

# HUMAN RIGHTS IN A THEOLOGICAL PERSPECTIVE

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*The Universal Declaration of Human Rights* made no reference to God purposely to enable Governments, embracing different political ideologies and representing peoples with a different religious background, to reach a common understanding of the dignity and rights of man.<sup>(1)</sup> Reaffirmation of “faith in fundamental human rights, in the dignity and worth of the human person, in the equal dignity of men and women and of nations large and small”<sup>(2)</sup> seemed to have required no metaphysical or religious anchorage. It could be expressed more or less as a self-evident truth for which no further motivation was needed than that respect for human rights was an essential condition “to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.”<sup>(3)</sup>

*The Universal Declaration of Human Rights* proves that in spite of ideological and religious differences the nations of the world have been able to agree on the essential principles for the maintenance of peace on the national and international level. The Declaration provides the general theoretical framework within which individuals and groups, including churches, can make their own specific contribution for the defence and promotion of human right.<sup>(4)</sup>

One of the main tasks of theology is precisely to define as clearly as possible how faith in the God of Jesus Christ stands in relation to the

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1. Cf. Jacques Maritain, “On the Philosophy of Human Rights”, *Unesco Bulletin*, vol. IV (1985), *Human Rights Teaching*, 5–7, p. 5; reprinted from *Human Rights Comments and Interpretations*, a symposium edited by Unesco (London, Allan Wingate, 1949).

2. United Nations Charter reproduced in part in Ian Brownlie, *Basic Documents on Human Rights* (2nd. ed., Oxford, 1981), 3–14, p. 3; also *Preamble to the Universal Declaration of Human Rights*.

3. United Nations Charter, Ian Brownlie, *op.cit.*, p. 3.

4. This point is clearly stated in *The Universal Declaration of Human Rights*: “The General Assembly proclaims this Universal Declaration of human rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration in mind, shall strive by teaching and education to promote respect for these rights and freedoms. . .”

contemporary view of human rights. Theologians have rightly noted that mere repetition of what Scripture and Tradition say on the subject is not enough, for their view differs from ours in various ways, as one can see, for example, from their position on slavery and religious freedom.

Accordingly, the Bible and Tradition have to be used critically. The Old and New Testament have something indispensable to say on man and his rights but they do so in an indirect way.<sup>5</sup> In fact, the Biblical message was understood and applied, partly at least, in accordance with the concept of man and society current at the time. The interpretation which the Christian community has made of the Biblical message in the course of history is also somehow conditioned by man's changing view of himself and the world.<sup>6</sup> Both the Bible and Tradition, need re-interpretation to become relevant to the problem of human rights, as it is posed today.

The modern way of posing the problem of human rights is new in one very important respect. In pre-modern times it was the *nature of society*, conceived as a pre-given reality, which determined the respective rights and privileges of the individual. Subordination of the slave to the master, the female to the male, the subject to the prince was regarded by and large as an essential part of the unchanging structure of society. The inequalities, arising out of such subordination, had to be accepted and borne with patience as something necessary to ensure unity of the social organism. Today, man has become conscious of his freedom to change society in order to allow everyone, without discrimination, to participate in all spheres of social life. It is not the person that has to adapt himself to the social system, but the social system has to adapt itself to the person. Man is free to change the society in which he is living, because there is nothing sacred and un-

5. Cf. Barnabas Mary Ahern, O.P., "Biblical Doctrine on the Rights and Duties of Man", *Gregorianum*, (65/2-3 (1984), 301-317, pp. 301-2; Pierre Daubercies and Charles Lefèvre, *Le Respect et la Liberté: Droits de l'Homme, Raison et Foi* (Rome, 1985), pp. 31-59; Claus Westermann, "Das Alte Testament und die Menschenrechte", in *Zum Thema Menschenrechte: Theologische Versuche und Entwürfe* ed. by Jörg Baur (Stuttgart, 1977), 5-18; Ulrich Luck, "Neutestamentliche Perspektiven zu den Menschenrechten", in J. Baur, *op.cit.*, 19-38.

6. On human rights in the Christian tradition cf. Martin Brecht, "Die Menschenrechte in der Geschichte der Kirche" in J. Baur, *op.cit.*, 39-96; Paulus Engelhardt, "Was kann die Ethik des Thomas von Aquin zur kritischen Klärung und zur Begründung der Menschenrechte beitragen?" in *Modernes Freiheitsethos und christlicher Glaube; Beiträge zur juristischen, philosophischen und theologischen Bestimmungen der Menschenrechte* ed. by Johannes Schwartländer (Munich, 1981), 138-164; Leo Moulin, "Christliche Quellen der Erklärung der Menschenrechte" in *Menschenrechte und Menschenwürde: Historische Voraussetzungen säkulare Gestalt - christliches Verständnis* ed. by Ernst-Wolfgang Böckenförde and Robert Spaemann (Stuttgart, 1987), 16-30; Karl-Wilhelm Merks, "Zur theologischen Grundlegung der Menschenrechte in der Perspektive des Thomas von Aquin" in Schwartländer, *op.cit.*, 165-187.

touchable about the inequalities which have been coming down from one generation to another.<sup>(7)</sup>

Some Theologians have focused on the significance of the new awareness of human freedom, that is the freedom to change, where necessary, the social order, for the modern view of human rights and for an updated understanding of Scripture and Tradition.<sup>(8)</sup> Others have seen not only freedom but also equality and participation as the principal characteristic of the modern concept of human rights and have, therefore, proceeded to examine the bearing of the Christian faith on all of these three realities in their attempt to construct a theology of human rights.<sup>(9)</sup> The problem as to whether there is only one or more basic elements (*Sachmomente*), as Huber and Tödt call them, in all human rights is certainly interesting to discuss but it is not necessary to do so in this context.<sup>(10)</sup>

Theologians have also sought to contribute toward the study of human rights by showing what the Christian faith has to say regarding the foundation or justification of human rights.<sup>(11)</sup> Since the formulation of the *Universal Declaration of Human Rights*, the problem about the basis of human rights has become especially important. As Jacques Maritain had already noted in his initial observations on the matter, the nations of the world succeeded in coming to an agreement on the need in practice to defend and promote the dignity and rights of man, even though they disagreed everytime the question "why human dignity and rights have to be recognized and protected was raised."<sup>(12)</sup> Neither philosophy nor theology, however, should dismiss the issue as unimportant, for it is a very significant theoretical problem with decisive implications on the concrete level. Again this question will not be discussed here, although it will come in as a secondary question in the course of the present observations.

The present theological reflection on human rights focuses on the pattern which may be discerned behind the historical evolution of human

7. On the evolution of the notion of human rights cf. Wilhelm Ernst, "Ursprung und Entwicklung der Menschenrechte in Geschichte und Gegenwart", *Gregorianum*, 65/2-3 (1984), 231-270.

8. Cf. Gerhard Luf, "Der Begriff der Freiheit als Grundlage der Menschenrechte in ihrem christlich-theologischen Verständnis" in Böckenförde and Spaemann, *op.cit.* 119-137; Walter Kasper, "Theologische Bestimmung der Menschenrechte im neuzeitlichen Bewußtsein von Freiheit und Geschichte" in Schwartländer, *op.cit.*, 285-302.

9. Cf. Wolfgang Huber and Heinz Eduard Tödt, *Menschenrechte: Perspektiven einer menschlichen Welt* (2nd ed., Stuttgart, 1978).

10. *ibid.*, 88-96.

11. For a critical review of this question see especially Huber and Tödt, *op.cit.*, pp. 64-73; Jürgen Moltmann, *On Human Dignity; Political Theology and Ethics* (London, 1984), pp. 3-35; Franz Böckle, "Theonomie Autonomie in der Begründung der Menschenrechte", in J. Schwartländer, *op.cit.*, 303-321.

12. See above n. 1.

rights. The pattern involves both affirmation and negation of human rights. These constitute the positive and negative side of the history of human rights. The Christian faith has certainly something valuable to say about these two aspects.<sup>(13)</sup> But history is a dynamic reality and so it moves as a process embracing both the positive and negative side. The history of human rights, therefore has to be seen and interpreted, philosophically and theologically, as a continuous tension between affirmation and violation.<sup>(14)</sup>

The point of departure for the present theological reflection may be called the “secular faith” in the dignity and rights of man. *The Universal Declaration of Human Rights* proceeds to articulate the various human rights on the basis of a confession of faith it makes in its preamble. It confesses faith in human dignity and worth. In other words, it affirms trust in the possibility of a meaningful history. Even though the history of mankind has been a history of violations of human rights, sometimes on a massive scale as was the case in the two world wars taking place in the first half of this century, there is still the chance of checking such violations as far as possible. This has been the faith which the countries signing the *Universal Declaration of Human Rights* have professed. It is basically faith as trust in the meaning of history, in man’s ability to make history different from what it has been in the past. It is true that even at the very time in which this act of faith was being made certain people were being deprived of their fundamental rights. The right of nations to govern themselves and determine their own future was clearly asserted while Germany was divided up and denied such a right and the Palestinians were made to leave the land they had been occupying for hundreds of years. The act of faith, made right after World War II, had the marks of everything which man does. It was imperfect, fragile and corruptible. Yet, it was a public gesture denoting that life was still worth living in spite of the suffering which man had caused to man.

In my opinion, theology should try, in the first place, to examine the basic features of the modern act of faith in human rights as it results from such documents as the *Universal Declaration of Human Rights*. Of course, theology is based on faith in the God of Jesus Christ. But it assumes the secular faith in the meaningfulness of history, in man’s possibility to acknowledge and promote the good of the human being on the individual and collective level. Between religious and secular faith there is a reciprocal relationship.<sup>(15)</sup> Faith in God can be said to shed further light on the secular

13. See below under sub-headings: “The Promotion of Human Rights” and “The Violation of Human Rights”.

14. See below under sub-heading “The Realization of Human Rights”.

15. Classical theology spoke of the relation between “reason” and “revelation”, “nature” and “grace”. Contemporary theology prefers to speak of “human experience” and “culture”

faith in man's dignity and rights. The trust which man places in a life for the promotion of human rights is strengthened and deepened when experienced as an essential part of that trust which man places in God, the Creator and Redeemer. Similarly, the loyalty which man shows to the human rights' cause receives a new dimension when exercised as the other side of his loyalty to God. The secular faith in the intrinsic dignity and worth of the human person, however, provides the Christian community with new possibilities of understanding and putting into practice the deeper implications of the Word of God, because it (i.e. secular faith) is a developing reality. The present emphasis on everyone's right to freedom, equality and participation, and on the international dimension of the human rights' question is not without significance from a theological point of view.

The relationship between the Christian and the secular faith will here be explained with the help of the notion of story.<sup>16</sup> The Christian faith is originally expressed in a narrative form. It is the story which the Christian community narrates, as a believing community, of its experience as part of the human race. The experience which is narrated is essentially the experience which man makes of himself, others and the world throughout history. Exodus and the Cross, to take the two major biblical events, refer to events taking part in secular history. They recall how faith in the God of Abraham, Isaac and Jacob and finally, faith in the God of Jesus Christ re-interpretes and narrates the story of a people struggling to liberate itself from the oppression of another and of a man in whom God revealed Himself fully, died for those who crucified Him.

The secular faith in man's dignity and worth has also its own story. It is the story of mankind passing through the painful experience of the negation and violation of legitimate rights to the new experience of the recognition and reaffirmation of such rights. The story of the Christian faith is essentially a reinterpretation of the story of the secular faith in human rights.

The stories of the Christian and the secular faith, though not in place of "reason" and "nature", even though the new terminology is not altogether unambiguous. Following Helmut Richard Niebuhr (*Radical Monotheism and Western Culture*, Harper Torchbooks ed., New York, 1970), I am drawing attention to the *faith* implied in the secular movement for human rights. Niebuhr would have certainly emphasized the tendency of secular faith to keep man enclosed within himself and the group, thus showing its sinful character. When saying that secular faith, rightly understood and practised, is already implicitly Christian, given its presupposition that the human person is transcendent, because he cannot and should not be entirely defined in terms of his place of origin, race, sex, religion and other conditioning factors, I am relying on a fundamental principle of Catholic theology, namely, that revelation assumes and perfects nature or, as it is here suggested, secular faith.

16. For a survey of the use of "story" in contemporary theology see John Navone S.J. "Narrative Theology and its Uses: A Survey", *The Irish Theological Quarterly* 52:3 (1986), 212-230.

identical, have something in common. They both have a *covenantal* structure. The story of the Christian faith centres on the covenant between God and man: God offering to share His own life with that of man and man accepting/rejecting God's love. The story of the secular faith in human rights centres on the covenant, implicit or explicit, between men to respect one another. The covenant between God and man gives a new dimension to the covenant which mankind has made or sought to make in the course of history in order to defend and promote the dignity and rights of every human being. The story of the secular covenant, however, shows the new aspects which the human rights' question assumes as time goes on. For this reason, it may also have something important to contribute for a more adequate understanding of the covenant between God and man. Hence, it is useful to bring out, in the first place, the basic features of the contemporary secular faith in human rights.<sup>(17)</sup>

### **The Secular Faith in Human Rights**

The faith which mankind today has in human rights is a *collective* kind of faith. It does not represent merely the conviction of a number of individual nations. It represents rather a general conviction or belief. The history of human rights had already reached a decisive point in the second half of the eighteenth century under the influence of such philosophers as John Locke in England, Jean-Jacques Rousseau in Switzerland and France and Immanuel Kant in Germany.<sup>(18)</sup> These thinkers upheld that political power is justifiable only when conceived as a means whereby society ensures the peaceful exercise of individual freedom. The power of the State is, therefore, necessarily limited and should never restrain freedom more than is required by public order. During the past two hundred years, this conviction consolidated the modern democratic movement.

The painful experience of two world wars seems to have proved to the founding members of the United Nations Organization the truth of the absolute need for power to respect the dignity and rights of every person.

17. The description of the secular faith in human rights is one thing, the interpretation of such rights is another. Human rights can be interpreted according to different models (cf. E.W. Böckenförde, *Staat, Gesellschaft, Freiheit: Studien zur Staatstheorie und zum Verfassungsrecht*, Suhrkamp ed., Frankfurt, 1976, pp. 221 – 252). The secular faith in human rights exhibits features which are, in my opinion, not so controversial.

18. Cf. John Locke, *The Second Treatise of Civil Government and a Letter concerning Toleration*, ed. and introd. by J.W. Gough, (Oxford 1948); Jean-Jacques Rousseau, *The Social Contract and Discourse on the Origin of Inequality* (Pocket Books ed., New York, 1967); *Kant's Political Writings* ed. and introd. by Hans Reiss and trans. by H.B. Nisbet (Cambridge, 1971).

The conviction which led in the past to the collapse of societies, based on class inequalities, and to the birth of societies, based on equality of rights, has led in recent years to a new awareness of the need for justice in international relationships. This does not mean, of course, that now unanimity exists on the theoretical level regarding human rights; in fact, there are still several controversial issues in this sphere. Much less does it mean that practice has changed significantly on the national and international level. The tendency of States to assert themselves in relation to their subjects and to other States still remains and cannot be eradicated or even restrained completely, since it forms an essential part of the human make-up. One can say, however, that in principle the world of today accepts that each and every person has a dignity and worth of his or her own.

Hence, the act of faith of which we are speaking in this context has a *global dimension*. Even though not more than fifty-six governments took part in the foundation of the United Nations Organization and the formulation of the *Universal Declaration of Human Rights*, one may say, particularly in view of the subsequent wider participation by the peoples of the world in this Organization and in the ratification of international human rights' documents, the whole of mankind has practically adhered to the faith in the intrinsic dignity and worth of the human person in recent years. As a consequence, it has become generally accepted nowadays to treat questions of human rights as a matter of universal concern.

A covenant involves a *pledge*. The test measuring the strength of the secular faith in human rights is the degree of commitment which this faith generates in favour of such rights. Accordingly, the *Universal Declaration* recalled: "Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms."<sup>19</sup> One may surely say that the commitment which the Member States have undertaken was more of a moral than a juridical character, as no commensurate authority was established to enforce it. Yet the United Nations sought to give further support to the norms of the *Universal Declaration* by means of a number of covenants and conventions. The most important were the *International Covenant on Economic, Social and Cultural Rights* (1966), the *International Covenant on Civil and Political Rights* (1966), the *International Convention on the Elimination of all Forms of Discrimination* (1966) and the *International Convention on the Suppression and Punishment of the Crime of Apartheid* (1973). Besides, the International Labour Organization (ILO) and the United Nations Educational, Scientific and

19. Preamble.

Cultural Organization (UNESCO) made significant contribution to the promotion of human rights in the fields of labour and education respectively.

Moreover, one should note the measures which have been taken in modern times to ensure, as far as possible, observance of human rights. On the national level, several countries adopted a truly democratic constitution granting only limited power to the State precisely to guarantee the free exercise of individual rights and giving every person the chance of seeking, if necessary, court protection. To give further proof of their belief in fundamental human rights certain European countries adopted the *European Convention of Human Rights* and instituted the European Court of Human Rights to enable their subjects to appeal to a foreign court, if they are not satisfied with the judgement given in their own country.

A more widespread type of action to which the new awareness of human dignity has led is the formation of human rights' groups with the aim of making a continual assessment of the local situation. This was actually one of the developments taking place following the Final Act of the Helsinki Conference of 1975. As a result of the importance given by this document to human rights, groups were formed both in Western and Eastern countries to bring violations of human rights to national and international cognizance. The International Helsinki Federation, representing human rights' committees in Austria, Canada, Denmark, the Federal Republic of Germany, France, the Netherlands, Norway, Sweden, Switzerland and the United States, was set up to coordinate and promote action on behalf of human rights in these countries and elsewhere.

Faith in the dignity and worth of the human person, the *Universal Declaration* and other similar documents suggest, presupposes recognition of the *transcendence* of the human person. It is not race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status which define man and his rights. Historically, the belief that one race is superior to another led to hideous crimes against humanity; the belief that one religion only (identified with the true religion) should have the right to exist in society prevented the development of the right to religious freedom, while heretics were persecuted and even condemned to death; the belief that one's social rank determined one's rights and privileges, justified the institution of slavery for many years. Even in pre-modern times, however, the transcendence of the human person was affirmed by such philosophical movements as Stoicism and the *jus gentium* tradition and especially by the Judeo-Christian religion. But the pre-modern belief in the transcendence of the human person could not serve to transform social relationships in a radical manner, as it presumed that the nature of society, involving a number of inequalities, was something sacred, and, hence, immutable. Today it is generally accepted that society



should change and adapt itself to give all its members a chance to an increasingly wider participation.

Hence, the modern faith in fundamental rights, correctly understood, implies a constant *critical attitude toward every form of ideology*. Ideologies have the tendency, directly or indirectly, to subordinate the human person to some secondary value. The faith in the intrinsic dignity and worth of every person can very usefully serve as a liberating memory of the transcendence of the human being. What man is cannot be defined, because he is a mystery which no definition can embrace. Similarly, what is good for man is a very complex question which is falsely answered, if it is answered one-sidedly. What man is and what is good for him are questions to which history can suggest only an imperfect answer. Rightly enough, the modern concept of human rights is no longer related to a fixed order of nature but to a history with an open future. In other words, it presupposes that man is not asked to conform himself to a pre-given world but to transform the world and make it a more human place to live in. Transformation of the self and the world is an ongoing process, requiring constant attention to the emerging possibilities of a better way of life and determination to use such possibilities as profitably as one can.

It is especially the recognition of man's transcending nature that make the modern faith in human rights Christian at least in an implicit way. The confession that in man lie a worth that cannot be measured and a mystery that cannot be fathomed completely is already a confession, albeit indirectly and inarticulately, in God as the mystery of the world – the mystery in relation to which the whole world of creation, above all man, acquires a yet deeper dimension. The correspondence of the secular faith in man with the Christian faith in God emerges even more closely, when considering its communal character and practical orientation. In fact, the faith which God wants is one which people are meant to share with each other and to put into practice.

The modern secular faith in human rights, however, is not just a faith requiring the light of Christian faith to realize its full potential. It is not merely a faith which needs explicitation. It is also a faith which offers new possibilities for understanding the deeper implications and satisfying the real exigencies of God's covenant with man. Mankind today is aware of its growing unity and interdependence, its obligation to respect the dignity and rights of each and every person and, finally, its responsibility to change society on the national and international level in a way as to enable every person to participate freely and intelligently in the available economic, social and cultural goods. Besides, mankind today possesses more adequate means to build itself into a truly human community than it possessed in the past. Such developments are certainly of very great interest for the Christian

community in its effort to respond positively and creatively to the divine presence in history.

The ascending or inductive approach in theology is a valid one. Theology should lead from reflection on human experience, as a historically developing reality, to revelation. But the descending or deductive approach is equally valid. Theology should also lead from reflection on the Word of God to human experience. In other words, one should ask not only what the secular faith in human rights can contribute to a more adequate understanding of the Christian faith in God but also what the Christian faith in God can contribute to a fuller understanding of the secular faith in human rights.<sup>(20)</sup>

Seeing human rights in the context of the covenant<sup>(21)</sup> between God and man means learning to see:

- a) their promotion more as a religious than a moral duty;
- b) their violation more as a sacrifice than a crime;
- c) their realization more as a gift than a task.

### **The Promotion of Human Rights**

When seen in the context of the Christian faith, the promotion of human rights becomes a religious obligation which is meant to be much more binding than any purely human norm.

In the story of the Old Testament covenant Egyptian domination of the Jewish people is seen more than an injustice provoking human disapproval, protest and denunciation. It is seen primarily as something against which God Himself rebels and intervenes to eliminate: “. . . I have heard the groaning of the people of Israel whom the Egyptians hold in bondage and I have remembered my covenant. . . I am the Lord, and I will bring you out from under the burdens of the Egyptians, and I will deliver you from their bondage. . .”<sup>(22)</sup> The Jewish faith which Christianity has inherited sees and experiences God as the liberator. God intervenes in

20. The ascending and descending approach may be regarded as complementary (Cf. International Theological Commission, “Theses de dignitate necnon de iuribus personae humanae” in *Gregorianum* 66 (1985), 8–23, pp. 11–12.

21. In my opinion, the theme of the covenant provides a more adequate theological perspective for the treatment of human rights than such themes as the *imago Dei*, the Incarnation, the Church and liberation because, being the basic theme of the Old and New Testament, it includes the foregoing themes. This is the theme used by the International Theological Commission in the document mentioned in the previous footnote. Moltmann distinguishes between liberation, covenant and the right of God and develops a theology of human rights in relation to each one of the three salvation events. I am taking liberation (exodus) as a prologue and God’s right to man as an epilogue to the covenant.

22. Ex 6:5–6.

human history to bring out of bondage. Of course, man may fall into various forms of slavery, including slavery to oneself, but whatever is enslaving him and preventing him from living in freedom and participating in social life is a contradiction of God's will. The story of the exodus should serve as a corrective against spiritualizing tendencies within Christianity. God is the liberator of the whole man. Socio-political liberation is necessary, even though it is insufficient by itself to ensure integral liberation and development.

It is important to note also that the Judeo-Christian faith does not look at God as the god of one people. It differs from most other faiths in that it affirms that God is the creator of man and the world. Hence, the liberation which He brings does not mark a victory of a particular nation over another; it is a sign of His enduring protest against the enslavement of man by man.

In fact, the story of creation provides the background to that of exodus and the covenant and serves as a guard against any particularistic interpretations of the Deity.<sup>(23)</sup> The God whom the chosen people acknowledged as the liberator is the creator of all men. He is the author of life. He calls every man and woman into being and commissions them to take care of each other and the rest of creation. Every man and woman has his or her intrinsic dignity and worth, for God created every person in His own image and likeness. Unlike some of the neighbouring nations which regarded the king as someone resembling the divine and, hence, superior to the rest, the Jewish people affirmed that every person is created in the image of God and is entitled to an equally good treatment.<sup>(24)</sup> Seen in the context of the biblical story of creation, the dignity of every human person, which human rights' documents today clearly affirm, obtains a new significance and calls for an ever greater and more authentic respect.

The story of the covenant itself emphasizes that the creation of a new bond between God and His people implies the creation of a new form of life among the people themselves. The decalogue involved a double recognition: the right of God over man and the rights of men *vis-à-vis* each other. If the people are really God's people, then no human power has the right to enslave it and no one has the right to enslave another. Respect for life, marriage and the family, property and mutual trust is the test of a genuine faith in God. Trust in God requires the development of trustworthy relationships within the human community. Loyalty to God demands loyalty to each and every human being.

23. Westermann, *op.cit.*, pp. 16–18.

24. Cf. Jürgen Moltmann, *God in Creation: An Ecological Doctrine of Creation* (London, 1985), pp. 218–219.

Respect for human rights becomes a religious obligation when it is undertaken as a response to God's love for mankind. As a religious obligation, such respect has to be continually revised to see to what extent it is meeting not just the demands of justice but also those of human solidarity in the modern world. The covenant bound God's people not to kill, not to steal, not to bear false witness and so forth. But observance of the decalogue would be complete only if it opened up the person to accept and love God with all one's heart, strength and might and the neighbour as oneself.<sup>(25)</sup> This meant that the commandment would serve its ultimate purpose, if it transformed itself into a spontaneous life of unbounded love. By Christian standards, respect for the dignity and rights of man presupposes but goes beyond the strict requirements of justice to take the form of love and mercy.

The People of God is required to practise a specific kind of love and mercy. This is the love and mercy which dispose one to break through social prejudice and regard any person in need as one's neighbour calling for help and solidarity. In every family, in every town or village, in every country or region, in every place where people live, meet and work there are always some who lag behind, who fail to integrate themselves and eventually become isolated, who gradually begin to move away from society or against it. It is love and mercy which make people develop a more human sense of justice and adapt themselves and the social system to meet the needs of those who are not catered for at the moment.

This was already the heart of the prophetic message in the Old Testament.<sup>(26)</sup> Jesus took it over and made it the centre of his own life and teaching. He was born away from where people normally live, because there was no other place for him elsewhere. He died crucified between two criminals. During his life, he was continually surrounded by ordinary people; he was sought by public sinners and invited to their homes; he was approached by the sick and the handicapped. When asked by the disciples of John the Baptist to give his own identity, he answered: "Go and tell John what you hear and see: the blind receive their sight and the lame walk, lepers are cleansed and the deaf hear, and the dead are raised up, and the poor have good news preached to them."<sup>(27)</sup>

When interpreted in the context of the covenant, the obligation to defend and promote the dignity and rights of man assumes a dimension which is much deeper than any one can conceive on the basis of a purely human sense of duty. It can and should translate itself into the concrete

25. Dt 6:5; Mt 22:34–40; Mk 12:28–31; Lk 10:25–27.

26. Westermann, *op. cit.*, pp. 13–14.

27. Mt 11:4–5.

demands of justice but it would not be adequately fulfilled, until it takes the form of love and mercy, that is, a genuine interest in those who are in need of help and support.

### **The Violation of Human Rights**

Perhaps the most original contribution of the Christian faith to human rights lies in the way in which it interprets their violation. A violation of human rights is a crime for which the law of the land generally provides suitable punishment. The problem, however, is what society regards as a violation of human rights. Human rights may be violated and yet society does not disapprove and much less does it provide any appropriate remedy.

One usually resorts to the image of the sacredness of order and/or progress to justify even serious lack of respect for human dignity and rights. Totalitarian regimes seek to justify restriction or even suppression of fundamental rights on grounds of national security or internal peace (that is to protect the country from allegedly foreign interference or from apparently uncontrollable internal strife). In its early stages, liberal capitalism condoned poverty among the working classes, alleging that this is a necessary evil for the general economy to thrive. Communism tends to justify restriction of civil and political rights to ensure the success of the proletariat revolution. Experiments in bioethics and other fields of research are being conducted today very often without much sensitivity to human rights for the sake of scientific progress.

One may also resort to the image of the scapegoat to remove the sense of guilt for having violated the rights of individuals or groups. This is a very primitive mechanism used to cope with guilt problems but it is still astonishingly very common even nowadays. When something goes wrong, the tendency is to point to someone or something as the cause of evil. The blame is transposed from the self or the group to some outside source. This kind of exercise, which takes place very often on an unconscious level, exempts from individual and collective self-examination and justifies harm done to innocent people.<sup>(28)</sup>

The story of the Biblical covenant, particularly the death of Jesus Christ, exposes the harmful character of the foregoing false interpretations of suffering. Jesus was accused of political, social and religious destabilization and judged as a grave menace to the established order. Apparently, Jesus was arrested, tried and sentenced in accordance with the law of the land. His death was the execution of a judgement passed by the

28. On the rôle of evil images on the personal and social level see H. Richard Niebuhr, *The Meaning of Revelation* (Macmillan Paperback ed., New York and London, 1960), pp. 73ff.

civil authority of the day. From the legal point of view, his death was not a crime.

The death of Jesus reminds us of the horrifying fact that the suffering and even death of innocent people may be caused by those who are responsible in society for the protection of human rights. Very serious crimes may be committed without being recognised for what they are. The memory of Jesus' Passion and Death should, therefore, alert us not to take restrictions and, much less, denials of human rights too lightly. A crime is not eliminated by explaining it away.

The Christian would prefer the personal to the impersonal, the concrete to the abstract form of language when speaking on human suffering. Behind every case of a violation of human rights, he is supposed to see a suffering person pointing to Jesus hanging on the Cross. The mystery of the Incarnation is the mystery of God's presence in man. In Jesus of Nazareth the human is united with the divine, man is united with God. More precisely, however, the story of Jesus of Nazareth remains the story of God present "in the form of a slave."<sup>(29)</sup> To the question where is God here and now, the Christian answer is: God is present everywhere but he is present in a special way in those who are deprived of their rights.

So the Christian should never remain neutral when the exercise of human rights is at stake. Personal involvement in this vital area of human life is a form of participation in the Passion of Jesus still going on in the suffering of men and women throughout history. Solidarity with all those whose rights are violated means solidarity with the suffering God. As the bearer of the memory of the crucified God, the Christian community should be among the first to side with the victims of injustice and oppression. Since the Christian faith is not meant simply to interpret but also and, above all, to change the world, the Christian community should never resign itself to the *status quo* but do its part to enable everyone to exercise one's rights as far as possible in the circumstances.

As part of society in general, the Christian community should work along with all people seeking justice, truth, human solidarity and freedom in order to expose injustice, untruth, conflict and oppression. Society usually succeeds in realizing that human rights have been violated through a long and laborious process in which individuals and groups could also have had to pay dearly for pressing on justice to be done, untruth to be confessed, conflict to be resolved and oppression to be broken. At the same time, the Christian community does not believe that by recognizing the crime which has been perpetrated and by fixing the punishment which is to be awarded the deeper requirements of justice, truth, human solidarity and

29. Ph 2:7.

freedom are fulfilled. While it is indispensable for society to acknowledge evil and try to restrain it by appropriate means, including coercion, it is necessary for society to heal itself of the wounds it suffers through the violation of human rights.

The violation of human rights raises the problem of reconciliation.<sup>(30)</sup> How are those who have gained recognition of their legitimate rights to reconcile themselves with a society, a group or an individual that have been earlier oppressing them? In my opinion, Marx assumed too much when anticipating the almost spontaneous emergence of a free human society following a violent communist revolution. The slave who has to fight for his freedom usually tends to oppress his former master. The affirmation of justice, truth and freedom or the recognition of human rights is imperfect, until it expresses itself in the affirmation of human solidarity through reconciliation. Basically, the problem is how people are to interpret the suffering caused by the violation of their rights in a way as to make it possible for reconciliation to take place. The Christian faith has a significant solution to offer to this problem.

The story of the Cross manifests the pervading presence of sin in the world. The people who accused Jesus, the soldiers who arrested, tortured and killed him, the Sanhedrin which convicted him, Pilate who sentenced him to death, Judas who betrayed him, Peter who denied him, the disciples who abandoned him – all these were guilty of sin to a greater or lesser extent. But the sin for which Jesus died is *the sin of mankind*. This Christian truth is the basis of solidarity between oppressors and oppressed.

The story of the Cross manifests also the highest expression of love which Jesus can show. This story does not show only how evil man can be toward Jesus but also how good Jesus can be toward man. The story of the new covenant which Jesus established between God and man is the story of the mystery of divine love exposing itself to the risk of rejection and forgiving every time it is rejected, offering peace while gently showing its wounds. Jesus saw himself more than as a victim of injustice. He saw himself as one dying for those who were killing him. His disciples saw in his death more than a crime. They saw in it a sacrifice pleasing to God, that is, a self-offering love.<sup>(31)</sup>

According to the Christian faith, victims of injustice would act

30. St. Paul recalls that a primary task of the Christian community is the ministry of reconciliation through Jesus Christ (2 Cor 5:18 ff.). See also the appeal of the (1974) Synod on Human Rights and Reconciliation *Enchiridion Vaticanum*, vol. 5, pp. 380 – 383.

31. Heb 9:11 ff.

creatively, if they try to conform themselves with the Victim Jesus Christ. Like Jesus during the trial, they should not be afraid to affirm the truth, even though this would expose them to the risk of falling out of love with the powers that be and facing unpleasant consequences. The behaviour of a defenceless Jesus throughout the trial, especially his courage to speak the truth publicly, at a most critical hour, is (according to the Christian faith) the best form of self-defence. Beyond the coercive means available in human society for the purposes of affirming fundamental rights lies the strategy of an unprotected Jesus fearlessly affirming his own identity, his dignity and his rights as a unique person. When people became victims for having stood up for their own rights or those of others, let them understand that the same thing has happened to Jesus. Jesus triumphed in the end. His death was the source of a new life. It was a sacrifice, because it was an affirmation of the absolute worth of that very thing which was being taken away. It was a memorable confession of the basic truth that life is worth living if it is lived well. Dying for justice and freedom is the best proof one can give to show how strongly one believes in a just and free life.

Like the Victim Jesus Christ, victims of injustice are called to offer themselves for those who are making them suffer. Negatively, this means refusing to hate or derive pleasure and satisfaction from the thought of eventual retribution, human or divine. Positively, it means being always ready to forgive and allow the wounds of injustice to heal as time goes by.

The Christian strategy, therefore, is not against the use of coercive means for purposes of self-defence. It includes this and goes beyond it. To victims of injustice the Christian faith proposes the example of the Victim Jesus Christ. He teaches self-affirmation through self-expression and change through repentance.

### **The Realization of Human Rights**

Continuing action on behalf of human rights is possible only on the basis of hope. This is the hope that a more human world will emerge as a result of the efforts which people make in defence of human rights in spite of the tragic and frustrating fact that such rights are always being violated in some way or another. It has been this human hope which led to the foundation of the United Nations and the formulation of the *Universal Declaration of Human Rights* after the painful experience of two world wars. Hope has been behind every historical initiative, individual or collective, in favour of human rights.

What new dimension does this hope acquire when seen in the context of



the story of the Christian covenant?<sup>(32)</sup> The covenant between God and man requires justice towards others and love of neighbour. It is a relationship imposing specific obligations. The story of the covenant, however, is a story of obligations undertaken and broken continuously in one form or another. And it is a story of a steadfast and forgiving love on the part of God. While recalling man's sin and its painful consequences, it announces new times when mankind will be once for all re-united in perfect justice and love. In Jesus Christ God has already sealed his love for man and man has sealed his love for God and other men, for in the person of Jesus Christ there is God in man and man in God, God's love for man and man's love for God and for each other. History continues to manifest man's rejection of God and neighbour (sin) and at the same time it continues to give signs of the active presence of the Holy Spirit, that is, God as a purifying, elevating and healing power (grace). This aspect of the Christian faith has very important consequences for a correct understanding of the finality and outcome of the action performed on behalf of human rights.

Such action is, in the first place, not to be directed simply to the exercise of a series of rights. Surely, the dignity of man is the basis and source of specific rights to which one can never put an end. But these individual rights are means to allow each and every man to develop himself or herself fully. Hence, the right to integral development as Vatican II calls it, is the right to which all other rights are supposed to lead.<sup>(33)</sup>

The problem in this context is how to understand the relationship between development and the Kingdom of God or eternal life as the Synoptics and St. John respectively say when speaking of the new life proclaimed and inaugurated by Jesus Christ.<sup>(34)</sup> Development is something to which every person has a right. The Kingdom of God or eternal life is a reality to which one can lay no claim, because it is a divine gift. One can pray for it and accept it as something bestowed from above, not by way of remuneration but as a sheer gift.

One is not identical with the other. Human development indicates the possibility of satisfying man as a being always open to "higher" needs. Its contents may only be determined up to a certain extent, because man can

32. On the relation between "Christian" and "secular" hope see André Dumas, "The Christian's Secular Hope and His Ultimate Hope" in *Technology and Social Justice: A Symposium Sponsored by the International Humanum Foundation* ed. by Roland H. Preston (London, 1971) 163 – 186; Paul Verghese, "This World and the Other", *ibid.*, 187 – 201.

33. Cf. David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition* (New York, Ramsey, Toronto, 1979), pp. 84 – 89.

34. Cf. *Theology Meets Progress* ed. by Philip Land (Rome, 1971); R.H. Preston, *op.cit.*, pp. 99 – 160.

never reach a stage in history where all his or her needs are completely fulfilled. Complete fulfillment lies beyond history. The Christian faith identifies complete human fulfillment with the Kingdom of God as a reality transcending history.

The Christian, however, has not the privilege of knowing what others do not know about the content of human development.<sup>(35)</sup> Faith in the Kingdom of God or eternal life could protest against any ideology or utopia which pretend to be able to pronounce or announce all the ingredients of human development. Rather than trying to deduce practical conclusions from a pre-fabricated notion of development, one should note those rights which are threatened and those rights which are emerging. If the human cannot be entirely defined, it can be somehow experienced negatively through its absence and positively through its appearance in history at least in a partial form. Both the threat against existing human rights and the promise of new human rights have to be properly taken into account.

The German sociologist, Ralf Dahrendorf, recounts how he experienced a strong yearning for freedom as a result of his confinement, very early in his life, in a Nazi concentration camp.<sup>(36)</sup> When deprived of a right, a person or group suffers but the suffering can awaken even a stronger desire for the right which is being denied and a more powerful determination to work for its recognition. Schillebeeckx uses the phrase "negative dialectics" to describe this human phenomenon.<sup>(37)</sup> Historically, the negation of human rights, although painful and unjust in itself, has often led to a sharper consciousness of the threat of injustice to human life and a deeper desire to re-affirm those rights which are being violated.

In theological language, acknowledgement of injustice, in all its forms, is called *confession of sin*. When injustice is recognised as something sinful, it acquires a more radical significance: it is seen not merely as a rupture in the texture of human life but also as a rupture in the texture of that life which God wants to share with man on a personal and social level. Besides, such confession when motivated by faith in God's promise of forgiveness, is a step toward a change of attitude and behaviour. Indeed, confession of sin is authentic to the extent that it leads to such a change. This is one of the reasons why one cannot speak, at least from a theological point of view, of the historical realization of human rights as something depending solely on human effort. In a sense the realization of human rights in history is a

35. Cf. Dietmar Mieth, "Das 'Christliche Menschenbild' – eine unzeitgemäße Betrachtung?" in *Theologische Quartalschrift* 163/1 (1983), 1 – 15.

36. Cf. *The Listener*, 14.11.1974, p. 622.

37. Cf. E. Schillebeeckx, *The Understanding of Faith: Interpretation and Criticism* trans. by N.D. Smith (London, 1974), pp. 91 – 95.

task, because it requires the cooperation of man. In another sense, it is a gift, because it presupposes acknowledgement of guilt and acceptance of forgiveness.

The desire for a truly human life which the negative experience of the denial of human rights may awaken in the heart of men and women may also bear fruit. It may express itself through a number of appropriate concrete measures to redress injustice and protect the person from possible future violations of his or her rights. As it has been already noted, history contains many examples of this kind.

Theologically speaking, one may call the concrete steps taken in the course of history to defend and promote the dignity and rights of man approximations or foreshadowings of the Kingdom of God or eternal life. This Kingdom or life will manifest itself fully at the end of time as the God-given goal of history. Whenever it manifests itself in history, in the form of concrete proof of respect of self and neighbour, the manifestation is only an anticipation of or a prelude to its total and final appearance. In the course of history human rights will continue to be violated, perpetuating the Passion and Death of Jesus Christ. At most, what we can hope and work for is that suffering and death may give birth to a qualitatively new kind of life. The struggle for liberation may put an end to a definite type of oppression but it may generate eventually new forms of oppression. The dialectical movement of history, which proceeds from oppression to liberation and from liberation to oppression, will resolve itself in the triumph of freedom over slavery, truth over falsehood and solidarity over division not without human cooperation, for much depends on what man and women do in this field. But, ultimately, man's reconciliation with himself, others and the world remains a gift; it remains a goal which man can only desire as a world "other" than the present one and which the Christian can only discern in history in the form of "signs of transcendence" – pointers to that world which God has already given in Jesus Christ and is offering again and again in the course of history until the end of time.

## **Conclusion**

In a way, mankind needs no help from theology to continue to work on behalf of human rights. Its efforts in this sphere are sustained by a secular faith in the possibility of making life more human in spite of continuing limitations, weaknesses and failures. This faith has been bringing the people of the world closer to each other and eliciting increasingly more effective measures for the protection and promotion of human rights. It implies a covenant, that is, an agreement, in this case, collective, to a specific kind of commitment. Basic to such a covenant is hope, again of a secular nature, in

the successful outcome of the whole undertaking. In other words, the problem as to the worthwhileness of working for the defence of human rights in a world where human rights are continually being violated and the possibility of a different, "more human" world to emerge has received a human answer which has proved historically very useful.

Theology proceeds precisely from the covenant implied in the secular faith in human dignity and rights. It studies the transformation which such a covenant undergoes when interpreted in the light of God's covenant with man. The obligations of people to respect each other's rights, as human beings, acquires a wider and deeper dimension as soon as it is understood as an obligation which is not merely imposed by man on man (moral) but by God to man (religious). Similarly, violations of human rights appear more serious when viewed not just as offences against man but offences against God Himself; they can themselves be creative of a new life, if victims of injustice look upon their sufferings as a continuation of Jesus' self-sacrifice on the Cross. Like their fellow men and women, Christians require hope to work for a different world, but their hope is nourished on the divine promise of the reconciliation of the world through Jesus Christ.\*

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