naħa tal-politika, it-tishih tar-reġimi demokratiċi biex ikunu jistgħu jassiguraw il-helsien u l-paċi” (parag. 21).

L-Enċiklika tkompli li: “L-ghana tad-dinja qed jikber b’mod assolut, iżda qed jikbru d-diżugwaljanzi. Fil-pajjiżi għonja xi kategoriji soċjali godda qed jiftaqr u qed jitwiellu għamlet godda ta’ faqar. F’inhawi aktar foqra xi gruppi jgawdu minn superżvilupp hali u konsumistiku li johloq kuntrast mhux aċċettabbli ma’ qagħdiet permanenti ta’ miżerja li ma tixraqx lill-bniedem. L-iskandlu ta’ diżugwaljanzi li jispikkaw bil-kbir għadu għaddej” (parag. 22).

Il-Papa jishaq li: “Il-hajja f’hafna pajjiżi foqra ghadha mhi xejn zgura minhabba nuqqas ta’ ikel, u l-qaghda tista’ tmur għall-agħar: il-ġuħ għadu jahsad għadd kbir hafna ta’ vittmi fost dawk li, bħal Lazzru, ma jithallewx jiehdu posthom mal-mejda tal-ghani, kontra t-tamiet li kellu Pawlu VI f’*Populorum Progressio*. ‘Itma’ lil min hu bil-ġuħ’ (Mt 25:35, 37, 42) hu amar etiku għall-Knisja universali, hija u twieġeb għat-tagħlim tal-Fundatur tagħha, il-Mulej Ġesù, dwar is-solidarjetà u l-qsim tal-ġid” (parag. 27).

*Caritas in Veritate* tgħid li: “Il-problema ta’ nuqqas ta’ ikel jehtieg li wiehed jahsbilha permezz ta’ perspettiva li thares fit-tul, filwaqt li jinqerdu l-kawżi strutturali li jgagħluha ssehh u jitmexxa ‘l quddiem l-iżvilupp tal-agrikultura fil-pajjiżi foqra. Dan jista’ jsehh b’investiment fl-infrastrutturi rurali, sistemi ta’ tisqija, transport, organizzazzjoni tas-swieq, u fl-iżvilupp u t-tixrid ta’ teknoloġija li tista’ tagħmel l-aħjar użu mir-riżorsi umani, naturali u soċjo-ekonomiċi li jinkisbu aktar bil-heffa fil-livell lokali, filwaqt li jiġġarantixxu wkoll is-sostenibbiltà tagħhom għal żmien twil.” (parag. 27).

Il-Papa jkompli li: “Il-jedd għall-ikel, bħall-jedd għall-ilma, għandu post importanti fit-tfittixja ta’ jeddijiet oħra, ibda bil-jedd fundamentali għall-hajja. Hu għalhekk mehtieg li titqajjem kuxjenza pubblika li tqis l-ikel u l-aċċess għall-ilma bħala jeddijiet universali tal-bnedmin kollha, minghajr distinzjoni jew għażla” (parag. 27).

Il-Papa Benedittu XVI jixtieq li: “L-ghajnuna għall-iżvilupp tal-pajjiżi l-foqra għandha titqies mezz validu biex jinholq il-ġid għal kulhadd. In-nazzjonijiet l-aktar żviluppati għandhom jagħmlu kulma jistgħu biex jallokaw ishma akbar mill-prodott domestiku gross tagħhom b’risq l-ghajnuna għall-iżvilupp; b’hekk ikunu qed jirrispettaw l-obbligazzjonijiet li hadet fuqha l-komunità internazzjonali f’dan il-qasam” (parag. 60).

## 12. Konkluzjoni

Bħala konkluzjoni, nixtieq nikkwota wkoll parti sabiha oħra mill-Enċiklika *Caritas in Veritate*: “Id-duttrina soċjali tal-Knisja dejjem żammet li l-ġustizzja għandha ssir f’kull fażi tal-attività ekonomika, għax dejjem għandha x’taqsam mal-bniedem u l-htigijiet tiegħu. It-tqegħid ta’ riżorsi finanzjari, produzzjoni, konsum u l-fażijiet l-oħra kollha fiċ-ċiklu ekonomiku bilfors għandhom implikazzjonijiet morali. Għaldaqstant kull deċiżjoni ekonomika għandha konsegwenza morali” (parag. 37).

“Pawlu VI fil-*Populorum Progressio* ghamel sejha għall-holqien ta’ mudell ta’ ekonomija tas-suq li kapaċi thaddan fiha lill-popli kollha u mhux biss lil dawk li jistghu. Sejjah biex isiru sforzi għall-bini ta’ dinja aktar umana għal kulhadd, dinja li fiha kulhadd ikun jista’ jagħti u jiehu, mingħajr ma xi grupp jagħmel progress minn fuq dahar haddiehor” (parag. 39).

Għalhekk dawk il-popli kollha ta’ rieda tajba fid-dinja tal-lum, huma msejhin biex jahdmu dejjem aktar għall-“iżvilupp tal-bniedem shih u tal-bnedmin kollha.” (parag. 79).

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## **‘Particularity and Universality in 2 Corinthians’**

Nicholas Paxton\*

Whereas the dominant view of Paul in the 1940s and 1950s was as a systematic theologian, it is now widely remembered that the original primary purpose of his letters was as the work of a Christian leader engaged in developmental mutual upbuilding within the churches. In seeking to explore the matter of the occasional and the perennial in Paul’s letters, this paper will address the question with special reference to 2 Corinthians. We will begin by assessing whether or not 2 Corinthians is a composite text, since it is essential to know what sort of document we are dealing with. We will next examine the text of 2 Corinthians in terms of the major issues which Paul deals with there, and then look at one antithesis which does not seem to have been drawn out before, namely Paul’s use of Old Testament prophetic material versus his seeming use of material from Christian liturgy, before reaching a series of conclusions. Throughout this article, 2 Corinthians is studied against the background of the other undisputedly Pauline letters, to which reference is made where necessary. The body of scholarly writing used in researching this paper draws out the “things both new and old” of Matthew 13:52 from scholarship’s treasure-house. As the New Zealand New Testament scholar Gregory Dawes has explained, “In the humanities, in particular, we should not assume that the latest book is necessarily the best. ... the texts we are studying today are the same as those that were being studied fifty or a hundred years ago. What makes a difference is ... the quality of mind which the scholar brings to bear on the old evidence ... if we are ignorant of the history of scholarship, we are condemned to repeat both the discoveries and the mistakes of our predecessors”.<sup>1</sup> We begin with 2 Corinthians’ text. Chapter and verse references are to 2 Corinthians except where otherwise stated.

### ***What is 2 Corinthians?***

Although Paul could have written up to seven times to the Corinthian church, he clearly did so four times: the letter before 1 Corinthians to which he refers

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1. G.W. Dawes, ‘The Historical Jesus Quest Revisited’, online at <http://www.bibleinterp.com/articles/jesusquest.htm> [accessed 2/12/2006].

in 1 Cor 5:9; 1 Corinthians itself; the 'painful letter' before 2 Corinthians, to which Paul refers in 2 Cor 2:4, and 2 Corinthians itself.

The most likely theories are (i) that 2 Cor. 1-9 is one document and 10-13 another, and (ii) that 2 Corinthians was written as a unity except perhaps for 6:14-7:1. In support of (i), there is a complete disjunction between the end of 9 and the start of 10 which cannot be explained away by the distinctiveness of epistolary style or the likelihood of interruptions. If 10-13 originated separately, Paul's primary target may have been either those who tried to replace his preaching by their own, or a breach of church discipline. Even so, despite 10-13's admonishing nature, it is surely not the 'painful letter': that called for a church member to be disciplined, whereas 10-13 does not. But it is conceivable that 10-13 may still represent a separate letter post-dating 1-9, since a visit to Corinth by Titus and a companion is mentioned as future in 8:17-18 but as past in 12:17-18.<sup>2</sup> The suggestion has also been made that 2:14 - 6:10 is part of a different letter, digressing from its subsequent context. In that case, four original letters would be represented in 2 Corinthians.

However, in support of (ii), 2 Corinthians may not be made up of two letters: the case may be that 1-7 deal with the past, 8-9 with the present and 10-13 with the future, especially the matter of the collection. As to the disjunction between 9 and 10, to move from one topic to another in such a way as to leave one's readers to infer a link, or else to have an intentional disjunction between topics, can be a feature of epistolary writing. Moreover, Paul's dictation of a long letter would certainly have been interrupted by other demands. Nonetheless, some earlier writers have tried to consider 6:14 - 7:1 as another, incomplete, piece of writing on the grounds that it fits badly into its present context. The conjecture has been made that this may be the 'previous letter' of 5:9; it is true that the probable contents of this earlier letter (to judge by how Paul writes about it later) conform to those of 6:14 - 7:1. On balance, while (i) seems more probable than (ii), it does not seem wise to assert as confidently as Segal that 2 Corinthians is "certainly a composite work".<sup>3</sup>

2. M.E. Thrall, *I and II Corinthians* (Cambridge: Cambridge University Press, 1965), pp. 5-9, 119-120; J. Munck, *Paul and the Salvation of Mankind* (London: SCM, 2<sup>nd</sup> ed. 1977), p. 170.

3. A.F. Segal, *Paul the Convert: The Apostolate and Apostasy of Saul the Pharisee* (New Haven & London: Yale University Press, 1990), p. 37; see also p. 167.

The dating of 2 Corinthians is less problematic: suffice it to say here that, while it is not possible to ascertain the date of 2:14 – 6:10 if that passage originated as a separate letter, 6:14 – 7:1 was probably written between 53 and 56 if it is the 'previous letter' of 1 Cor. 5:9. The date of 1-9 is probably 57; if 10-13 has a different origin, it was probably written in 57-58. If 2 Corinthians consists of at least two different letters, the combination of these was almost certainly done by a redactor other than Paul, in which case 2 Corinthians will have appeared in its present form fairly late; this would explain why Clement and Ignatius both make it clear in their writings that they knew 1 Corinthians but not 2 Corinthians. Particularly since 2 Corinthians, along with Galatians and Philippians, are the Pauline Epistles in which aspects of Paul's own personality emerge most clearly, it will be clear that, as W.S. Campbell notes, "only in returning to the letters as real letters can their original theological significance re-emerge".<sup>4</sup> If, as seems likely, 2 Corinthians includes material from at least two different letters, the idea of it as addressed to specific problems in the Corinthian church is underlined.

### *The Text of 2 Corinthians*

Even the thanksgiving which opens 2 Corinthians is given a specific connection with the Corinthian church: Paul sees his suffering – probably caused by persecution – as being for that church's comfort (1:4-9). However, the use of *koinonia* in verse 7, as also in 1 Corinthians 1:9 and thereafter, provides a more universal outlook: its original meaning was 'partnership', and Christians, as co-heirs with Christ, are partners in the Kingdom of God, joined in a community of prayer, life and work with the Risen Christ at its head. This union with Christ is present, not future. Paul interestingly addresses the question of particularity versus universality in 1:12–2:4 in that 1:12-22 consists in the application of eternal truths to the particular, transient situation of Paul's expected visit to Corinth *en route* for Macedonia not having taken place, whereas 1:23–2:4 consists primarily in a statement of circumstances and only secondarily in applying them to any external truth. Even so, Paul contrasts God's trustworthiness with human fickleness (1:17-20) and points out that people's belonging to Christ is God's

4. W.S. Campbell, *Paul: His Faith, his Activity and his Theological Thinking* (Lampeter: University of Wales Lampeter, 2003, hereafter *Paul: His Faith*), p. 17; see also Thrall, pp. 10-13; C.H. Dodd, *The Meaning of Paul for Today* (Glasgow: Collins Fount Paperbacks, 1978 ed.), p. 29.

doing, not theirs.(1:21-22) before observing more particularly that his aim is to bring the Corinthians to do the right thing of their own volition rather than to command them to do it of his volition (1:24).<sup>5</sup> Segal's exegesis of 1:23 is interesting: that Paul seeks here to avoid a head-on clash with the Jews over allegations that he is seeking to overthrow the Law and teaching others to do likewise.<sup>6</sup> This raises the whole area of Paul's relations with Judaism, which we need to consider with reference to the old and new perspectives on Paul.

The Old Perspective on Paul arises from the Tuebingen school led by F.C. Baur in the 1830s. Its view is that Paul was opposed by Jewish Christians and soon began specifically to 'target' the Gentiles after early disappointments in seeking to evangelize the Jews. This conceptual opposition between 'Jewish Christianity' and 'Hellenized Christianity' arose partly because Baur worked at a time when Hegel had just become fashionable; indeed, one manifestation of the Tuebingen school's Hegelian way of thinking was its stress on universality at the expense of historical particularity. On this view, Paul was in conflict with Judaism as an unsatisfactory religion, teaching salvation by works on a basis of observing a detailed Law. Another school, based on Goettingen – which approached the supposed Judaism/Hellenism divide in terms of the history of religions – tended to see Judaism as relatively primitive and Hellenistic Christianity as advanced and enlightened.<sup>7</sup>

The New Perspective on Paul, while associated with the recent work of E.P. Sanders – especially his *Paul and Palestinian Judaism* – and J.D.G. Dunn, was earlier adumbrated by R.H. Charles and G.F. Moore (who saw Christianity as firmly Jewish in its origins in reaction to the Goettingen school) and also

5. Thrall, pp. 121-127; E.P. Sanders, *Jesus and Judaism* (London: SCM, 1985), p. 11; Dodd, p. 154; Segal, p. 68; H. Marshall, *The Challenge of New Testament Ethics* (London: Macmillan, 1964 ed.), p. 298; M.D. Hooker, *Paul: A Short Introduction* (Oxford: Oneworld, 2003), p. 68; Campbell, *Paul: His Faith*, p. 73.

6. Segal, p. 239.

7. Campbell, *Paul: His Faith*, pp. 64-65; W.A. Meeks, 'Judaism, Hellenism and the Birth of Christianity', in *Paul Beyond the Judaism/Hellenism Divide*, ed. T. Engberg-Pedersen (Louisville: Westminster John Knox Press, 2001), pp. 18-21; W.S. Campbell, 'Overview', p. 4, printed in Campbell, *Paul: His Faith*; W.S. Campbell, 'Beyond the New Perspective: Reflections on the Contemporary Evaluation of Sanders and Dunn', Paper read at the British New Testament Society Annual Meeting, University of Manchester, September 2001, pp. 4-5, printed in Campbell, *Paul: His Faith*.

championed by Munck and mentioned by Cerfaux.<sup>8</sup> It sees the Old Perspective's view of Paul's having been opposed by Jews and Jewish Christians as transmitting Luther's tendency – recently discussed by Sanders – to see himself as Paul and Paul's opponents as his own, onto whom he, Luther, projected the attitudes which he himself opposed. Luther's idea of Judaism, as stressing righteousness through works, has been shown up as thoroughly flawed by Sanders, in whose view Palestinian Judaism some two hundred years before and after Christ's birth was a religion based on the idea of a covenant between God and man. The Law is not salvific of itself, rather, it represents the deeper continuance of the covenantal relationship. The Judaism of this period in Palestine thus emerges as having taught justification, not by works, but by grace.<sup>9</sup>

Munck's proposals to try to remove the effects of the Tuebingen school's Hegelian thinking are important as well. In specifying that "Paul's letters are to be interpreted as such", Munck seeks to maximize closeness to the text, and to minimize the use of external sources, in Pauline exegesis. Secondly, Munck's view that "Paul's individual letters, and the situation that forms the background of each letter, must be viewed on their own merits in each case" means that attempts to synthesize the letters' contents are only valid if they do not "violate the individual nature of the particular letter and of the situation that lies behind it". Thirdly, Munck states that the situational background of a Pauline letter is historical and needs to have its historicity respected; doing so avoids creating a divorce between Palestinian-Jewish, and Pauline, Christianity.<sup>10</sup>

Also according to the New Perspective, Paul sees Jesus Christ, not just as Messiah to the Hebrews, but as universal Lord. Indeed, in Dunn's opinion, faith in Jesus as Lord was an alternative definition to covenantal nomism as to who the saved were, not just a narrowing-down of that definition. On this view, Paul believed that the Christian Way transcended Judaism rather than opposing it. This remains true even if we accept at face value Sanders' opinion (sometimes interpreted as contentious) that, if Paul reacted negatively to Judaism after his

8. Munck, pp. 69-86, especially p. 85; L. Cerfaux, *The Christian in the Theology of St Paul* (London, Geoffrey Chapman, 1967), p. 96 note 4.

9. Sanders, *Jesus and Judaism*, p. 276; Campbell, *Paul: His Faith ...*, p. 67.

10. Munck, p. 85; Campbell, *Paul: His Faith ...*, p. 3.

conversion, he did so simply because Judaism was not Christianity.<sup>11</sup> It is also important to remember that there was no understood line of cultural demarcation which set Judaism and Hellenism apart from each other as systems of thought. One cannot write of there having been in Paul's day an undiluted Judaism and an undiluted Hellenism: each interpenetrated the other.<sup>12</sup> It not helpful here to approach Paul "as if *either* the Jewish *or* the Hellenistic material is in the end the really important one".<sup>13</sup>

In Dunn's view, one shortcoming of Sanders' exposition of the New Perspective is that he remains too preoccupied with the differences rather than the similarities between other first-century Jewish thought and that of Paul. If Paul opposed Judaism at all, his sole grounds for doing so were that it was less advanced than Christianity and that its understanding of covenant precluded the covenant relationship from being extended to Gentiles as well as Jews. Nonetheless, Jewish Christians had, not just a freedom, but a right to live out their faith within a Jewish way of life, and – in Campbell's view – Paul was not aware of himself as being sectarian. What Paul is instead trying to work towards is an absence *in Christ* of discrimination based on the distinctions between Jew and Gentile, male and female, slave and free. While these distinctions will continue, there is no place for them *in Christ*. Gal 3:28 signifies that, while these differences continue to exist, a common faith in Christ underlies them.<sup>14</sup>

As Campbell, among others, has pointed out, the emergence of an anti-Jewish outlook in Christianity should by no means be attributed to Paul, for whom

11. For Sanders' explanation of this view, see E.P. Sanders, 'Foreword to the Fiftieth Anniversary Edition [of W.D. Davies' *Paul and Rabbinic Judaism*]' (Mifflintown, Sigler Press, 1998), pp. xiv-xvi.
12. Campbell, *Paul: His Faith*, pp. 68-70; Campbell, 'Beyond the New Perspective', pp. 5, 8; E.P. Sanders, 'Foreword to the Fiftieth Anniversary Edition pp. x-xi; T. Engberg-Pedersen, 'Introduction: Paul Beyond the Judaism/Hellenism Divide', in *Paul Beyond the Judaism/Hellenism Divide*, ed. T. Engberg-Pedersen (Louisville: Westminster John Knox Press, 2001), p. 9; Campbell, 'Overview', p. 1, text & notes 3-4.
13. Engberg-Pedersen, p. 4; emphasis original.
14. J.D.G. Dunn, 'The New Perspective on Paul', in J.D.G. Dunn, *Jesus, Paul and the Law: Studies in Mark and Galatians* (London: SPCK, 1990), p. 186; W.S. Campbell, 'Paul and the Creation of Christian Identity: Paul's Theology of the Other', Paper presented at the *Studiorum Novi Testamenti Societas* Annual Meeting, University of Durham, 2002, pp. 3-6, printed in Campbell, *Paul: His Faith*; Campbell, 'Beyond the New Perspective', pp. 10-11.

being Jewish and being Christian could and did go together.<sup>15</sup> Likewise, Paul's disputes with the Jews over the matter of Gentiles becoming Christians do not deserve the anti-semitic constructions which later centuries have placed on them – particularly when we bear in mind that Romans 7-13 signifies that the majority of the Roman church was Gentile even in Paul's day. Yet, despite Jew and Gentile retaining their respective particularities in Christ, Paul's vision of a oneness-in-Christ of all believers appears unworkable. Either Jews have to give up their Jewishness in virtue of the pervasiveness of Hellenistic culture in the societies which Paul sought to evangelize, or else Jews are being called on to do the (for them) unthinkable, by accepting Gentiles who do not observe the Law as fellow-members of the church, then still a Jewish movement.<sup>16</sup>

Returning now to the textual examination of 2 Corinthians, 2:7-9 deals with church order, specifying the procedure for the reconciliation of a sinner in consequence of a particular case. Later, 2:12 – 7:4 is a disquisition, with some excursus passages, on the apostolic vocation. Both these passages are situationally motivated in that Paul has found it necessary to state his authority over the Corinthian church as the result of an act of indiscipline: the apostolic ministry outranks all others and the apostles can therefore call on others for obedience to Christ and his teaching (2:9).<sup>17</sup> This remains true even though every Christian has a new dignity in Christ, so that Paul's comparison of Christ's glory with that of Moses is applicable to all Christians as well as to Paul himself (3:1-4). This explains why the covenant with Moses is ratified by being understood anew in and through Christ in a way which brings Gentiles as well as Jews into it in consequence of the dynamic presence of the risen Christ (3:4-18), so that the Christian is not ruled from outside (by the Law) but guided from inside (by the Spirit). To reinforce this teaching, Paul interprets his own experience of conversion as an exemplar for that of other people insofar as conversion leads to accepting the Gospel of Glory (4:4) and so to being "in Christ", which puts a person's suffering into a new context (4:15-17).<sup>18</sup> Hence the metaphor of a veil

15. Campbell, *Paul: His Faith ...*, p. 100.

16. Hooker, p. 31; E.P. Sanders, *The Historical Figure of Jesus* (London: 2<sup>nd</sup> ed. Penguin, 1995), pp. 220-221; Campbell, 'Beyond the New Perspective', pp. 9-10.

17. Marshall, p. 292; Thrall, p. 127; H. Ridderbos, *Paul: An Outline of His Theology* (London: SPCK, 1977), p. 449.

18. Cerfaux, pp. 367-368; J. Ziesler, *Pauline Christianity* (Oxford: Oxford University Press, revised ed. 1990), p. 68; Marshall, p. 229; Segal, p. 10.

over the Jews' minds signifies, in Segal's opinion, that the conversion-experience which non-Jews have is a higher form of religious experience than Jewish mechanical obedience to the Law, and Christian mystical experience transcends that of Moses in intensity, since Christ is God's glory; people's repentance and conversion thus lead to the removal of the veil and so gain the inheritance of God's promises to Abraham (3:15-16).<sup>19</sup> Thus Paul's description of Christ as the image of God (4:4-6) means that Christ is the reality of which Adam was a copy, according to Galatians 1:26. Paul connects this glorious Christ-reality both with Sinai (3:17-18) and, more widely, with the whole created order (4:6). But this theology is taught very much from within the context of acceptance or refusal of the apostolic message (4:6) as set within the God-given apostolic task of spreading the message despite personal adversity (4: 8-15), and hence of Paul's call for obedience from the Corinthians. Paul also shows the Hellenistic side of his education in the repeated mentions of his sufferings between 4:7 and 11:29, which are a *peristasis*, part of the rhetoric of Stoicism, and in the antithesis between "the outer man" and "the inner man" in 4:16. This evokes a passage in Plato's *Republic* (9.588a-589b), though Paul probably obtained it from a later idea with much earlier roots in Plato. Likewise, 4:18 is phrased in a Platonic rather than a Hebraic way.<sup>20</sup>

As to the eschatological discourse of 4:16 – 5:4, suffice it to say here that it harks back to 1 Cor. 15:12-30 as its probable *Sitz im Leben*: Paul is thus addressing a particular church about matters which are very much general. However, in 4:15-16 he makes it clear that he is doing this for a particular purpose, namely the edification of the specific group to which he is writing. Thus his elaboration of the distinctiveness between the visible, temporal order and the invisible, eternal one, while certainly not valid only for the immediate theological and spiritual needs of the Corinthians, is here being applied to those needs. Paul seems to be reminding them of what he has already taught them inasmuch as the *oidamen hoti* of 5:1 is probably an evocation of common knowledge, not a statement of what Paul himself believes dressed up by the use of the elegant literary device

19 Segal, pp. 19-20, 60, 263; 'United States Conference of Catholic Bishops-New American Bible-2 Corinthians 3', online at [http:// www.usccb.org/nab/bible/2corinthians/2corinthians3.htm](http://www.usccb.org/nab/bible/2corinthians/2corinthians3.htm) [26/4/2010].

20. Hooker, pp. 37, 68; Thrall, pp. 138-139; Segal, p. 257; D.E. Aune, 'Anthropological Duality in the Eschatology of 2 Cor. 4:16 – 5:10', in *Paul Beyond the Judaism/Hellenism Divide*, ed. T. Engberg-Pedersen (Louisville: Westminster John Knox Press, 2001), pp. 220-222.

of 'we' meaning 'I'. This remains true even though 2 Corinthians 1:1 designates the letter as coming from Paul and Timothy rather than from Paul alone. Note the development of Paul's eschatology from 1 Thessalonians 4:15-17 (in which Paul seems to expect to be still alive on earth at Christ's Second Coming) to 2 Corinthians 4:12 and 5:4, in which he deals with his possible death before that event<sup>21</sup> and "the connection between the new body and the pledge which is the Holy Spirit" in 5:5.<sup>22</sup> In the rest of chapter 5, too, the application of general matter to a specific church at a specific time occurs in several places: in 5:14-15, 21, Paul's idea of Christ the Representative is inclusive, not exclusive: all humankind is thus included in the self-sacrificing victory – not excluded from the victory – of Christ, whose dying and rising are effectively seen as a single salvific mystery in 5:15 and whose universal love not only sustains Christians in general and the Corinthian Christians in particular, but also impels them to act.<sup>23</sup>

In 5:17, Paul not only recalls his own conversion to being "in Christ" by way of explaining the "new creation", but also extends its implications to those to whom he writes. Paul had not only been himself transformed in and by Christ: he had also seen other people more radically transformed from lives of, for example, idolatry, sexual sins, gluttony and extortion, all of which had been virtuously absent from Paul's previous life. In writing to the church of the quite unrestrained city of Corinth, Paul has all this in mind when writing of the supersession of the old order of creation by the new: this passage is certainly not meant primarily as an essay in metaphysics. Furthermore, in 5:18-21 Paul goes on to remind his readers at Corinth that reconciliation with God takes place on God's initiative, not humankind's, and is committed to the apostles as a ministry. (In Romans 11:15, such reconciliation is contrasted with "rejection" by God.) Paul's intention is therefore to explain the apostolic vocation in the context of preaching the message of redemption, not to write a theological tract on redemption.<sup>24</sup>

21. Thrall, pp. 141-148; Dodd, pp. 58-59; Sanders, *The Historical Figure of Jesus*, pp. 94-95, 180-183; Aune, p. 223.

22. D.E.H. Whiteley, *The Theology of St Paul* (Oxford: Blackwell, 1964), p. 259.

23. Dodd, p. 105; Whiteley, p. 259.

24. Segal, p. 263; Marshall, p. 264; Ridderbos, pp. 182-183; Thrall, p. 151; E. Barnes, 'The Expository Files: A new Creation, 2 Corinthians 5:17, online at <http://www.bible.ca/ef/expository-2-corinthians-5-17.htm> [25/4/2010].

In 6:4, and also 12:10, Paul roots his advice on not getting married in “the present distress” of 1 Cor 7:26. This advice deals with a specific problem. As Ridderbos explains, “What is intended is specifically the distress in which believers find themselves in a world hostile to them, with which Paul himself had had and would yet have such an abundant acquaintance.”<sup>25</sup> The passage from 6:14 to 7:1 has for its *Sitz im Leben* the situations described in 1 Cor. 5:1-11; 8:1-13 and 10:14 – 11:1. Ethically, 7:1 applies a general principle to the Corinthian church members’ spirituality. This is that Christians are to seek after holiness; they do not already have it. Immediately afterwards, 7:2-16 is very much situational, about how the Corinthians have undergone a change of heart following receipt of the letter to which Paul has already referred in 2:3, and about how Titus has informed Paul that the Corinthian church has censured an offender who had probably humiliated Paul and has once again placed itself under the authority of Paul. In 7:9-10 and 12:21, Paul humbly implies that not only Gentile converts to Christianity require *metanoia*: Jewish ones do too.<sup>26</sup>

In chapters 8 and 9 Paul states why he is going to Jerusalem: he is doing so to take with him a collection for the church there, of which the aim is to make money given to the church accessible to everyone and most of all to the poor.<sup>27</sup> Marshall makes a worthwhile point here: that Paul’s mention in this context of Christ as a paradigm of generosity, becoming poor out of his riches, is a much stronger simile than might have been necessary.<sup>28</sup> It relates a particular administrative matter of a particular church at a particular time directly to the heart of the whole economy of salvation, reminding them that Christ, who is in everyone, became a particular man who was crucified. Contributing voluntarily to this collection forms part of Christian ministry in terms of a thank-offering for the Corinthian church members’ redemption in and by Christ and, in particular, for the spiritual gifts which the Gentile Christians have received through the church at Jerusalem – on this, see also Romans 15:26-32. Contributing thus signifies that all Christians, both Jewish and Gentile, are one in Christ. It also expresses the hope that, if the Jerusalem church will receive the collection,

25. Ridderbos, p. 310.

26. Marshall, p. 260; Thrall, pp. 147-159; B.D. Ehrman, *The New Testament: A Historical Introduction to the Early Christian Writings* (New York & Oxford: Oxford University Press, 1997), p. 281; Segal, p. 20.

27. Segal, p. 256; Ziesler, p. 126.

28. Marshall, p. 219.

then that church will approve and confirm Paul's work among the Gentiles. In that connection, another topical situation is described: Paul wants to be accompanied by Titus, a Gentile Christian, and several others, in order to have his case, and his understanding of evangelization, represented by others as well as himself in the disagreements which may well take place at Jerusalem. Paul develops the collection question by his teaching in chapter 9 that the church's assets should be justly available to all according to their need, since God has enriched those who are in Christ in all ways precisely because they belong to Christ (9:11). In this regard, the "every good work" of 9:8 should probably be understood in connection with the "keeping the commandments" of 1 Cor 7:19. Paul occasionally uses legal terms when writing of Christian morality: while the Torah's ceremonial laws are now superseded, its concept of community remains of prime importance.<sup>29</sup>

In 2 Corinthians 10-13, the opposition which Paul expresses seems to be threefold. There is opposition to preachers at Corinth whom he considers to be false apostles but who are not responsible for the previously acrimonious state of the Corinthian church and who may have been Jewish Christians who sought to treat Gentile converts to Christianity as proselytes to Judaism. There is also opposition against the Corinthian church itself (10:1-11; 12:20 – 13:10) and its depreciation of Paul as being worldly and inadequate (see 1:2; 1:17; 5:6; 10:4), and also opposition from Jews who wished to counteract his influence on their former synagogue members and Gentile synagogue adherents by seeking to reclaim them (and the additional income for the synagogues which they represented). In 10-12, he considers that his opponents have compelled him into making a particular comparison. In this unfortunate situation Paul, though not the most accomplished of rhetoricians by the Corinthians' standards, takes advantage of his education in rhetoric through his use of irony. In boasting, he boasts, not of his wisdom, but of his sufferings. In writing of his own apostolic mission and authority, Paul gives a general picture of the apostolic power and its source in 10:3-6 and then proceeds to argue from it to justify both the authority of his own apostolicity and the lesser worth of the apostolicity of those who oppose him. In 10:13-16 he puts a topical, administrative matter onto the level of spirituality: the geographical boundaries beyond which Paul did not go were

29. Dodd, p. 96; Hooker, p. 29; Campbell, *Paul: His Faith*, pp. 36-37; Munck, pp. 287-289; Segal, pp. 169, 240; Ridderbos, p. 265.

set, not because of theological controversy, but in order to make the work of mission run more smoothly. Moreover, there seem to have been pre-Pauline Gentile Christian congregations who had received the faith from other Christian preachers, and the existence of the Roman church in Paul's day shows that Paul's missionary work was not unique.<sup>30</sup>

In 11:4, 12-15 and 11:22 – 12:10, Paul discusses more extensively the teachers at Corinth whom he charges with preaching another Jesus and another gospel animated by another Spirit, and therefore treats as false apostles. They seek distinction on the world's terms and praise themselves a good deal. Segal seems to bear out that these were Jewish Christians, since he writes: "All opponents boast of the flesh (Phil. 3:3; 2 Cor. 11:18) since they hold their fleshly lives, their superior ritual status in Judaism over the gentile converts".<sup>31</sup> Paul makes his counter-boast in terms of his weakness, sufferings and mystical experiences. The repeated punishments of thirty-nine lashes which he has received (11:24) were probably for offences against the Law caused by not observing the Sabbath and by legal ordinances about food and cultic purity. While Paul worked within synagogal structures whenever he could, his relationship with Gentile Christians would have led him to commit such offences easily. In Harvey's view, the punishment to which Jewish synagogal courts sentenced Christians – and which were a reflection of halakha in the behaviour of the Jews involved – was probably a response to offences against the Law which were the result of Christian self-questionings as to whether they should remain within Judaism or adopt Gentile status: Jewish Christians within a church which had separated from the synagogue might want to recover the more secure civil status which they had enjoyed as

30. Munck, pp. 171, 175; Cerfaux, p. 111; A.E. Harvey, 'Forty Strokes Save One: Social Aspects of Judaizing and Apostasy', in *Alternative Approaches to New Testament Study*, ed. A.E. Harvey (London: SPCK, 1985), p. 83; Hooker, p. 37; C. Hickling, 'On Putting Paul in his Place', in *What about the New Testament? Essays in Honour of Christopher Evans*, ed. M. Hooker & C. Hickling (London: SCM, 1975), pp. 78, 81, 83; Campbell, *Paul: His Faith ...*, pp. 35, 40; Thrall, pp. 166-169; Campbell, 'Paul and the Creation of Christian Identity', p. 8; Sanders, *The Historical Figure of Jesus*, p. 107; W.S. Campbell, *Paul's Gospel in an Intercultural Context: Jew and Gentile in the Letter to the Romans* (Frankfurt-am-Main: Peter Lang, 1992), p. 114.
31. Segal, p. 140; see also Munck, pp. 182, 184; Thrall, p. 170; 'United States Conference of Catholic Bishops-New American Bible-2 Corinthians Chapter 11', online at <http://www.usccb.org/nab/bible/2corinthians/2corinthians11.htm> [15/3/2010].

synagogue members. On the other hand, Harvey's view about the practice of Jewish Christians separating themselves from synagogue worship at such an early date is no means clear-cut: Sanders, for example, believes that neither the Jews who punished Paul nor Paul himself saw Christianity as a religion outside Judaism, although Christian and synagogue meetings were apparently separate from each other. Additionally, Tomson is clear that Paul himself kept up his synagogue attendance and halakhic observance.<sup>32</sup>

The narrative of 12:1-5 refers to Paul's own visionary experience, not to anyone else's; this exposition is part of the "speaking the truth" (12:6) of Paul's counter-boast to the Jewish apostles, which also alludes to the suffering which Paul sees as a mark of the true apostle. The justification for this discussion of visions and revelations in 12:1-10 seems to be that Paul's opponents seem to have drawn attention to themselves by recounting their visions and special revelations. Paul is therefore driven to write of his own mystical experience. The ecstasy – and being physically raised up – which he discusses refer to the first-century Jewish mystical tradition, reflecting both theodicy and the visionary's immortality. Likewise, Paul's prayer over his "thorn in the flesh" (12:7-10) has not only been made three times but seems to imply a greater degree of union with Christ than the usual prayer of petition.<sup>33</sup> Since Paul is "the only first-century Jew to have left confessional reports of mystical experience",<sup>34</sup> the importance for posterity of his having shared his experience, in writing, with the Corinthians is clearly tremendous. This also ties in with 13:4; as Campbell has noted, "Thus Paul professes, whether or not he always lived by it, that his strategy is to stress his own weakness in order for God's power to be manifest through him."<sup>35</sup>

32. Harvey, pp. 82-84; Sanders, *Jesus and Judaism*, p. 282; Hooker, p. 21; Campbell, 'Overview', pp. 8-9; Campbell, *Paul's Gospel in an Intercultural Context*, p. iii; E.P. Sanders, *Paul, the Law and the Jewish People* (Philadelphia, Fortress Press, 1983) quoted in Campbell, *Paul's Gospel in an Intercultural Context*, p. 99; K. Ehrensperger, 'Feminist Interpretation and Pauline Studies since the Advent of the New Perspective', pp. 209-230 of Ph.D. Thesis, University of Wales, 2002, printed in Campbell, *Paul: His Faith*; p. J. Tomson, 'Conclusion: The Nexus of Halakha and Theology', in p. J. Tomson, *Paul and the Jewish Law: Halakha in the Letters of the Apostle to the Gentiles* (Minneapolis, Fortress Press, 1990) Campbell, *Paul: His Faith* p. 260; Campbell, 'Beyond the New Perspective', p. 9.

33. Munck, pp. 35, 186; Thrall, pp. 175-176; Segal, pp. 36, 61; Sanders, *The Historical Figure of Jesus*, p. 62.

34. Segal, p. xi.

35. Campbell, *Paul: His Faith*, p. 73.

In 12:20-21, Paul reminds the Corinthians that anti-social vice as well as sensual vice is unacceptable to Christ. In denouncing the vices of defamation of others and promotion of self, Paul is writing against the continuance of pagan ways in the Corinthian church and, more particularly, against individualist approaches to spirituality in general and Christian freedom in particular. As to sexual sin: though *porneia* in Greek has a wider meaning than 'fornication', it is most likely fornication as we understand it that Paul deplors here.<sup>36</sup> All this is why the boasting in Jewish superiority, mentioned earlier, may be problematic: Paul is seeking to inculcate higher moral standards and a greater awareness of community among converts previously unaccustomed to these.

The importance of 13:3-4 is that it provides a final noteworthy instance of Paul's application to a particular problem, in this case the exhortation to improvement of a sinful church, of a piece of theology. On the one hand, the Christian is sure that s/he shares in God's power; on the other, s/he is aware of personal weakness, which thus serves as a means of demonstrating the power of God in Christ and which serves to show the incorporation of all human life into Christ, whose crucifixion showed weakness but whose risen life shows God's power. The injunction "Greet one another with a holy kiss", which occurs at 13:12 as well as in Romans 16:16, serves to remind the Corinthians that mutuality in Christ is based on God's gifts distributed to different individuals, that all Christians share both in the good news of the gospel and in the work of building up the Kingdom of God, and that Christians are meant to look after each other as brothers and sisters in a relationship which is dynamic and charismatic. The union of believers in different places with each other is made explicit in 13:13, while the final blessing of 13:14, given by Paul to the Corinthians in the name of Christ, serves to show that Christ dwells in his Church, both locally and widely.<sup>37</sup> Before concluding this discussion of how 2 Corinthians is to be read, it may be useful to set in possible opposition Paul's use of material from the Old Testament prophets (on the one hand) and the liturgy (on the other) by way of illustrating the relationship between the local and the universal in the letter as a whole.

36. Dodd, p. 163; Ridderbos, p. 295; Whiteley, p. 213; Segal, p. 170.

37. Ridderbos, pp. 248, 481; Campbell, 'Paul and the Creation of Christian Identity', p. 2; Campbell, *Paul: His Faith*, p. 72.

*Paul's Use of Prophetic and Liturgical Material in 2 Corinthians*

Paul, whose prophetic ministry to the Gentiles evokes Jer 1:7, follows the Old Testament prophets in quoting their sayings, meant primarily for particular historical situations, in 2 Corinthians. He interprets the Old Testament with reference to Christ in, for example, 3:7-18. More particularly, 6:1-2 shows Paul's prophetic side when he quotes Isa 49:8 in support of his own apostolic vocation, which the Corinthian church must accept as being scripturally (and, in particular, prophetically) authenticated.<sup>38</sup> "Paul's presence in Corinth is this grace, offered once and for all, which God foretells in Isaiah."<sup>39</sup> Paul makes the Isaianic quotation his own in stressing the importance of the time of writing 2 Corinthians, in consequence of the new order in Christ – whom Paul sees in 6:16 as fulfilling Ezek 37:27 LXX. Again, the apocalyptic passage within 6:14 – 7:1 seems to be a quotation from elsewhere, most likely from an Essene source now lost. Paul also shows his prophetic role in 6:17-18 by referring to material from Isaiah, Jeremiah and Hosea as well as Ezekiel, and by referring in 10:8 and 13:10 to Jer. 1:10 LXX as justification for his apostolic authority.<sup>40</sup>

On the other hand, Paul also quotes in 2 Corinthians material which is apparently from the liturgy and thus designed for use, not in a single situation but in the continuing worship of the Church (both locally and more widely), and which was already being so used. Thus, in 1:3 and 11:31, "the God and Father of our Lord Jesus" seems to be a phrase taken from the liturgy. Again: Paul's vocabulary in 4:4-6 suggests that he may be referring to a baptismal service as an expression of the mystical identification between the individual and the Lord whose likeness is taken on – this taking-on of Christ's likeness endorses Paul's view in 1 Cor 10:2 that dying and rising with Christ is an ongoing matter, not a single baptismal one. 6:18 seems to have occurred in a pre-Pauline hymn which was a cento of Old Testament material. Furthermore, 13:13 is almost certainly a liturgical fragment which had passed into the oral tradition of the apostolic church.<sup>41</sup> Since – in

38. K Stendahl, 'Call Rather than Conversion', in K. Stendahl, *Paul among Jews and Gentiles* (London: SCM, 1977), p. 7; Ridderbos, p. 244.

39. Cerfaux, pp. 85-86.

40. Thrall, pp. 150-152, 157; Segal, pp. 167-168; Munck, p. 26 n. 2.

41. Whiteley, pp. 109, 121; Segal, p. 62; Hooker, p. 85; J.C. Beker, 'Recasting Pauline Theology: The Coherence-Contingency Scheme as Interpretive Model', in *Pauline Theology, Vol. 1*, ed. J.M. Bassler (Minneapolis: Fortress Press, 1991), p. 19.

terms of the antithesis posited in this essay's title between "timeless theology" and occasional material about particular impermanent issues in particular communities – the liturgy tends more towards the former than towards the latter, It may be argued that Paul's use of the liturgy in 2 Corinthians can be said to provide a counterweight to his prophetic writing, and so to remind us that not all of 2 Corinthians' material is concerned with a particular time and place.

### *Conclusions*

Paul's letters are at once personal and meant to represent his presence, to stand for him before the churches to which they were written. Their function as cornerstones of theology, while very important, came later. In particular, writers on Paul's letters need to be careful not to look at first-century Christianity and first-century ideas of belonging to a religion in modern Western terms. For example, it does not follow that one could fall out of a more firmly-defined Jewish community in the same way that one could fall out of a Catholic or Protestant worshipping community nowadays.<sup>42</sup>

Letters are, of their nature, to do with specific situations. It is thus of first importance to remember that each of Paul's letters was written to a specified church, at a definite point in its early history, about particular questions, problematic to it. In 2 Corinthians, the disciplinary offender, and the rival apostles to Paul, come to mind at once as examples. In answering the questions raised by these situations, Paul reverts to "the theological principles which provide the basis of the Christian life, which means that we find theological gems – succinct statements of belief – scattered throughout the epistles. As Campbell has written: "Paul's letters, however, were specifically targeted to problems in a particular church at a specific time in its history; the statements they contain are specific to the churches addressed and Paul's exhortations cannot be interpreted apart from their original context without the risk of considerable distortion."<sup>43</sup> A point of first importance is that Paul is thus writing applied theology. Paul thrives on relating theology to specific incidents very much of their time and place and so uses theology to deal with the difficulties his churches encounter. This is why,

42. Campbell, 'Overview', p. 2; Campbell, *Paul: His Faith*, pp. 17, 40; Harvey, p. 79.

43. Campbell, *Paul: His Faith*, p. 41. See also *ibid.*, p. 15; Hooker, p. 28.

in J.C. Beker's view, Paul "is best described as a hermeneutical theologian".<sup>44</sup> N.A. Dahl amplifies this way of thinking: "To the apostle himself, letters to particular churches written on special occasions were the proper literary form for making theological statements",<sup>45</sup> since Paul's aims were to teach and to instruct the letters' recipients to set right matters of belief and of church discipline. This emphasis on the pastoral nature of Paul's theology as expressed in letters does not make the letters ephemeral. For the letters do not just deal with particular issues: they deal with particular issues in the light of the accomplishment of humankind's eternal redemption by the crucified, risen and eternally reigning Christ. As David Tracy has observed, "Paul's renderings of the common gospel in the genre of letter and the conceptual terms appropriate to a profoundly dialectical theology of the cross has rightly been central to many Christians from Luther to Moltmann and Juengel".<sup>46</sup> Also, viewing Paul's letters as addressed to particular churches with particular questions points up the social and political, as well as the religious, context of Paul's work and thinking.<sup>47</sup>

More particularly, one could argue that 2 Corinthians, or at least 1 – 9, is situational in that Paul's annoyance with the Corinthians would have been unbecomingly manifest if he had come to see them before the question of an act of indiscipline had been resolved (1:23; 2:4). Also: whereas the Thessalonian church seems to have had only a fairly basic understanding of its religion, the Corinthian church seems to have taken Paul's preaching as a starting-point rather than as a summary and to have made the preaching a basis for developments of their church's own.<sup>48</sup> So, "precisely because he faced so many and such disparate difficulties in Corinth, Paul was forced here to reinscribe the contours of the Christian community in both theoretical and practical terms".<sup>49</sup> Indeed,

44. Campbell, 'Overview', p. 3.

45. N.A. Dahl, 'The Particularity of the Pauline Epistles as a Problem in the Ancient Church', in *Neotestamentica et Patristica: Eine Freundaussgabe O. Cullmann zu seinem 60. Geburtstag Ueberreicht* (Leiden: Suppl. Nov. T., 1963), p. 271.

46. D. Tracy, 'A Plurality of Readers and a Possibility of a Shared Vision', in *Concilium 1991/1. The Bible and Its Readers*, ed. W. Beuken, S. Freyne & A. Weiler (London: SCM, and Philadelphia: Trinity Press International, 1991), p. 121.

47. Ehrensperger p. 8, in Campbell, *Paul: His Faith*.

48. Thrall, pp. 126-127; Ehrman, p. 273.

49. J.M.G. Barclay, 'Matching Theory and Practice: Josephus's Constitutional Ideal and Paul's Strategy in Corinth', in *Paul Beyond the Judaism/Hellenism Divide*, ed. T. Engberg-Pedersen (Louisville: Westminster John Knox Press, 2001), p. 139.

Paul has to go back to first principles in 1 and 2 Corinthians so often that we can begin to ascertain his priorities in creating and sustaining a local church.<sup>50</sup> Barclay well describes the relationship between the particular and the general in this aspect of Paul's writing: "Thus, although some of the issues addressed in these letters [1 and 2 Corinthians] may be peculiar to the Corinthian church, the principles with which Paul responds are more general than the case to which he applies them. Hence these letters provide a rich insight into Paul's social and symbolic construction of a Christian community (in theological terms, his ecclesiology)."<sup>51</sup>

It seems that Paul's letters soon became treated as if written to the whole church and as if written to cover all situations. The textual removal of the geographical destinations of Romans and 1 Corinthians (also Ephesians) in some manuscripts signifies wider use among the churches and indicates that the particularity of these letters was seen as problematic about the year 100, in the interval between the letters' beginning to circulate among the churches and their coming to be seen as works of dogmatic and systematic theology written by one whom the increasingly Gentile church came to see as increasingly separated from Judaism. If this separation is made, the real Paul is lost and falsification results. Paul's real significance here is that he employs both Greek styles of rhetoric and Jewish styles of scripture commentary. However, this does not make him unique (neither does it allow us to designate Hellenism historically as a set body of thought). Rather, we can see this combination of styles by Paul as signifying how Judaism adapted itself to the wider world of the first century and – in 2 Corinthians' case – how Paul used this blend of styles to deal with tensions in the Corinthian church at a time when tensions in the church were in fact tensions within Judaism. It is, furthermore, false to say that we can only show up the catholicity of the Pauline corpus by playing down the letters' particularity. For Paul's letters are not ordered theological tractates; while the letter which best approximates to one is Romans, even there Paul's priority is to answer specific questions arising from church life.<sup>52</sup>

50. Barclay, pp. 139-140.

51. Barclay, p. 140.

52. Dahl, pp. 266-271; Campbell, *Paul: His Faith*, p. 83; Campbell, 'Beyond the New Perspective', p. 4; Meeks, pp. 25-27; Campbell, 'Overview', p. 2; Campbell, 'Paul and the Creation of Christian Identity', p. 7; Hooker, pp. 28-29.

So the particularity of Paul's letters in terms of addressee churches, time and subject-matter is of primary importance. While this raises the question of the universal element in interpreting Paul, one way to do justice to both is to ask oneself anew where the centre of Paul's thought lies. "But", as Campbell writes, "perhaps there is no specific centre, except faith in Christ, reapplied afresh in each new situation, in a new framework". This view is strengthened by 1:12-22's application of eternal truths to a specific, impermanent situation and not vice versa (as found in 1:23 – 2:4). It is likewise reinforced by 13:14's demonstration that Christ's presence in his Church is universal as well as local. Since all Christians are called to faith, including each local church, such reapplication is both local and universal in scope within the one Church which Paul refers to as Christ's Body universally as well as in any one place.<sup>53</sup>

53. Campbell, *Paul: His Faith*, p. 71. See also N. Paxton, 'The Church as Body of Christ according to St Paul', in *Vision of Church 2000: Essays in Memory of Cardinal Henri de Lubac SJ*, ed. N. Paxton (Salford: St Philip's University Press, 1994), pp. 91-105.



# **Oration: Respect for Human Dignity and the Law**

Prof. Kevin Aquilina

## **1. *Introduction***

When I came to choose the topic of this oration I was advised to select a theme which would be relevant to an audience of law and theology graduands. Of course, there are diverse aspects where law and theology converge. I still remember those days where as a law student I studied Philosophy of Law and came across the great contribution which theologians such as St. Augustine of Hippo and St. Thomas Aquinas gave to the development of the law. So the topic of this oration contains both theological and legal elements: it concerns respect for human dignity and the law. There is no doubt that the Catholic Church's teachings on human dignity have been a catalyst for the development of the law in this area. In this Oration, I will reflect upon two main points: the contribution of the Catholic Church's myriad teachings on human dignity and how the latter concept has been adopted as an essential feature of the law – whether national, regional or international.

## **2. *The Catholic Church's Teachings on Human Dignity***

The starting point in Church doctrine - *The Holy Bible* – makes reference, albeit scarce, to respect for human dignity. Multiple other Catholic Church documents refer also to this notion. The concept of human dignity is also referred to, even if more explicitly and extensively, in the Church's magisterium be it in the Conciliar Documents of the Second Vatican Council, the encyclicals which preceded or followed that Council such as *Rerum Novarum*, *Pacem in Terris* and *Evangelium Vitae*, the Instructions issued by the Congregation for the Doctrine of the Faith such as *Dignitas Personae* and *Donum Vitae* and the Catechism of the Catholic Church not to mention the writings of eminent theologians who have expanded on this theme. I will thus briefly attempt to set out here the main points made in this vast literature.

## 2.1. *The Holy Bible: The Old and The New Testaments*

### 2.1.1. *The Old Testament*

The Holy Bible, in the Old Testament, contains only a handful of references to human dignity (e.g. Habakkuk, chapter 1, verse 7; Ester, chapter 6, verse 3; and Proverbs chapter 31, line 25). The most quoted passages in the *Holy Bible* ascribing dignity to humanity are a few verses in the book of *Genesis* which – although not expressly using the term ‘dignity’ – make implicit reference thereto. These are:

- Chapter 5, line 1: ‘This is the book of the generations of Adam. When God created man, he made him in the likeness of God.’
- Chapter 1, verses 26-27: ‘Then God said, “Let us make man in our image, after our likeness”... So God created man in his own image, in the image of God he created him; male and female he created them.’
- Chapter 9, line 6: ‘Whoever sheds the blood of man, by man shall his blood be shed; for God made man in his own image.’ These words are echoed in Christ’s words in *Matthew*, chapter 26, verse 52: ‘Put your sword back into its place; for all who take the sword will perish by the sword.’

### 2.1.2. *The New Testament*

Contrary to the *Old Testament*, the term ‘dignity’ is not used at all in the New Testament. However we do find two references to man being in the likeness of God in the second letter to the *Corinthians* (Chapter 4, verse 2) and in the letter to the *Ephesians* (Chapter 4, verse 24).

In essence, man’s and woman’s dignity in the Holy Bible derives from humankind’s likeness to the image of the Creator. Men and women are a superior being to all the other creatures which God created. It is this characteristic of humankind – that all human beings are made in the image of God – that gives them their dignity and makes their relationship with God a special one. Furthermore, God’s Son, Jesus Christ, chose to take a human form in order to redeem humanity from sin. As John puts it (Jn 1: 1-2): ‘Before the world was, the Word was. The Word was sharing in God, and the Word was God. He then was with God at the beginning.’ The Word Incarnate is Jesus Christ. As the theologian

Bernard Häring opines: 'The person created in the Word is gifted by the Word. He remains in the Word who shares with the Father and he cannot exist one moment without that Word. It is in and through him that man comes to selfhood and comes also to the consciousness that others, too, have a selfhood, have the same dignity, and are called to share in the same freedom. It is thus that man is an image of God, *imago Dei*.' (Bernard Häring, *Free and Faithful In Christ: Moral Theology for Priests and Laity*, Volume I: 'General Moral Theology, Middlegreen: St Paul Publications, 1978, p. 107). In the Dogmatic Constitution on Divine Revelation (*Dei Verbum*), paragraph 4, we read that: 'For he sent his Son, the eternal Word who enlightens all men, to dwell among men and to tell them about the inner life of God. Hence, Jesus Christ, sent as a "man among men," "speaks the words of God" (Jn 3:34)...'.

## ***2.2. The Catholic Church's Magisterium***

All the Catholic Church's magisterium which follows in time the Holy Bible articulates upon the notion of human dignity. For instance, The Pastoral Constitution on the Church in the Modern World (*Gaudium et Spes*), is one of the Second Vatican Council's documents which contains various references to the notion of respect for human dignity. In Part One, Chapter 1, entitled 'The Dignity of the Human Person', the Pastoral Constitution observes that man's 'very dignity therefore requires that he should glorify God in his body, and not allow it to serve the evil inclinations of his heart.' As humanity shares in the light of the divine mind, humankind's intellect distinguishes him and enables humanity to surpass other worldly beings. Such 'intellectual nature of man finds at last its perfection, as it should be, in wisdom, which gently draws the human mind to look for and to love what is true and good.' Humanity, in its conscience, discovers a law which must be obeyed even if not enacted by it because human dignity lies in its observance and it is by this law that human actions will be judged. However, 'it often happens that conscience goes astray through ignorance which it is unable to avoid, without thereby losing its dignity.' It is in freedom that humanity can turn itself towards what is good. So 'Man's dignity therefore requires him to act out of conscious and free choice, as moved and drawn in a personal way from within, and not by blind impulses in himself or by mere external constraint. Man gains such dignity when, ridding himself of all slavery to the passions, he presses forward towards his goals by freely choosing what is good, and, by his diligence and skill, effectively secures for himself the means suited to this end.' This is because humanity bears in itself the seal of eternity.

*Gadium et Spes* further provides that 'The dignity of man rests above all on the fact that he is called to communion with God. The invitation to converse with God is addressed to man as soon as he comes into being. For if man exists it is because God has created him through love, and through love continues to hold him in existence. He cannot live fully according to truth unless he freely acknowledges that love and entrusts himself to his creator.' In a nutshell, therefore, the right for respect of human dignity flows from the creation of humankind and precedes society: the latter must indeed recognise such right.

Finally, reference has to be made to Pope John XXIII's encyclical *Pacem in Terris*. According to one admirer of the saintly Pope who reshaped Catholicism not only through calling the Second Vatican Council but also by appointing a Commission to reform the Code of Canon Law, notwithstanding his short papacy, Archbishop Paul Cremona O.P., (*The Concept of Peace in Pope John XXIII*, Dominican Publications, 1988, p. 59) states that 'The price which Christ has paid to redeem mankind – His own Blood – has a most important place in Pope John's exposition of Truth and Man. By Our Lord's Blood, man has not only regained the dignity lost in sin, but this dignity has been enormously increased in Christ. The dignity of humanity is now valued by the Blood of Christ. And this same dignity does not appertain only to mankind as a collectivity, but also to each man taken singly, irrespective of the particular situations he may find himself in.'

### 3. *Human Dignity and the Law*

Whilst the Catholic teaching provides a compelling background upon which to base the notion of respect for human dignity, it is not necessarily the case that this teaching is always applicable throughout the law. For when one compares the various extant legal systems, one observes that there is no unanimity amongst legislators and jurists as how to define or understand 'human dignity' even if this term has primarily gained currency in legal jargon with the advent of human rights and fundamental freedoms instruments. Indeed, although the term is used in various national, regional and international laws, 'human dignity' remains largely undefined in these national laws and international instruments and, probably, should an attempt be made to define it, it might not necessarily muster universal acceptance. It seems that the first person who attempted to articulate the meaning of human dignity was Pico Della Mirandola who wrote in the 15<sup>th</sup> century an *Oration on the Dignity of Man*, in which he discussed

the relationship of God to man and the strong ties that bind them together. He emphasised that man is given freedom of choice and dignity by God to behave in whatever ways man chooses. But it is only through imitating the angels that man attains his glory and dignity. However, although he mentions dignity only twice in his Oration, he did not eventually explicitly define it.

### ***3.1. Legal Definition of Human Dignity***

Time does not permit a detailed engagement with the etymology of 'dignity' but suffice to say that some attempts have been made to define this term. For instance, Black's *Law Dictionary* gives 'dignity' four meaningful attributes:

- 1 the state of being noble; the state of being dignified.
- 2 an elevated title or position.
- 3 a person holding an elevated title; a dignitary.
- 4 a right to hold a title of nobility, which may be hereditary or for life.

Noticeable in this definition is an expansion of the meaning of the term beyond dignity and nobility of humankind as understood in the religious teaching of the Catholic Church.

I define 'human dignity' as 'respect owed to a human being by virtue of being human'. This is a short definition, but clear and straight to the point, and one which hopefully might attract consensus as to its formulation. I do nevertheless understand that this definition undoubtedly raises various difficulties in its interpretation. For instance, in applying this definition the immediate question which arises is: who should be worthy to deserve such respect? Should all categories of human beings be included, whether they are slaves or coloured people, persons holding different religions, sane or mentally ill, able bodied persons or persons with a disability, debtors or creditors, criminals or autocrats, etc.? I want to argue that this definition should be all inclusive even if the annals of history are replete with diverse instances where human dignity has been trampled upon. Humanity still recalls apartheid in South Africa, the holocaust perpetrated by the Nazis, the crimes of slavery, genocide, war crimes, crimes against humanity, crimes against the peace, trafficking in persons, trafficking in bodily organs, engaging children soldiers, etc. Another difficulty with applying this definition derives from the most pressing contemporary issues of biolaw. Should embryos and fetuses from the very first moment of conception enjoy such respect? Are

they entitled to respect for human dignity? The above-cited documents of the Catholic Church would answer these questions in the affirmative but one must acknowledge that there are diverse views on these points from a philosophical, theological and legal viewpoint. Take the case of those laws which admit of euthanasia, assisted suicide, abortion and inequality in all its various forms. To which philosophical aspect of the notion of respect for human dignity are the latter laws appealing to? Surely this is not the Catholic understanding of human dignity. So although a definition may be attempted of the term 'human dignity' it cannot be said that it will be devoid of controversy and that it will end up mustering universal recognition and acceptance.

### **3.2. *National Law***

States make continuous reference to human dignity in their legislation. Malta is no exception. This is because the notion of human dignity has been acclaimed in regional and international law and hence these laws are in turn transposed or incorporated into municipal law. But there are also other instances where national law is not influenced by regional or international law when legislating the notion of respect for human dignity in state law.

The Maltese Constitution does neither refer explicitly to, nor define human dignity. There are nevertheless several laws obtaining in Malta which refer to human dignity explicitly without however defining it. Such is the case of the following:

- The Malta Communications Authority Act whereby the Malta Communications Authority's functions comprise 'the protection of morals and respect for the dignity of the human person' (Malta Communications Authority Act, article 4(1)(a)(v)).
- The Press Act which grants a right of reply to any person whose dignity has been attacked in the media (Press Act, article 21(1)).
- The Code of Organization and Civil Procedure refers to the need to treat persons, including debtors, with dignity (Code of Organization and Civil Procedure, article 289(1)).
- The Criminal Code prohibits attacks on the dignity of state officials or agents of international organisations. It is an offence against children's dignity to ill-treat them (Criminal Code, articles 5(3)(b) and 247A(2)).
- The Commissioner for Children Act which directs the Commissioner for

Children to be guided by the principle that ‘all children are to be treated with dignity, respect and fairness’ (Commissioner for Children Act, article 10(b)).

On a comparative basis, at the national level, Article 1 (1) of the German Basic Law – the German Federal Constitution – contains an explicit reference to the concept of dignity wherein it is provided as follows: ‘Human dignity is inviolable. All public authorities have a duty to respect and protect it...’

### ***3.3. Regional Law***

At the European level, I refer you to the European Union and the Council of Europe.

#### ***3.3.1. European Union***

The very first article of the Charter of Fundamental Rights of the European Union is entitled ‘Human Dignity’ and reads as follows: ‘Human dignity is inviolable. It must be respected and protected.’ Human dignity is also referred to in the Charter’s Preamble. The Note from the Praesidium explains this article as follows: ‘The dignity of the human person is not only a fundamental right in itself but constitutes the real basis of fundamental rights... it results that none of the rights laid down in this Charter may be used to harm the dignity of another person, and that the dignity of the human person is part of the substance of the rights laid down in this Charter. It must therefore be respected, even when a right is restricted.’

The defunct Draft Treaty Establishing a Constitution for Europe 2003 provides in Article 2 the EU’s values as follows: ‘The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights. These values are common to the Member States in a society of pluralism, tolerance, justice, solidarity and non-discrimination.’ It incorporated the aforesaid Charter of Fundamental Rights within its text and contained a further reference in Article III-193 to the EU’s external relations which ‘on the international scene shall be guided by, and designed to advance in the wider world, the principles which have inspired its own creation, development and enlargement: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, equality

and solidarity, and for international law in accordance with the principles of the United Nations Charter.’

The Treaty of Lisbon 2007 recognises this right of human dignity enunciated in Article 2 of the Draft EU Constitution in Article 1a thereof whilst Article 10A of the Lisbon Treaty incorporates the text of Article III-193 of the Draft Constitution. Once the Lisbon Treaty is in force, the Charter of Fundamental Rights will achieve a legally binding status. So not only will human dignity be elevated into a legally enforceable fundamental right but, within the Lisbon Treaty’s hierarchy of rights, it is superior to human rights and fundamental freedoms who owe their origin and existence to the dignity of the human person.

These EU instruments are also supplemented by directives and recommendations which refer to human dignity as well such as:

- Article 12(a) of Council Directive 89/552/EEC of 3 October 1989 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (the Television Without Frontiers Directive – TWDF) which from 19 December 2009 will be substituted by the Audiovisual Media Services Directive, Directive 2007/65/EC (AVMSD). The TWFD prohibits television advertising and teleshopping which prejudices ‘respect for human dignity’ whilst the AVMSD prohibits ‘violations of human dignity concerning individual persons’ in the case of ‘on-demand audiovisual services’ and ‘audiovisual commercial communications’ are also prohibited if they ‘prejudice respect for human dignity’.
- Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers. This latter directive promotes in its Preamble the application of the EU Charter of Fundamental Rights and requires Member States to ‘ensure full respect for human dignity’.
- Recommendation 2006/952/EC of the European Parliament and of the Council of 20 December 2006 on the protection of minors and human dignity and on the right of reply in relation to the competitiveness of the European audiovisual and on-line information services industry (and its predecessor Recommendation 98/560/EC). This Recommendation encourages EU Member States to protect human dignity in audiovisual and on-line media.

The Case Law of the European Court of Justice also needs to be borne in mind.

For instance in Case C-36/02, the Court stated that ‘Community law does not preclude an economic activity consisting of the commercial exploitation of games simulating acts of homicide from being made subject to a national prohibition measure adopted on grounds of protecting public policy by reason of the fact that that activity is an affront to human dignity.’ In Case C-377/98, the Court held that: ‘It is for the Court of Justice, in its review of the compatibility of acts of the institutions with the general principles of Community law, to ensure that the fundamental right to human dignity and integrity is observed.’

### 3.3.2. *Council of Europe*

The notion of human dignity has been fundamental in justifying a number of important judgments of the European Court of Human Rights. Consider for instance the following cases: *Pretty v the United Kingdom*, *Christine Goodwin v the United Kingdom*, *Valasinas v Lithuania*, *Yankov v Bulgaria*, *Kokkinakis v. Greece*, *Saunders v the United Kingdom* and *Keenan v the United Kingdom*, and the dissenting opinion of Judges Spielmann and Jebens in the *Case of Vereinigung Bildender Künstler v. Austria*, the latter decided by the European Court of Human Rights on 25 January 2007. The common denominator of the latter judgment is that: ‘...the concept of dignity prevails throughout the European Convention on Human Rights, even if it is not expressly mentioned in the text of the Convention... [t]he very essence of the Convention is respect for human dignity and human freedom.’

As E. Decaux (‘Dignité et universalité’, in S. Marcus Helmons (ed.), *Dignité humaine et hiérarchie des valeurs. Les limites irréductibles*, Brussels, Academia-Bruylant, Bruylant, 1999, p. 164) has stated, dignity and universality are indissociable because the foundation of human rights cannot be anything other than the ‘equal dignity’ of all human beings.

Moreover, the Convention for the Protection of Human Rights and Dignity of the Human Being with regard to the Application of Biology and Medicine: Convention on Human Rights and Biomedicine, 1997, provides in Article 1 that: ‘Parties to this Convention shall protect the dignity and identity of all human beings and guarantee everyone, without discrimination, respect for their integrity and other rights and fundamental freedoms with regard to the application of biology and medicine. Each Party shall take in its internal law the necessary measures to give effect to the provisions of this Convention.’

### ***3.4. International Law***

In addition to regional and national law, international law is replete with references to human dignity. Such is the case of the Universal Declaration of Human Rights, 1948, which contains references to dignity in the first recital of its Preamble and in Articles 1, 22 and 23. How can we ever forget the very first paragraph of the Universal Declaration of Human Rights, that soft law document which is considered to be the harbinger of our human rights law? It reads as follows: 'All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.' Words which undoubtedly echo the Church's teachings on the subject referred to above.

The concept is also referred to in the Preamble to the Charter of the United Nations, 1945 and in both the Preambles of the United Nations Covenants, 1966 as well as in Article 10 of the International Covenant on Civil and Political Rights and Article 13 of the International Covenant on Economic, Social and Cultural Rights.

### **4. Conclusion**

I hope I have illustrated well that the concept of human dignity is central to both theological and legal canons and that the currency of the term is bound to increase. Yet, there is no passage in the Bible or in the Church's Magisterium which explicitly defines the expression 'human dignity' notwithstanding its use or allusions thereto. Indeed, the Church does not define 'human dignity' except in an indirect manner. The same can be said with regard to law. Our Constitution does not use this concept let alone define it. Whilst the notion of respect for human dignity is used, as seen above, in various laws – national, regional and international – the concept nevertheless remains largely undefined. This is perhaps because human dignity has been in time considered more of a theological and philosophical term and it appears that it is only after the Second World War that it has begun to gain legal recognition and status. However, given that today the term has made its way successfully into legal instruments and case law and even in the Church's Magisterium, the time has come to develop a clear and comprehensive definition of the term that would attract consensus at a national, regional and international level. Such a concept and definition should be included in our fundamental law, the Constitution of Malta,

as the Germans have already done quite some time ago; and the EU will soon be including this concept in the Lisbon Treaty when it enters into force even if, though binding, it will not be defined in the Treaty. In my opinion, the key to succeeding in doing this is to ground our inclusive understanding of human dignity on a synergy of teachings of the Catholic Church and the evolution of human rights standards and norms. Let a concerted effort of vesting human dignity with a generally agreed meaning begin, so that respect for it can be fully achieved in the fullness of time.

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