

Human dignity and human rights From the point of view of Christian orthodoxy

Antoine Arjakovsky,
Director of research at the College des Bernardins (Paris)
Member of the Orthodox Church (Ecumenical Patriarchate)
arjakovsky@gmail.com

Excellencies, Ladies and Gentlemen,

It is an honor for me to participate in this consultation "Churches Together for Human Rights" in Helsinki and I warmly thank the organizers for their invitation, and especially father Heikki Huttunen. I was asked to talk about human dignity and human rights from the standpoint of Christian orthodoxy. This topic was already addressed within the Conference of European Churches and also in the dialogue between the Evangelical Church of Finland and the Russian Orthodox Church. Also considering the 20 minutes given to me I propose to summarize briefly the position of the Orthodox Church on this issue before responding to two major objections that have been made to her.

For the orthodox Christian doctrine men and women have rights because they were created in the image and likeness of the triune God. These rights are inalienable because the human being is a microcosm and a *microthéos*. For Athanasius indeed "God became man so that man might become God." The human dignity, which is the humanity

of man, comes from his uncreated and created trinitarian origin. And nothing, not even sin, may contradict this reality. This was the great lesson of the twentieth century. Totalitarianism failed precisely because of this indestructible power of the human gaze (Levinas), of the faith in God as savior (Solzhenitsyn), of the unique ability in all creation of marveling that man has (Vergely). Thus the human person can never become a means; it is an end in itself that enters into the great circulation of glory between God and men. Saint Irenaeus said with power: "The glory of God is man fully alive."

The Social Doctrine of the Russian Church published in 2000¹ and the 2008 document entitled "Declaration on the Rights and Dignity of Man" adds a very illuminating interpretation of this patristic doctrine. Father Sergius Hovoroun has shown that the New Testament distinguishes between two freedoms that are enshrined in the concept of "image" and "likeness." *Antexousion* refers to freedom as self-determination (1 Cor. 7, 37: "But whoever is firmly established in his heart, being under no necessity but *having his desire under control*, and has determined this in his heart, to keep her as his betrothed, he will do well." This is the human uncreated freedom that comes from the uncreated divine prototype. *Eleutheria* however is a created freedom for man to strive towards the divine archetype. It means freedom from evil, as the ability to accomplish ourselves in God, as a capacity to overcome our fallen nature in cooperation with God.

¹ *Les bases de la conception sociale de l'Eglise orthodoxe russe*, www.mospat.ru . Une traduction française a été publiée par H. Destivelle aux éditions du Cerf en 2007.

("But the Jerusalem above is free, and she is our mother.": Galatians 4, 22-26; see also Jn 8: 36: " So if the Son sets you free, you will be free indeed.") Father Vsévolode Tchaplín was true to remind that the first freedom cannot be dissociated of the second.² Somehow I might add that the whole drama of modernity is to have not been able to think together of the two freedoms. The liberal or even libertarian ideology focuses its juridical system mainly on freedom of consciousness. While the socialist and fascist ideologies have only recognized that freedom of service. The UN Declaration of human rights in 1948 could only be a lame compromise between these two doctrines of secular liberalism and secular socialism that both rejected the great patristic idea of the person created at the image and likeness of God. The Fathers of the Church conceived both human freedom as the inalienable reality of consciousness and as the foundation of humanity's participation in God's kingdom on earth. Vladan Perisic has shown authoritatively that this symbolic antinomic and eschatological vision of human freedom has determined the patristic social doctrine of the Church on issues such as property, justice and war.³

As we know the Orthodox Christian vision of the relationship between human dignity and human rights has been criticized vigorously. The

² V. Tchaplín: "The Theological Vision of Human Rights: Political Traditions and Realities", CEC, 2011.

³ Vladan Perisic, "Interpretation of Human Rights in the light of the Church Fathers", CEC, 2013.

main criticism came from the secular or agnostic world. But there is also an internal critique inside the Christian world. Let's begin by presenting and responding (always from an orthodox viewpoint I hope) to the first. The major complaint that was made by the French revolutionaries to Christianity was its inability to present, in accordance with the Scriptures, the creator God as a good God, merciful and universal. We should read some pages of Voltaire and Rousseau, and later of Marx and Nietzsche to take the measure of the big break that separated clergy and intellectuals in the modern age. Today many scholars recognize that "freedom, equality and fraternity" cannot hold together without the recognition of a common Father. Otherwise we fall into egalitarianism that denies basic data such as natural sexual differentiation as a basis for parenthood as it is the case today in the Western world. Similarly, Christians made their *mea culpa*. In the Orthodox Church in particular a powerful intellectual revival occurred in the twentieth century with major figures such as Nicolas Berdyaev, Sergius Bulgakov, Nicolas Afanasiev, Olivier Clément, John Zizioulas and many others. To summarize in a few words that revival one could say the following. God has indeed created the world just and good. But God invited man to participate in its creation. He asked him to transform the world from its 7th day stage to its 8th day of completion. Moreover, as stated in the letter of James, God cannot think evil.⁴ Evil is the result of the delay between the creation of God and the human response, it is the distance between the

⁴ Let no one say when he is tempted, "I am being tempted by God," for God cannot be tempted with evil, and he himself tempts no one.

uncreated freedom and the created freedom. God does not impose the burden of created freedom, that is to say of responsibility. He asks his creation. In the Book of Revelation Christ appears as the slain Lamb (Rev. 5, 6), as the symbol of the helpless that knocks on the door of the human heart to show him the way of the kingdom (Rev 3, 20). And in chapter 5 of the Revelation, which is a kind of proto-history of human history, we understand that God asks His creatures before entrusting them with a mission. On the question of the mighty angel, "Who is worthy to open the scroll and break its seals? "Only the Lion of the tribe of Judah, the Root of David, that is to say, the Lamb slain is worthy to accomplish this mission by Him who sits on the throne that is to say by the Creator. As the price of his participation in the divine work this divine-humanity both suffering and victorious will receive the ultimate reward. It will become "a kingdom of priests ruling on the earth."

Mystical orthodox theology has finally managed to exceed a vision of theodicy that understands the relationship between God and men on a basis of contract or limited to redemption. The relationship between God and men presented in the last chapters of the Book of Revelation is a relationship of love where the most striking symbol is the meeting between the heavenly Jerusalem and the earthly Jerusalem. This vision cannot be accused to be partial or relative. It is truly universal. This is becoming better understood by contemporary philosophers such as Jean-Luc Marion and John Milbank. First, faith is a form of certainty to be rehabilitated by modern thinkers. It is part of the rational

approach. There is a lot of rhetoric on this subject from Benedict XVI and Rowan Williams. Then as you know more and more astrophysics as Trin Xin Thuan agree that the creation, far from being the result of chance, can only be the result of a personal intelligence. Finally, the inter-religious dialogue between contemporary monotheistic and cosmotheistic hemispheres can update a profound unity between Christ and the Tao. As written by Henri le Saux (who took the name of Abishiktananda): "The transcendence of God is the source of its immanence, transcendence and immanence are two human words that finally are trying to serve both the beyond and the beyond of the supreme mystery, the rupa and arupa of being. "⁵

In this post-modern perspective of reconciliation between faith and reason and between the major religions of the world we understand better that man has rights not because of a public authority that would be able to guarantee them, but because the subject of human rights is the foundation of any society. This means in particular that the secularized societies should evolve in their conceptualist view of objective knowledge to be taught in a supposedly "neutral and detached" way in all schools of our so-called civilized countries. This vision has led today to an unprecedented crisis of Western democracies both on cultural, economic and social levels culture of the younger disenchanting generations. A correct interpretation of human rights must now give way to a teaching of ethics and religious culture in public and private schools in a friendly and respectful

⁵ Harry Oldmeadow, Henri Le Saux, christianisme et spiritualité indienne », Paris, Almor, 2010, p. 207.

manner towards both individual freedom and religious teachings. This is precisely what we intend to introduce in France on the basis of the Collège des Bernardins with the support of the Council of Europe and all the heads of churches and religions. Also in Western Europe, some laws, recognizing that democracy relies primarily on people and not on a procedural system, begin to consider the concept of “religion of the majority of the citizens”. In 1995 the German Constitutional Court wrote the following note on his acceptance of the legality of crucifixes in classrooms: "No State even if universally guarantees freedom of religion and must respect the religious and ideological neutrality, is able to ignore completely the cultural and historical values on which depend social cohesion and the achievement of public goals. " .

Let's turn now to the second major criticism, this time internal to Christianity, which was made to the orthodox view of human rights or rather to a certain interpretation of it within the Russian Church. Listening to some declarations of father Vsévolode Chaplin many Christians were outraged that the evangelical vision of human dignity had been used to justify the censorship of certain exposures, the justification of the war in Chechnya, the blanket condemnation of Western legislation on end of life, and more broadly the legitimacy of the symphony between the Orthodox Church and the Russian state. Again, this is a reaction that I believe has some truth. Indeed, even if

the father Chaplin is right to insist on the “fallen” nature of this world, there is no reason to take as universal conclusion that every man should limit his freedom for the benefit of the ecclesial institution. First, because we know, thanks to John Meyendorff and Georges Florovsky, that the Church as an institution can be sinful. Secondly, because the document of the Russian Church itself insists on the fact that man must be able to withstand any order he deems contrary to the establishment of God's kingdom on earth. The true criteria, therefore, is neither the nation nor the state nor the Church in the institutional sense, the true criteria of fair knowledge and praxis then is the person itself as a being in communion with God and men. For Berdyaev: "The person is a universe in an individual form and never repeats itself. It combines in itself the universal and infinite one hand, the particular and the individual on the other. (...) The conception that sees in the human being a microcosm is opposed to the organic and hierarchical conception that transforms man into a subordinate part of an All general or universal. "⁶ In fact, the solution of the antinomy between the two freedoms is not monolithic. It is necessarily personalist, contextual, and grounded on the Wisdom.

This means to start with that for Christian personalism, even historical and cultural monuments, even national symbols must be submitted to the primacy of the human person. In France, for example, the whole school of historiography of the “Lieux de Mémoires” managed to dive

⁶ Nicolas Berdiaev, *De l'esclavage et de la liberté de l'homme*, Paris, DDB., p. 30.

into oblivion the great battles and great monuments that were once the pride of the French and are now, after WWII, included as milestones of death. It should be remembered here that the Orthodox Church of the first centuries has never itself legitimized the war or the death penalty. These were always considered as sins for the Church, as the signs of the distance between God and men. The early church councils have insisted that the priests could not take part in wars even if they were defensive wars. This is now recalled with power by Patriarch Bartholomew of Constantinople when he says with other religious leaders in the world that no war in the name of God can be legitimate.

A personalist approach also enables in a new way to deal the highly complex issue of end of life and the conflict between the right to die and the right to live. In its light some democracies today are inventing creative legal solutions to the impasse of a sometimes too theoretical interpretation of the Christian vision of human rights. Thus the law Léonetti passed in France on April 22, 2005 on the rights of patients at the end of life, supplemented by a Decree of February 6, 2006 sought an ethical solution to the legal framework of the relationship between medical doctor and patient at the end of its life. It has been the subject of extensive debate in French society and received the support of both churches and the majority of deputies in the National Assembly. This law provides three main provisions in relation to care and promotes the expression of the will, and also collegial discussion: The prohibition of unreasonable obstinacy, strengthening patients' rights,

and the establishment of a decision-making process if patient is unconscious or stop treatment based on two keywords: Collegiality and transparency of the decision. It seems essential to me that the majority of schools of thought grouped within a National Ethics Committee has admitted that "the principle of the dignity of the patient" is opposed to an extension of life in inhumane conditions and suffering. It should be added that the French hospital system has more and more palliative care units that can take care of patients whose doctors believe they are no longer curable. Moreover, the personalist approach is marked by the establishment of a collegial decision:

"It is important to respect the principle of collegiality and transparency of decision making. (...) The provision of the law of April 2005 is to ensure the collegiality of the decision to avoid decisions that are taken unilaterally and especially to weigh the burden of the decision on a professional, the patient or family. Fixing the principle of collegiality, a discussion, exchanges take place between the professionals in charge of the patient, the patient and his family. This practice avoids the "unsaid" and creates a link exchange."⁷

I would like to give one last example to understand that the solution of the antinomy between the two freedoms is always personalist, sapiential and contextual. For the American evangelist Jim Wallis the

⁷ Nathalie Lelièvre, « Droits des patients en fin de vie, faisons le point », texte disponible sur www.infirmiers.com

moral foundations should be the basis for national policies on social care (he quotes among others Desmond Tutu, Lech Walesa, Oscar Romero but we could add saint John Chrysostome or saint Maria Skobtsova of Paris). His personalist and pragmatic vision leads him to the following approach concerning abortion rights: “Instead of imposing rigid pro-choice and pro-life political litmus tests, why not work together on teen pregnancy, adoption reform, and real alternatives for women backed into dangerous and lonely corners ?”⁸ For him" pro-life "live as if the world had not fallen and do not want to recognize that they live in a society that is not governed by divine law. Conversely, the "pro-choice" do not seem to realize that U.S. law allows the highest global rate of abortion, and do not consider that they are liable that 4000 unborn children are killed every day legally in the USA. This is why Jim Wallis suggests to give a spiritual meaning to secularism. He writes: “We can demonstrate our commitment to pluralistic democracy and support the rightful separation of church and state without segregating moral and spiritual values from our political life.”⁹

I was probably too long and I beg you to forgive me. It is difficult in such matters to be clear and concise. Let me just conclude with this sentence of Berdyaev which dates from 1938 and that I think sums up

⁸ Jim Wallis, *God's Politics: Why the Right Gets It Wrong and the Left Doesn't Get It* HarperOne (2005), p. 79.

⁹ Ibid, p. 7.

the immense task that falls to us to prepare a new understanding of the rights and duties of the human person: "At the base of the social conception of personalism, this is not the idea of equality, nor justice, but the idea of the dignity of every human person that must be given the opportunity to be achieved. "¹⁰

¹⁰ Berdiaev, *op. cit.*, p. 7.