CHRISTIANITY AND HUMAN RIGHTS

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A BELATED RECOVERY OF FORGOTTEN TRUTHS

The historic relationship between Christianity and human rights is an ambiguous one. For hundreds of years the Christian Church actively promoted religious intolerance and persecuted those who failed to accept its moral values and customs. Many of these values and practices are today rejected as contrary to a human rights culture and moral decency. Max Stackhouse argues that while "[t]he deep roots of human rights ideals are rooted nowhere else than in the biblical tradition," these values "remained a minority tradition (within the Church) for centuries."¹ James Woods, in turn, argues that "religion and freedom have not been natural allies."²

The affirmation of human rights emerged painfully and belatedly in the Christian Church. The "deep biblical roots of human rights ideals" have, however, periodically been acknowledged and retrieved throughout the history of the church in an attempt to correct wrongs, repudiate theological support for abuses, and to pursue a more humane society. The history of the emergence of human rights within the Western Christian tradition, recognises that religions develop in interaction with other social and cultural forces in society. I argue in what follows that the relationship between Christianity and the human rights tradition can only enrich society to the extent that the relationship is sustained by mutual critique and correction.

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1. Max Stackhouse, Religion and Human Rights: A Theological Apologetic, in John Witte and Johan van der Vyver, eds, Religious Human Rights in Global Perspective: Religious Perspectives 485, 492 (Martinus Nijhoff, 1996). Without wanting to suggest that there necessarily exists a common ethical substratum within all religions, there is some evidence in the pages of this book that the roots of human rights extend beyond the parameters of the biblical tradition.

THE SOUTH AFRICAN DEBATE

Since the early arrival of missionaries in South Africa, some within the Christian churches sought to promote the essential rights of individuals and groups whose dignity and well-being were over-run by the colonial powers of the day. Essentially, however, the missionary churches found themselves firmly on the side of the colonial state. The advent of apartheid resulted in a new-found measure of concern within the churches for basic human rights. The process resulted in a continuum of statements, ranging from the Cottlesloe Statement, emanating from the Nederduitse Gereformeerde Kerk (Dutch Reformed Church) in 1961, to the Kairos Document published by essentially black Christians in 1985, in protest against both the restrained resistance to apartheid within the institutional churches and violations of human rights by the state. Theological debate on human rights at the global level during this period—driven by the World Council of Churches and the Vatican (discussed later)—was at the same time dismissed by the South African state as well as many within the churches who supported the dominant ideology of the time. Indeed, what was perceived by the most white South Africans as 'interference' by the WCC, not least through its Programme to Combat Racism (PCR), was deeply resented by the state—with all but a few churches leaders being prepared to openly support the initiatives of the WCC. Briefly stated, the theology and human rights debate in South Africa was, at best, kept on a back burner.

The systematic enquiry into the relationship between theology and human rights in the public arena was ironically given a public profile by the rather clumsily expressed concern of Prof. J.M. Potgieter, a professor of private law at the University of South Africa, who has argued against the need for a Bill of Rights in South Africa. Insisting that the image of God can only be restored through conversion to Christ, he argues that the general population have no inalienable rights. Potgieter's argument is but a small step from the most reactionary kind of apartheid ideology


4. The statements emanating from the churches are to be found in Charles Villa-Vicencio, Between Christ and Caesar: Classic and Contemporary Tests on Church and State 200 ff (Eerdmans/David Philip, 1986).
which locates rights and privileges in the hands of whites as the carriers of the gospel and white Christian civilisation.\(^5\) Right Wing Christians picked up on the argument in contending:

An honest person needs no special 'rights' in order to associate, disassociate, assemble, read, speak, perform or travel . . . . The rights (demanded by human rights activists) . . . for the arrested, accused and convicted seem to be aimed primarily at limiting the power of the police.\(^6\)

In an important publication, written by academics standing within the Reformed tradition, this kind of claim is boldly countered. It argues that it is precisely because of human sin—which provides inflated notions of who we are giving rise to a sense of "superiority, arrogance and elitism"—that we need a declaration of human rights as a basis for recognising the rights of others as well as ourselves.\(^7\) The debate "reminded" Christians of the minority tradition, rooted in the biblical sources of the Christian faith.\(^8\) The theological resources of the various Christian traditions began, in turn, to be drawn on in a debate that an increasing number of people began to see as overdue. The beginning of the democratisation process in South Africa in 1990, marked by the unbanning of liberation movements and the release from prison of Nelson Mandela and other high profile political prisoners, resulted in even the groups that had hitherto shown little or no interest in human rights beginning to show an interest in the subject. Of primary concern to some such groups was the minority rights of whites under what was clearly to be a black majority government.

The veneer of dominant apartheid ideology in South Africa had always included a mix of Afrikaner nationalism and a certain brand of neo-Calvinism which included a mix of nineteenth century German romanticism, a particular interpretation of the thought of Abraham Kuyper and home-grown frontier mythology.\(^9\) South Africa was at the time an overtly religious country.

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9. See, for example, Dunbar Moodie, The Rise of Afrikanerdom: Power, Apartheid and Afri-
Theological debates would break out on the floor of parliament and few politicians dared to ignore popular Christian opinion in their respective constituencies. It was partly this "theological awareness" that made the theology and human rights debate in the late 1980s such a sensitive matter. The debate was more than an academic exercise. It impinged directly on the political thinking and practices of society—indeed, on the soul of the nation.

More important, in looking forward rather than back, is the realisation that the human rights debate has come to constitute an important point of engagement for the churches with the now constitutional South African state. Having committed itself to a culture of human rights and having chosen to ratify most major human rights declarations and protocols of the United Nations, the church has acquired a new found point of access in seeking to influence the state at the level of moral values and human rights.

Against this background, an attempt is made to outline the theological resources on which some within South Africa have drawn to promote human rights. These resources were largely of western theological origin. They were drawn on or quoted as a basis for justifying the praxis or resistance and the promotion of human rights in South Africa—without these being explicitly developed at a contextual level in the South African debate. *The Option for Inclusive Democracy: A Theological-ethical Study of Appropriate Social Values for South Africa*, to which reference has already been made, is the clearest example of this approach. As such, an attempt is made to identify the global theological resources that have sustained the South African debate on theology and human rights. It is ultimately this debate that is likely to help sustain the engagement of South African Christians theologically in the promotion of human rights. It is ultimately also this debate that can promote the quest for democracy in a country that until recently stood on the brink of an abyss—within which any semblance of human rights could scarcely be discerned.

**The Theological Roots of Human Rights**

The tradition of human rights in the West is rooted in an array of inter-related sources. Harold Berman suggests it took five great revolutions to separate secular law from religion and to

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open the way for public debate on the nature of moral value.\textsuperscript{10} These included the Protestant Reformation in Germany in the sixteenth century, the English Revolutions between 1640 and 1689, the American and French Revolutions of 1776 and 1789 and the Russian Revolution of October 1917. Each progressively separated church and state and further secularised law, introducing a healthy (at times aggressive) encounter between religion and state.

In the process it was primarily secular insights into the dignity of humanity, arising from the Enlightenment and the harrowing experience of war, human oppression and genocide, that constituted the foundation of the modern human rights tradition. Within this context there are, however, some notable thinkers who argue that human rights are no more than a figment of political imagination. They suggest that while the idea eases the conscience of politicians, it fails seriously to contribute to the lives of those who suffer under its violations. Alasdair MacIntyre has, for example, suggested

the truth is plain: there are no such rights, and belief in them is one with belief in witches and in unicorns ....

[E]very attempt to give good reasons for believing that there are such rights has failed .... Natural or human rights ... are fictions.\textsuperscript{11}

Leo Strauss has, in turn, argued that "modern notions of human rights have undermined the classical notion of natural rights, not least the virtue of prudence," which he sees as the basis of a viable political ethic.\textsuperscript{12} Some theologians (both conservative and progressive) have discerned this critique as an opportunity to promote biblical ethical values and Christian spirituality (rather than enlightenment ideas) as a basis for rediscovering the ideals of the "failed" human rights agenda.

In pursuance of this critique of the contemporary secular human rights debate, much has been written on the ethical roots of the Enlightenment, Marxism, the ideals of the Universal Declaration of Human Rights and related human rights instruments. Some


\textsuperscript{12} Leo Strauss, Natural Right and History 128 (U Chi Press, 1953).
have delighted in relocating those who have deliberately turned away from Theism back in the biblical ethical tradition, arguing that their reliance on the ideals of the Bible are an inherent part of humanist thought.

The approach that follows is less ambitious. Neither is it driven by a need to promote Christian ideology! I do not suggest that the roots of human rights' ideals are found "nowhere else than in the biblical tradition." This would simply be untrue. I seek rather simply to identify the ethical trajectories of the Christian tradition that pertain to what we today regard as the essential values of human rights.13

In the early (New Testament) teaching of the Christian Church, the notion of human dignity is at least implicit to Christian belief. Christ's gift is the fullness (abundance) of life (John 10:10). Paul has, in turn, indicated that it is "for freedom Christ has set us free," not to live as slaves to anyone (Gal 5:1). There are other texts—not least Christ's rejection of the role of political messiah ("My kingdom is not of this world," John 18:36), which have often been interpreted to suggest that Christ's gift of life and freedom does not have implications for the quality of life here on earth. Luke 11:20, on the other hand, indicates that the promises of God's kingdom have already dawned on earth. It is within this tension that the foundation of the Christian struggle for human dignity was forged.

Frequently, the human rights ideals within the early church did not come to explicit expression. What are by today's standards construed as a gross violation of human rights (inter alia, the subjugation of women, the acceptance of slavery and discrimination on the basis of sexual behaviour) were frequently condoned and promoted in the early church. The Edict of Milan (CE 313)

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13. I acknowledge the importance in this regard of papers delivered at the Int'l Conference on The State of Religious Human Rights in the World: Religious and Legal Perspectives, Emory U, Atlanta, Ga, 6-9 Oct 1994. Brian Tierney's excellent historical analysis of the history of Christian developments regarding the freedom of religion published in the papers from this conference has been especially helpful in the preparation of the pre-Reformation section of this paper. The papers of the Emory Conference are published in two volumes, one devoted to religious perspectives and one related to legal perspectives: John Witte, Jr. and Johan D. van der Vyver, eds, Religious Human Rights in Global Perspective: Religious Perspectives (Martinus Nijhoff Publishers, 1996), and Johan D. van der Vyver and John Witte, Jr., eds, Religious Human Rights in Global Perspective: Legal Perspectives (Martinus Nijhoff Publishers, 1996). Tierney's analysis, entitled Religious Rights: An Historical Perspective, appears at 17-45 in the volume on religious perspectives.
and the eventual transformation of Christianity into the state religion of the Roman Empire resulted in further ecclesial restrictions against what was regarded as asocial and deviant behaviour. Despite these developments there were Christian apologists at the time who defended religious freedom. Lactantius, for example, wrote “[l]iberty has chosen to dwell in religion,” stressing that there is “nothing . . . so much a matter of free will as religion . . . .”\(^{14}\) St. Martin of Tours, in turn, bitterly condemned the actions of a group of bishops who persuaded the emperor to execute a supposed heretic, Priscillian.\(^{15}\)

St. Augustine's years as Bishop of Hippo (396-430) marked a further phase in the imperialisation of Christianity, which resulted in further violations of the rights of individuals and groups who were unwilling to identify with the norms and customs of the Empire. Rosemary Ruether's critique of Augustine is a telling one: “When faced with the test of a non-Roman identity, Augustine, as much as Eusebius, proved that his catholicity was a closed universe, bounded by the Greco-Roman oecumene.”\(^{16}\) He initially refused to support the use of force against the apocalyptically minded Donatists who rejected assimilation into the dominant Catholic Church. When, however, his ecclesial coercion met with Donatist resistance which soon developed into “a peasants' revolt in embryo,”\(^{17}\) Augustine supported the intervention by imperial troops. Unrepentant Donatists were persecuted and resisters killed. Bluntly stated, Augustine favoured political stability in an unstable world as a priority that needed to be protected at almost any cost. It needs to be asked to what extent, in so doing, Augustine, intentionally or not, established an implicit principle allowing for the curtailment of individual rights in the interest of national security?

Despite the intensification of persecution of dissidents by the church, Brian Tierney argues that ultimately the medieval popes and bishops unintentionally contributed to the eventual emergence of basic human rights, by insisting on the freedom of the church


\(^{15}\) See id.

\(^{16}\) Rosemary Radford Ruether, Augustine and Christian Political Theology, 29 Interpretation 258 (1975).

\(^{17}\) Peter Brown, Augustine of Hippo 289 (U of Calif Press, 1969).
from the control of the temporal rulers. This was an important
development in the wake of the unity of church and state which
prevailed in the Christian Roman Empire. Individuals and groups
(such as the Donatists) were left without a recognised moral
authority to which to appeal, beyond that imposed by the theo-
ocratic state-church alliance. Then, as imperial power began to de-
cline and to be challenged by that of the pope, things began to
change. There were two (often conflicting) authorities: spiritual
and temporal. The history of the medieval church-state encoun-
ter, which at times manifested itself in a stand-off between Em-
peror and Pope and at times favoured theocracy—with either the
pope or the emperor claiming the unqualified support of God—
need not be discussed here. It was a long and bloody battle.
Pope Galasius (492-496) asserted the independent role of the
church. Charlemagne became the first Holy Roman Emperor,
claiming to be the vicar of God on earth. The dramatic fight back
came under the pontificate of Gregory VII (1073-1085) which
gave rise to the Investiture Controversy (or Papal Revolution). In
the end neither Emperor nor Pope could win. The outcome was
compromise as agreed to in the Concordat of Worms (1122).

It would, of course, be quite wrong to read too much into
these developments. The struggle was not for the freedom of re-
ligion (let alone for other rights) for each individual. It was
rather for the freedom of the institutional church to direct its own
affairs—a development which itself often resulted in the most
savage persecution of individuals. It was merely a step, though
an important one, along the way toward a questioning of the na-
ture of authority.

Equally important was the affirmation of individual con-
science in medieval theological thinking. It influenced the politi-
cal developments of the time to the extent that it began to focus
attention on the persuasion and eventually the rights of the indi-
vidual. In the twelfth century, Peter Abelard "taught that to act
against one's conscience was always sinful, even if [in so doing
one's conscience errs in discerning the will of God."

18. See Tierney, Religious Rights: An Historical Perspective, in Witte and van der Vyver, eds,
Religious Human Rights (cited in note 13).
19. See, inter alia, R.H.C. Davis, A History of Medieval Europe (Longman, 1976); Brian
1971) quoted by Tierney, Religious Human Rights: An Historical Perspective, in Witte and van der
Aquinas, in turn, stressed that we are only obliged to obey the higher authority of God when we know that it contradicts our own conscience. "[N]o one," he argued, "ought to act against his own conscience and he should follow his conscience rather than the judgment of the church when he is certain . . . ."²¹

Again it would be wrong to read too much into medieval teaching on conscience. It did, however, raise further questions concerning the source of authority and the nature of the moral imperative. A further development in ecclesial thought, not unrelated to notions of conscience, was the emergence of the idea of natural rights, a phenomenon which emerged within the context of the social and intellectual renewal of the late twelfth century. If hitherto ius naturale (natural law) was understood to mean "what is naturally right", it now began to acquire the more subjective sense of being a faculty or ability inherent in the individual. This was a notion that would in time give rise to the belief that individuals have certain inherent rights.²² Not least prominent in this regard was William of Ockham (1285-1349). He broadened St Paul's understanding of Christian freedom as meaning freedom from Old Testament law or freedom from sin, to mean the freedom of the Christian from all tyrannical forms of control, within both the church and state. "Not even the pope, he wrote, [can violate] 'the rights and liberties conceded to the faithful by God and nature.'"²³

It is time to summarise the emergence of medieval moral ideals as they pertain to what would in time be seen as an emerging human rights tradition. The struggle for hegemony between state and church raised an important question concerning the nature of moral authority. The recognition of conscience, in turn, created the possibility of moral appeal against imposed authority—whether by state or church. The notion of natural rights took the quest for moral authority a step further, suggesting the existence of an objective moral authority to which individuals could appeal.

These developments were further nurtured within the context of the rise of nationalism in Europe, not least in the Germanic states, which contributed to the Protestant Reformation. Martin Luther's emphasis on the need for each individual to personally respond to God's grace opened the way for each individual to interpret for him or herself what is right in a given situation. Luther's teaching on justification by faith, the freedom of the Christian, and the priesthood of all believers was seen, if not by himself, then certainly by the peasants who heard his message, as providing a theological basis for their struggle for social and economic rights. Luther's own political conservatism, coupled to his understanding of the ever-present nature of human sin, however, required his followers to submit to the authority of the princes, whom he saw as being called to promote the common good. It was their task "to . . . punish the abuses and lay bandages and poultices over the sores" within society.\(^2\) Luther reacted strongly to the Peasant's revolt in 1525, as a basis for sustaining the rule of the princes. His anti-Semitism and in his attitudes towards women, similarly reflect his support for the social milieu of his time. His promotion of educational, marital and other reforms, on the other hand, have caused some to discern a "progressive" dimension to his thinking that separated him from many others of his time. This having been said, it is equally important to note that within a decade of his break with Rome, he opposed the activities (if not always the ideals) of many of the priests, radical peasants, craftsmen and the emerging bourgeoisie who sought to promote political reform. Luther had at the same time enabled people to gain a new sense of personal worth that neither the structures of feudal politics nor his own ecclesial control could withstand.

John Calvin, who adopted a more positive attitude concerning the social responsibility of the state, provided Geneva with a system of social services that surpassed what was provided elsewhere in Europe at the time.\(^2\) At the same time he emphasised the need to show obedience to God rather than human authority;

\(^{24}\) Martin Luther, *Interpretation of Psalm 101*, quoted in H.G. Haile, *Luther: An Experiment in Biography* 101 (Doubleday, 1980). Luther's more positive views on government were left largely undeveloped. See, inter alia, *Treatise of Good Works* in 33 *The Works of Martin Luther* 51 (Muhlenberg Press, 1959) (hereinafter *Works of Luther*); *To the Christian Nobility* in 44 *Works of Luther* 211-15; *To the Nobles of Germany* in 45 *Works of Luther* 355-78.

and this with a resolve surpassing anything suggested by the more conservative Luther. Ultimately, however, both Calvin and Luther (also Huldrych Zwingli in Zurich) reacted against the initiatives of the poor, of women and of others (Jews, Christian dissidents and "heretics") who refused to submit to prevailing authority.

The social and ethical forces unleashed by early Protestant thought ultimately found fertile ground in the Puritan and Free-Church movements in England and North America, a process that further affirmed the rights of the individual. In the words of Franklin Littell, “The most direct contribution of the Free Churches to the individual citizen, whether church member or not, was in the establishment of liberty of conscience.”

Focusing on a covenantal relationship between individuals in community with other Christians and God, the notion of political and moral responsibility in society was enhanced. This sense of covenant was first expressed in the demands for the freedom of worship and the right of each congregation to govern its own affairs. It was soon, however, broadened to include the right to self-determination in the political, economic, familial and professional realms. These social spaces within society were seen to be God-given areas within which Christians were to discern the will and moral authority of God, in relation to which the community was to organise and assemble with a view to analysing and criticising the political order and promoting their perceived understanding of the will and purpose of God. This gave rise to a momentum that ultimately carried Puritan believers well beyond the confines of theology into secular political engagement. In so doing they found a significant measure of common cause with secular humanists in the struggle for human dignity in the political order. In America, Puritans and the liberals shared the view that society should be governed by “self-evident” moral truths. The names of Puritan theologians like John Winthrop, Jonathan Edwards, Cotton Mather and others were heard alongside those of Benjamin Franklin, Thomas Jefferson, James Madison and Tho-

For the Puritans, this meant the laws of God as understood within the context of the community of saints. For liberals it meant the discernment of moral values through reason alone.

The link between the Protestant theological understanding and use of the law (as civil restraint, theological conviction of sin, and educational enhancement of spiritual and ethical behaviour) and the secular law—which emerges out of the reformation tradition—is a related but separate matter discussed by a number of scholars. It is an important debate, not addressed directly in this essay.

The above discussion notwithstanding, there persisted a certain suspicion concerning human rights in other Christian traditions. This, suggests Erich Weingartner, was because while the American human rights tradition was based on a Christian understanding of the Enlightenment and natural law, the French version derived from rational philosophy which juxtaposed human rights with the divine rights of monarchs and the traditional recipients of the church’s patronage—giving rise to a strong tradition of anti-clericalism and religious belief. The outcome was a perception of human rights as rebellion against God in Roman Catholic and Eastern Orthodox teaching, as well as among Protestants on the European continent. A certain caution concerning the human rights agenda by some churches in South Africa, not least the Dutch Reformed Churches, can be traced to this.

The contours of the modern quest in the church for human rights in all its complexity need not be traced here. Different churches within Christianity tackled the problem in different ways. Based on a measure of self interest, the twentieth century
concern for human rights within Christianity became most audible and articulate in relation to representations made to colonial authorities for the right of missionaries to evangelise the indigenous people. This gave the early ecumenical concern for religious liberty a distinctly Christian focus. In time, however, it was broadened to affirm the freedom of all religious belief.

It was, nevertheless, only in the wake of World War II, under the impact of the Universal Declaration of Human Rights and the struggle of third world peoples for individual and national rights, that the churches began to see the inherent link between religious freedom and other fundamental human rights. While the World Council of Churches' (WCC) inaugural assembly in Amsterdam (1948) underlined the importance of the churches’ work on human rights, it was not until the late 1960s that WCC began to focus on specific human rights programmes.

The commitment of the WCC against racism at the Uppsala Assembly in 1968 constituted a decisive step in this direction. It led to the formation of the Programme to Combat Racism a year later—with major implications for South Africa. The WCC would in time focus on a range of other specific human rights concerns, including torture, extra-judicial executions, the rights of women, the exploitation of children, militarism and other concerns. The WCC Human Rights Resources Office for Latin America was established in 1975, followed by the Human Rights Advisory Group in 1978, as well as numerous regional ecumenical human rights programmes. This renewed (and broadened) ecumenical interest in human rights resulted in the St Pölten (Austria) consultation on “Human Rights and Christian Responsibility” in 1974. The consultation statement reads:


35. The fifth assembly of the World Council of Churches (WCC) in 1975, for example, explicitly stated: “This right should never be seen as belonging exclusively to the church.” See M. Paton, ed, Breaking Barriers, Nairobi 1975 in WCC Report on the Nairobi Assembly 134 (SPCK, 1975).


38. For a discussion on these developments see Pauline Webb, ed, A Long Journey: The Involvement of the WCC in South Africa (WCC, 1994).
The WCC has frequently declared that religious liberty is a basic human right. This right is required so that the full responsibility of Christian faith may be undertaken. This right is not a privilege or an exclusive freedom of the church. Human solidarity demands that we should be aware of the inter-relatedness of all rights, including the rights of those of other faiths or no faiths . . . . The rights to religious liberty exist in order to serve the religious community according to the commands of the gospel.39

This position was reiterated in the Nairobi Assembly of the WCC, mobilising a new found commitment to human rights in the ecumenical movement.

Parallel to these WCC developments was a new incentive by the Roman Catholic Church, an initiative expressed in Pope John XIII's encyclical *Pacem in Terris* in 1962 and the pastoral constitution of the Second Vatican Council *Guadium et Spes*. Other important foundational Roman Catholic teachings include the *Message Concerning Human Rights and Reconciliation*, published by the Roman Synod of Bishops in 1974, and a paper published by the Papal Commission, *Justitia et Pax*, entitled *The Church and Human Rights*, in 1975. The breakthrough came in the bold reiteration that it is through the revelation of Christ that the basic rights of humankind are made known—something that had always been part of the Thomistic and Catholic tradition, but often neglected prior to Vatican II. Without turning away from natural law teaching, the theology of Vatican II provided a strong Christological focus. We read in *The Church and Human Rights*: “The truth is that only in the mystery of the Incarnate Word does the mystery of man take on light . . . . Christ, by the revelation of the mystery of the Father and His love, fully reveals man to man himself.”40 The words of John Paul II to the Pueblo Conference of the Latin American Bishops in 1979 were decisive for subsequent events:

The truth that we owe to human beings is, first and foremost, a truth about themselves . . . . Thanks to the Gospel, the Church possesses the truth about the human being. It is found in an anthropology that the Church never ceases to

explore more deeply and to share.\textsuperscript{41}

In providing this Christocentric focus, post Vatican II theology contributed to the human rights debate well beyond the confines of the Roman Catholic Church.\textsuperscript{42}

The Eastern Orthodox tradition, in understanding itself to stand in unbroken continuity with the early church, bypasses the secular basis of human rights. As such, it locates human rights in God alone as the source of moral good, recognising the true nature and dignity of humankind to be revealed in the Trinity. In communion with the triune God, each person attains an understanding of his/her true humanity. In relationship with others we, in turn, recognise the dignity of humanity that is created in the image of the Godhead. For Orthodoxy this God is preeminently a triune God. The Father, Son and Holy Spirit find their being in the fundamental relationship that exists between them. Being created in the image of this (triune) God, relationships are seen to constitute the basis of a spiritual imperative for human beings to live in mutual respect and community with one another. It is this theological basis, rather than the secular humanism of western liberalism or the anti-theistic tradition of the French human rights tradition, that inspires the Orthodox commitment to the Universal Declaration of Human Rights and documents.\textsuperscript{43}

Eastern Orthodoxy has had limited historic influence in South Africa. As is the case with the Christological focus of post Vatican II theology, however, the theocentric focus of Eastern Orthodoxy provides a resource that could enable those Protestants who continue to be uneasy about the secular basis of the western human rights tradition to find a new theological basis for supporting the goals of the human rights agenda. We turn now to a consideration of this particular theological concern within the South African context.


A REVOLUTIONARY DIMENSION

The question from a theological perspective is to what extent the concern for human rights is central to what it means to be fully human. In a study document written for the World Alliance of Reformed Churches (WARC), Jürgen Moltmann provides a "new" point of departure for Reformed thinking on human rights which eclipses any suggestion of the anti-theistic humanism that has continued to plague some European-based Protestant thinking on human rights. In so doing he finds a measure of common ground with the theistic and Christocentric-based anthropology expressed in post-Vatican II and Eastern Orthodox thought.

Moltmann argues that the theological task is not merely to affirm an abstract ideal of certain God-given human rights which are due all people. It is rather revolutionary. It has to do with unleashing "the dangerous power of liberation," which is inherent to a theological understanding of what it means to be human in the political and socio-economic structures of society. Differently stated, theology plumbs the depths of what it means to be human as a basis for supporting and providing a continuing critique of existing human rights declarations and debates. As such, the theological task is not to reinvent the wheel in the sense of reproducing a Christian declaration on human rights, as if Christians are able to cling to a set of values that do not apply to all people, irrespective of faith, creed, belief or non-belief. In the words of John Langan, a human right "is a right that a human person has simply by virtue of being (human), irrespective of his or her social status, cultural accomplishments, moral merits, religious beliefs, class memberships or cultural relationships."

The theological contribution to human rights at the same time knows no distinction between first, second and third generation rights. Having anticipated renewed insistence of the Vienna conference on human rights on the unity of all rights, contemporary theological contributions to the human rights debate rec-
recognises the inter-relationship between so called basic political rights, socio-economic rights and cultural, ecological and national rights. This is a biblical emphasis that, at least at this level, finds common ground with the African Charter on Human Rights and People's Rights. Any focus on individual rights needs to be realised within the context of community and communal rights. The right to assemble and the freedom of speech can, for example, only be fully realised to the extent that certain basic socio-economic rights, such as the right to education, are affirmed. These, in turn, only acquire full meaning to the extent that the culture of a particular person or group of people is given full recognition within public debate.

Given the dominant role of the Protestant faith within South African politics, comment on the debate between the Lutheran and Reformed (Calvinist) traditions on human rights will now be provided. These churches have not only given more serious theological thought to the human rights debate than other Protestant denominations, they have also given expression to two important theological trends that run through the thinking of other traditions.

Lutheran thinking on human rights has developed in relation to the two kingdoms doctrine, which distinguishes between the spiritual kingdom (which is the concern of the church) and the temporal kingdom (which is the concern of the state). Both are required to further the purposes of the Kingdom of God. Luther engaged in political debate, counselled and criticised the princes, and encouraged his followers to be active in political affairs. At the same time he stressed the difference between politics and matters of explicit spiritual concern. He feared the temptation to reduce the values of the Kingdom to what is politically expedient or even possible—something that would lead to the "baptism" or theological legitimisation of government. At best, Luther's two kingdoms doctrine functions as a theological incentive to critique the existing order, with a view to providing an incentive for continuing political reform. At worst, it results in a preoccupation with spiritual affairs and indifference to political concerns.

49. A fuller exposition of these two theological approaches to human rights is found in Villa-Vicencio, A Theology of Reconstruction at 137-50 (cited in note 33).
The Lutheran World Federation's (LWF) study, Theological Perspectives on Human Rights, published in 1977, is a thorough and insightful study which illustrates Lutheran social ethics at its best. It emphasises that the gospel cannot be reduced to human rights concepts (which are of the temporal kingdom). Concepts such as "structural parallels" and "analogy" are used to describe the link and yet the difference between "the justice which applies in the kingdom of God and that in worldly law." In this distinction, the essential task of the gospel is underlined. It constructively and critically challenges all human rights proposals from the perspective of faith and love, and enables Christians to engage in the struggle for human rights with a level of hope and courage that surpasses what the law alone can generate within us. Without reducing the social ideals of the gospel to any specific set of human rights claims, the gospel requires us to commit ourselves without constraint to the goals of current human rights endeavours—what Luther would recognise as the love of neighbour.

The Reformed or Calvinist side of Protestantism was obliged to address a side of the theo-political debate with an urgency that Luther never experienced. John Calvin was based in Geneva, an independent city of refugees, where social reform was a priority. He did not enjoy the confidence of the rulers and he never fully trusted them—a situation very different from that of Luther in Saxony. Within this context, Calvin set himself to execute social reform in accordance with a covenantal commitment to execute God's will on earth.

The eventual shape of Reformed teaching on human rights was determined by a number of historical developments in Europe, England and, not least, the Puritan settlements in America. These strands within the Reformed tradition were drawn together in the WARC study on human rights, initiated by the WARC meeting in Nairobi in 1970. The study was brought to a conclusion in 1976. As third world concerns influenced Vatican II thinking in 1962-1965 and the WCC's St Pölten report on human rights in 1974, so the WARC study locates the human rights strug-

51. Id at 15.
52. See Miller, A Christian Declaration on Human Rights (cited in note 44).
gle within the context of people breaking out of colonial dependence, cultural alienation and political oppression. It promotes human rights within the context of what it means to be human. At the same time it promotes the human rights agenda as a response to a divine initiative to realise this fullness of humanity—both at the level of personal salvation and at the level of socio-political, economic and cultural liberation. As such, human rights "involves the bonding of persons to others under God's law, for God's Kingdom, empowered by God's love." This, in the words of the WARC's final "Definitive Study Paper," is "God's claim on human beings." The paper locates the pursuit of human rights decisively within the context of the evangelical task of the church. This ultimately is its strength.

Heinz Eduard Tödt asks an important question of the WARC study, which all theological considerations of human rights need to take into account: "What," he asks, "is the relationship between the WARC Theological Basis on Human Rights and the conventions which have recently become part of international law?" Tödt's question raises, inter alia, the pertinent question concerning the specific nature of the theological contribution to human rights. His concern is to clarify the (Lutheran) distinction between what is politically possible and the ultimate demands of the Gospel. This requires the church to promote the Universal Declaration of Human Rights and other human rights instruments. It recognises that while these instruments deserve the wholehearted support of the church as important steps towards a more just social order, the gospel always demands more. To lose the eschatological and utopian demands of the gospel is to lose sight of the renewing power of the God's grace which requires all social and political codifications of law to be subjected to the ultimate challenge of the gospel that we love our neighbour as ourselves. This is an incentive which must ultimately focus on sacrificial love and service to those most in need (the poor, the marginalised and the alienated of society) rather than on the rights of the powerful and strong.

53. Id at 131.
54. Id at 130.
This double concern within Christian theology—both for human rights and in critique thereof (symbolised in the related but different approaches of Lutheran and Calvinist theology), constitutes the loadstone of contemporary theological debate on human rights. It is a theology that locates the essence of what constitutes human rights within a Christological anthropology that continually makes known the possibilities of the human race within each new age.\textsuperscript{56} It is an understanding of human rights that refuses to accept any artificial distinction between different generations of human rights. It is here that the ecumenical consensus on human rights emerges.\textsuperscript{57}

\textbf{WHERE CHRISTIANITY AND OTHER RELIGIONS MEET}

This focus on the Gospel's call for human dignity is essential because morality, in the narrow sense of imposing a system of ethical rules, fails to inspire the majority of people to pursue the common good. It is this that makes the theological and spiritual grounding of especially Roman Catholic, Eastern Orthodox and Reformed teaching, as outlined above, so important. It is in communion with God, within the context of the human community, that we are inspired to “explore more deeply” (John Paul II) the nature of human dignity. In the words of the Reformed declaration on human rights, it “involves the bonding of persons to others under God’s law, for God’s Kingdom, empowered by God’s love.”

The development of spirituality, designed to promote this ideal is beyond the confines of this essay. Gustavo Gutiérrez stresses the need for all people to be free to drink from their own respective wells, in contributing to the reservoir of values that constitutes the nation.\textsuperscript{58} At the centre of human rights spirituality is, of course, the notion of the freedom of religion. Can the church affirm the authenticity of other faiths as well as a secular

\textsuperscript{56} The challenge of each new age and context on the human rights agenda is discussed in J. Zalaquett, \textit{The Human Rights Issue and the Human Rights Movement} 11 (WCC, 1981).

\textsuperscript{57} In addition to the Roman Catholic, Eastern Orthodox, Lutheran and Reformed teachings on human rights cited here, for the Anglican teaching on human rights see \textit{The Truth Shall Make You Free: Lambeth Conference 1988} (Church House Pub, 1988) for the Reports, Resolutions and Pastoral Letters from the Bishops. For Methodist teaching on human rights see \textit{Faithful Witness on Today's Issues: Human Rights} (The Gen Bd of Church and Soc'y, n.d.).

\textsuperscript{58} Gustavo Gutiérrez, \textit{We Drink From Our Own Wells} (Orbis Books, 1984).
quest for life and truth, without undermining its own contribution to a national ethic that unites a divided people?

The answer is partly given in the history of struggle in South Africa, within which people of different religions, ideologies, races and ethnic identities took to the streets in protest, went to jail together and died together. Religious particularity was transcended in common experience, without any particular religion being denied. In the process, greater differences emerged between some people of the same religion and same race than between people of different religions and different races. More recently, *The Declaration on Religious Rights and Responsibilities*, adopted at a National Inter-Faith Conference in Pretoria (November 1992), has sought to build on this encounter between people of different faiths.

South Africa is becoming increasingly self-conscious of its multicultural identity; after decades of imposed Christian ideology of a certain kind, there is an increasing need for churches to relate their theological insights on human rights and contemporary ethical issues to other cultures, religions and traditions. Not least, churches are required to engage with African culture. The South African debate, addressing human rights in an African religious context, is limited. The *African Charter on Human and People's Rights* and related human rights debate is dealt with in secular debate. It is not obviously dealt with from a perspective of African religion or the Africanisation of Christianity. Such writings on the topic that may exist need to be injected into mainstream human rights debate as a means of enriching a tradition that is vital

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59. See, for example, Gabriel Setiloane, *African Theology* (Skotaville, 1986); Augustine Shutte, *Philosophy for Africa* (UCT Press, 1993) in which traditional Catholic doctrine is related to the African notion of ubuntu—which gives expression to African notions of humanness and human belonging. Important historical work in this regard has, for example, been undertaken by Jean and John Comaroff. See, inter alia, their *Of Revelation and Revolution: Christianity, Colonialism and Consciousness in South Africa* (U Chi Press, 1991). Work on contemporary ethical concerns is more limited.


61. There is no major South African work on human rights and contemporary ethical issues readily available on the subject for the use of churches and elsewhere in South Africa—in discussion with Chiwero Kwenda, who teaches African religion at the University of Cape Town. His *Ancestors and Protestors*, which is yet to be published, covers a number of ethical themes from the perspective of African culture and traditional religion. In this regard see also Augustine Shutte, *Ubuntu: Ethics for a New South Africa*. Forthcoming.
to the affirmation of human dignity and worth on the continent.