

"Theological Reasons for Human Rights and their Consequences for the Ecumenical Process" - Lecture for the Irish School of Ecumenics and Trinity College Dublin

Bishop Wolfgang Huber, Chairman of the Council of the Evangelical Church in Germany (EKD): www.ekd.de/votraege/huber

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I.

Ireland was the 19th country, and the capital city of Ireland, Dublin, was the 24th city reached by the torch bearer in the afternoon of October 17th, 2007. This was not a false start of the Olympic flame. Rather, this torch is part of the "Human Rights Torch Relay" and was lit in Athens last summer, a year before the beginning of the Summer Olympics. This relay was initiated by the Coalition to Investigate the Persecution of Falun Gong (CIPFG). Its message is as unambiguous as the declaration of the human rights itself: As long as the repression and persecution of people are part of the Chinese agenda, the Olympic Games should not be held in this nation.

While this Human Rights Torch Relay was not brought to the attention of the general public, the Olympic fire has been rushing from one embarrassing situation to the next in the past weeks and months. Thousands of policemen were needed to make it possible for the Olympic fire to be carried around the world. In Great Britain, the torch was nearly torn out of a runner's hand. In France, it was necessary on several occasions to extinguish the fire and transport it by bus.

The Olympic flame was lit in Athens on March 24th. The Olympic fire symbolises the spirit of friendship, of fairness and mutual respect, the team spirit of the Olympic movement. This spirit is defined in an official paper of the International Olympic Committee (IOC) as follows: "The Olympic Games inspire humanity to overcome political, economic, gender, racial or religious differences and to forge friendships in spite of those differences." (The Olympic Museum, 2007). The fire was carried onto the highest mountain of the world, the Mount Everest, nine days ago. The Olympic spirit is above all, on the roof top of the world. This idea seems extraordinarily cynical as one remembers that the Mount Everest is partly situated on Tibetan territory.

Falun Gong and Tibet – both have become symbols of human rights jeopardized by the People's Republic of China. There can be no doubt that the complaints about massive human rights violations in this growing economic nation are true.

Dramatic changes in the actions and attitudes of a person are frequently the result of existential crises; quite possibly, this is also true of states. While in Burma because of the cyclone a fortnight ago, basically a firm adherence to the old policy of isolation towards the international community can be observed, China after the immense earthquake with its epicentre in the region of Sichuan shows signs of a new opening up. Of course, the media coverage is restricted to carefully selected sites and therefore the news report only special heroic acts of rescue; but all the same, news in such detail are something new and activates a wave of solidarity. It is also something entirely new, that helpers from abroad are permitted to act on the scene of the catastrophe; the Chinese government has received favour offers to this effect from South Korea, Russia, even Japan. one gets the impression, that what is beneficiary to human beings has for the time being a higher priority than the self-promotion of China as a nation independent of the international community. It is to be hoped that in these aspects of this heart-rending catastrophe, the face of a new China begins to emerge – all people in this great and remarkable country could only benefit.

In its latest international report from 2007, the human rights organisation Amnesty International (ai) complains about "unfair trials"; "administrative detention without charge or trial"; "torture and ill-treatment" or the continuing use of the death penalty in China. In conclusion, Amnesty International states that violations of human rights are part of everyday life in the Republic of China. The politics of economic reform have achieved significant changes and also more freedom for the individual since the end of the seventies, but there has been no fundamental progress on certain questions of human rights. Any form of opposition is still suppressed. Especially members of ethnic and religious minorities have suffered repression by the government. Although the Chinese government has shown itself more open to human rights issues, they have hardly taken any measures to put an end to continuing human rights violations and to effectively protect their citizens against abuse. They are also unwilling to allow for foreign investigation into the situation in the land. Victims of human rights abuses in the People's Republic of China come from every social stratum. On account of the arbitrary nature of the Chinese legal system, anyone who deliberately or unwittingly comes into conflict with Chinese authorities may become a victim of human rights violations (ai report, November 2007).

Religious groups have also experienced that they were denied human rights. Religious communities in China do not have the right to determine their own affairs. As the party and the state interfere with and control the internal affairs of religious communities, they routinely violate their human right to religious freedom. Muslims are affected in specific regions in the same way as Christians, as well as Buddhists all over the country, especially the Tibetan people in the autonomous region of Tibet and in the bordering provinces.

China's example shows that the topic of human rights has a continuing and sad relevance. Although the idea of human rights has never been granted more attention than today since the media's abilities have been increasing constantly, although human rights have never before met with such general approval, they are still endangered and jeopardised in many ways.

Only if we get to the point, as the great German philosopher Immanuel Kant said, that the violation of human rights committed in one place can be felt in every place, only

then will the idea of a cosmopolitan right cease to be no more than an unrealistic idea of right, but become a category embedded in people's consciousness. In other words: The media's ability to communicate facts even across great distances is a prerequisite for us to speak of universal human rights. Today, we have come closer to this point than ever before in the history of humanity.

And yet, we still need constant, decisive action for human rights. The international community cannot and should not gloss over violations of human rights occurring in China or any other state in the world, for reasons of cowardice or in sacrifice to economy, politics or sport.

In the current situation, it is dishonest to leave the decisions to the athletes. They are the weakest link in the chain. I admire the courage of sportsmen and women who consider staying away from the opening ceremony of the Olympic Games. They should be supported by the IOC, who awarded the contract to Beijing seven years ago. Let us assume this was done with the best of intentions: A huge international event like the Olympic Games was expected to communicate a message of fairness, equality and freedom. More than 20,000 journalists from all over the world will be examining and reporting on the human rights situation. Lasting international contacts will be established and developed. But if the IOC remains silent in all of this, it will not serve the human rights well. Whether or not a nation is serious about human rights will become particularly visible in their political decisions: Any nation can make a symbolic statement by boycotting the opening ceremony.

A peaceful torch relay for human rights is an exciting idea. The human rights shall go round the world. They shall shine their light in faraway places and provide a shared point of orientation for all people and nations. They shall ignite people's hearts like fire.

II.

In 2008, Northern Ireland is celebrating a significant anniversary of the human rights' development. A few weeks ago, on April 10th, we commemorated the tenth anniversary of the Belfast/Good Friday Agreement. After almost 30 years of violence, in which about 3,600 people died and at least 40,000 people were injured, during which innumerable human rights violations occurred and terror and fear were part of everyday life in Northern Ireland, all the conflicting parties involved signed a peace agreement on April 10th, 1998. The parties promised to dedicate themselves to "the achievement of reconciliation, tolerance and mutual trust, and to the protection and vindication of the human rights of all". This included a range of plans to promote human rights in Northern Ireland – especially the development of a Bill of Rights for Northern Ireland, the establishment of a Human Rights Commission and reforms of police and criminal justice system.

And yet, in the last ten years human rights groups have often complained that progress has not been made fast enough and that the Bill of Rights has been a long time in coming. Although the Northern Ireland Human Rights Commission was already founded in 1999, the human rights violations committed during the time of the "troubles" have still not been dealt with sufficiently – also, the lack of progress seems to be in the way of police reforms. Human rights organisations claim that more than

170 people were killed even after the Armistice Agreement in 1994. And yet there is progress - in 2007, a forum made up of members of political parties as well as representatives of civil society was formed to draw up a draft Bill of Rights. This draft has now been before the House since 31st March. Even though the debate about the contents of the catalogue is in full swing and a unified opinion on some issues seems difficult to achieve, this draft is an important step towards the fulfilment of the commitments made in the peace agreement. It might well be completed in the course of this year.

This year, besides the 10th anniversary of the Belfast/Good Friday Agreement in April, we also celebrate the 60th anniversary of the Universal Declaration of Human Rights on December 10th. So there are even more good reasons to speak about the genesis of the human rights, their justification, their topical relevance and finally, their significance for our ecumenical ministry in particular.

III.

The Universal Declaration of Human Rights gives us in the initial statement of its preamble the following reason for these rights: "The recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". Article one states the principle that "all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." In the Universal Declaration of Human Rights, it is the dignity and worth of the human person that constitutes the foundation of these rights. No other justification is given. As the authors of the declaration had to bridge national, religious or cultural differences and ensure their universal validity, they developed a concept of human dignity and thus of the human rights which can be justified with reference to a broad range of argumentative frameworks. The Human Rights are inviolable and universal. Everyone is entitled to them by virtue of their humanity and irrespective of their colour or nationality, their political or religious conviction, social position, gender or age. These rights are not awarded by the state but have a pre-state nature. They are inviolable and inalienable: no state may refuse or withdraw them, nor can an individual relinquish them of his or her own free will or be forced to give them up. But their openness for a range of justifications should not be confused with a lack of certainty. Therefore it seems necessary for the sake of the clarity and stringency of the human rights concept, to give a definition of the concept of human dignity as put forward in the declaration.

Biblical tradition and Christian theology contribute the idea that the human person is constituted by its relationship with God. This thought expresses the inalienability of human dignity by the relationship with God most consistently. It would be downright disastrous to dispense with a theological reconstruction of human dignity, because the equal and inviolable dignity of every human person cannot be upheld by secular reason alone. Rather, secular reason is so likely to downgrade human dignity, because empirical research finds countless evidence of this degradation in the past and present. Considering people as equal in the diversity of their ways of life and chances in life is only possible if one adapts a position which will not limit itself to secular reason, but include faith in God and thus see these differences in relative terms. This position is grounded in the human person's relationship with God.

I will explain three consequences of this.

Firstly: Human dignity is a gift of God. It is inextricably bound up with God. It has been pointed out time and again that Christian theology has been using the concept of human dignity since the times of the Church Father Augustine in the 5th century AD at the latest, and thus takes up the Biblical understanding that the human person was made in God's image. As this idea that every human person was made in the image of God (*imago Dei*) is part of the idea of creation, it follows that the dignity inherent in every human being was not acquired or earned by the human person, but granted -- granted by an authority beyond our control. This is why the dignity of every human person is inalienable. On the basis of the theory of evolution or humanism alone, this inalienability cannot be explained. Christian theology also derives human dignity from the love of God in Christ. Just as this love conditions that no power on earth can move between God and human (cf. Romans 8, 38f), in the same way, no power on earth can take a person's dignity. Even if this dignity is vulnerable, it is yet indestructible.

Secondly: Human dignity reveals itself in a special way in suffering. Human dignity is recognised most clearly in the instance when a person's dignity is injured or disregarded. Therefore, a discussion of the dignity of a human person needs the perspective of the cross of Christ. This is the place of the scandal, the scandal that God reveals himself in his "precise opposite" (Eberhard Jüngel), in the form of a human being suffering and dying helplessly. In view of the cross, one may also say that human dignity shows itself in its "precise opposite", wherever people are suffering and not respected in their dignity. The discussion about human dignity starts off from a situation where it is most jeopardised. This is why it seeks to generate new opportunities for the endangered and injured human life. And at the same time, it emphasises that all forms of life have their dignity, even the life which is not yet focussed on its chances, or the life which can no longer recognise such chances, which is human life at the time of its genesis as well as close to its invariable end.

Thirdly: Human dignity is of an appellative nature. If our universal human dignity is only valid as long as it is not denied any human being, then everyone has the responsibility to stand up against any injuries to human dignity. Wherever one person disregards the dignity of the other, they disregard the love of his or her creator at the same time. This is sinful. Sin does not abolish the fact that we have been made in the image of God, an image which was renewed and affirmed in Christ who was the image of God. Sin does not have that much strength. But it reverses the basic aspects of human life. Christ's death and resurrection vouch for a different outcome, so that this reversal of values will not prevail. The challenge of the Gospel is a challenge to turn to a life marked by faith, hope and love.

IV.

Although this reconstruction of a theological conception of human dignity seems quite consistent as the basis for an understanding of the universality and sanctity of the human rights, the Christian churches were not always aware or even in favour of the concept of equality and universal human dignity. In its genesis and development, the modern concept of human rights was connected with the history of the Christian churches and the contents of the Christian faith in manifold ways. It actualised

intentions which can already be found in the concept of law emphasised in the Old Testament, focussing on the situation of the poor, weak and those in need of protection. But often this orientation had to be pushed through against the opposition of academic theology and established churches.

After Columbus had discovered America, at the beginning of the modern age, the question appeared whether the people who lived there were actually human in the full sense of the word. Bartolomé de Las Casas answered this question in the affirmative: Yes, they are humans. Those who appeared different to all the people he had known so far, are human, although they spoke incomprehensible languages, exhibited behaviour unknown to him and he was not sure whether there was a chance to convert them to the Christian faith etc etc.

A new situation arose in Europe in the same century when Martin Luther tried to remind the existing Church of its origin. As he was not successful in every place, unfortunately the Church split. Europeans had to learn that even those who belong to a different denomination are human and that this common humanity is even more important than the confessional split caused by the confessional civil war. In spite of the battle for the truth, it became clear that a system of laws was needed to ensure peace.

Saying this in Ireland, I am aware of the painful history of this country. And yet, today we can reply immediately that this year we celebrate the tenth anniversary of the decisive step in overcoming the violence which carried the name of the Christian denominations. On Good Friday, April 10th 1998, the multi-party talks involving the British and Irish governments as well as eight parties from Northern Ireland reached a successful conclusion with the acceptance of the Belfast Agreement. In May 1998, so exactly 10 years ago, the citizens of all Ireland demonstrated their support for this agreement in a referendum. The Evangelical Church in Germany had been praying persistently together with their Roman Catholic sisters and brothers that violence would be overcome and steps towards reconciliation made, and we are thankful to God and all those involved that this Agreement in Belfast was reached. Our common Christian witness in Europe has thereby become more credible.

In Reformation times, it was also the Renaissance movement that renewed the concept of human dignity. While in the ancient world the term dignity (*dignitas*) described the different ranks of people, Renaissance philosophy developed the idea that all people possess the same dignity, irrespective of their confession, the colour of their skin or gender, whether they are rich or poor. Ever since that time, the self-conception of the human person has become reflexive. In order to understand one's own way of being human, a person relates to others: to native Americans, to members of a different denomination, to human beings in general. This process can be called relativism in a positive sense of the word, for *relatio* means relationship. We therefore find that in the transition period to the modern age, a step towards relativism was made which was necessary for the conception of a shared human dignity. An individual cannot lay claim to a certain dignity without acknowledging it in another. One individual must relate to the other.

In North America, the Human Rights found general acceptance – as they had in England - during a time of revolutionary change. Already since 1632, religious

freedom had been codified in some American colonies. But it was only in the struggle for independence from the English Crown that a number of pre-state rights were officially declared. The American colonies' allegiance to the English constitution was broken in the name of the "natural rights" (Thomas Paine). With the American Declaration of Independence in 1787, the modern history of the human rights began. The same year also saw the French "Declaration of the Rights of Man and Citizen". This declaration came from a secularised agenda and revealed an anticlerical spirit. The anti-Christian character of the French Revolution and the terror it led to, had the effect that the concept of human rights was rejected by the main churches in Europe during the whole 19th century. Only the experience of the massive human rights violations in the 20th century led to a reorientation and a remarkable ecumenical learning process. It was in the course of this process that an image of humanity gradually emerged in Reformation theology which emphasised the dignity and freedom of the individual human person.

Neither a bashful concealing of the Christian roots nor an unqualified claiming of the human rights as the result of the Christian tradition will be helpful. Similarly, it would be counterproductive to "subject human dignity to religion's taboo-making powers" (U. Barth). Rather, the Evangelical Church today has good reason to make an original and constructive contribution to this debate by dealing with its own history in a self-critical manner.

V.

This contribution of the churches is of decisive importance for the present moral debate around the beginning and end of life. Especially the respect for the dignity of a person at its beginning has been prominent in German politics in recent weeks. The German Parliament had to decide whether a revision of the policies regarding research with embryonic stem cells was necessary. The very difficult question had to be considered, how the above mentioned great respect for the dignity of human life from its very beginning can be upheld while taking into consideration other legitimate and high goods which could be advanced through the freedom of scientific research and the promotion of high-ranking research for medical purposes.

The background of this discussion is the European Union's decision in 2006 to support consumptive research with human embryos financially. Since then, even the European Union member states with much more restrictive legislation, Germany being one of them, have been participating in the financing of research projects banned in their own countries through the 7th Research Framework Programme of the European Union. This is part of the dilemma in the discussion on research with embryonic stem cells.

The debate in Germany focussed on the question whether regulations agreed in Germany in 2002 could be continued in view of recent scientific developments. The compromise achieved by the stem cell law on June 28th 2002, allows for research with embryonic stem cells only if firstly, the research purpose has been acknowledged as highly significant, and secondly, if stem cell lines are used that were produced before the 1st of January 2002. These regulations were meant to ensure that human embryos were not produced and killed for research projects undertaken in Germany.

Since November 2006, there have increasingly been calls for the abrogation of the key date regulation ("Stichtagsregelung") that was in force in Germany. The reason was that new stem cell lines had been developed after 2002 which were no longer contaminated and much better suited to the purposes of pure research. This situation caused some to demand that the key date regulation should be repealed altogether for the benefit of such research, to allow for participation in future scientific progress. Others, me amongst them, would only go so far as to concede, if absolutely necessary for the sake of pure research, that the key date might be altered just once, and to a date again in the past. This proposal would meet the requirements of high-ranking research to improve chances of recovery from sickness, but at the same time ensure that human embryos will not be produced and used for future research purposes, as this is not compatible with the respect for the dignity of every human being in each stage of its life.

According to Christian faith, human dignity needs to be unconditional because it is not derived from certain human attributes or achievements. It is a dignity God bestows upon a human being. It is universally valid, thus also for a person who derives its justification and explanation from frameworks other than the sources of faith. It follows from this dignity that a human being may never, in none of the phases of his or her life, be regarded solely from the viewpoint of their usefulness or usability. But he or she is, as Immanuel Kant puts it, always to be considered "an end in itself". Although of course the human embryo has to go through some development before it is born, it is utterly impossible to clearly define a certain stage in its development which could denote such a quality leap in this development, so that it is only from this moment on that the embryo can be considered a member of the human race. This is also why we jointly confirmed in the churches that our protection of the human embryo must go as far as our influence on this embryo can go in general.

VI.

I would like to mention another example in which the churches' contribution is required in a special way – namely religious freedom. For this seems to be a particularly jeopardised human right.

Religious freedom includes the right to change one's religion or belief. The Universal Declaration of the Human Rights of 1948 recognised this right in Article 18 as unambiguously as the European Convention on Human Rights in 1950. The clear vote of the United Nations' General Assembly in 1948 caused Saudi Arabia at the time to refuse its consent to the Universal Declaration of Human Rights. There is a particular reason to recall this event.

When the United Nations tried to endow the Human Rights with legal validity in the International Covenant on Civil and Political Rights in 1966, the right to change one's religion had suddenly disappeared from the catalogue. The pact mentions in its Article 18 only the right "to have or to adopt a religion or belief of [one's] own choice". The right to renounce or change one's religion had been relinquished in favour of the approval of states under Islamic influence. Incidentally, the sacrifice made here was as great as the concession made to the USA and other states in the pact of 1966 by accepting the death penalty and merely restricting its imposition to the "most serious crimes in accordance with the law in force at the time of the commission of the crime".

In both cases, we are faced with serious restrictions of human rights. Whenever we speak about religious freedom, we have to put renewed emphasis on every person's individual right to have a religion or none, to change one's religion or to publicly declare one's convictions.

Our standing up for religious freedom as a human right is motivated by the Christian certainty of faith, through which a fellow human being is respected as a neighbour also in his or her divergent faith. The Christian faith is based on – especially but not exclusively in the interpretation of the Reformation - the acceptance of human persons by God, irrespective of their deeds and therefore also irrespective of their convictions. Thus it follows from what is at the core of Christian faith that we recognise the human dignity, the human rights and therefore also the religious freedom of people of one's own or of a different faith. This is why Christian churches respect the other religions' right to exist, including their right to have influence in society. This has not always been the case. The churches were in no way heralds of political freedom, and certainly not in favour of individual religious freedom. While the acceptance of religious freedom as a human right seems so self-evident to us today, it is the result of a long historical and theological, and partly very painful process of development and learning.

Through this process, the realisation of religious freedom as a human right in today's world has of course become an indispensable demand and a matter of concern of the two large churches in Germany. The Evangelical and the Catholic Church in Germany affirm the individual as well as the collective, the negative as well as the positive freedom of religion as the result of a process in the history of ideas, which would have been unthinkable without the Reformation. Human Rights are now a main focus in Christian ethics. Today, religious communities are more than ever expected to actively participate in the construction of basic structures to ensure the principles of civil society in countries where Human Rights have not been implemented. The churches hope to share in this task with other religious communities like Judaism and Islam. And they expect that members of other religions will commit themselves as much to supporting the freedom of Christian churches to practice their religion against any state restrictions in those countries in which Christians are a minority, as these members of other religions take advantage of the religious freedom granted in the states of the European Union.

VII.

Particularly the work of the World Council of Churches has proven itself a very significant instrument for human rights issues.

In conclusion, I would like to briefly point out three ways of active engagement for human rights.

The Church's proclamation of the Gospel is directly connected with the issue of human rights. Whenever the promise of God's kingdom is proclaimed, a person's justification before God or their creation in God's image is mentioned, then the theological basis for a Christian attitude towards human rights has been declared. Bearing witness to the ultimate, which directly concerns every human being, must have immediate consequences for the penultimate.

Thus, the educational work of the Church proves itself to be part of the work for human rights. For theological reasons, the Church has the responsibility to contribute to the development of a public awareness for human rights.

The Church's diacon ministry in its diverse forms is dedicated to support individuals and groups, and to improve their life chances. An orientation towards human rights gives this field of work particular relevance whenever life chances and participation chances are endangered by sickness, disaster, or social and political conditions. Globalisation processes should not be taken as merely economic developments. In the time of globalisation, it is our historical chance to accomplish the torch relay of Human Rights all around the world.

As the churches fight for the realisation of human rights, they make themselves advocates of the humanity of human beings. They are fulfilling a task they are set for by God's philanthropy.

© 1996-2008 Evangelische Kirche in Deutschland
Herrenhäuser Straße 12 30419 Hannover
Tel: 0511-2796-0 Fax: 0511-2796-707
Internet: www.ekd.de E-Mail: info@ekd.de