

## **A Protestant theological perspective on individual and collective rights**

*“Human rights” are a fine thing, but [the difficult question] is how can we ourselves make sure that our rights do not expand at the expense of the rights of others’ – Aleksandr Solzhenitsyn<sup>1</sup>*

*“The human person always exists in relation to an ‘other.’ For the individual to exist ‘others’ must necessarily be there .....human existence is mediated ....., for we exist in responsibility as we encounter an ‘other’” – Dietrich Bonhoeffer<sup>2</sup>*

### **1. Introduction**

I will be approaching this topic by way on five *theological propositions* drawn from diverse (and in some cases, conflicting) Protestant theological and philosophical perspectives in an attempt to provide a theological framework within which to address the many challenges that human rights discourse and advocacy pose for Christians in Europe and beyond. I will then apply these theological theses to a current case that we are addressing as the Free Churches Group in England and Wales related to prison chaplaincy as a means of testing the ethical rule of application which they provide. Finally, I will offer a few closing comments on how this might also apply to the issue of religious freedom or belief in the UK and the rest of the EU.

Firstly, however, a few words about our social context in Europe and the rest of the world. We live in a world of growing inequality, vast power disequilibria, increasing environmental degradation and gross violations of human rights. This is the world that God loves and has redeemed through Jesus Christ and into which we are called as disciples to bear witness to the love, righteousness and justice of God. Whilst this summons comes to each of us as *individuals* (by various means of grace through personal encounter with the risen Christ), we are called into the fellowship of believers as an ecclesial community of the Spirit to *collectively* discern and act to address all that dehumanises and disfigures the image of God in other people and that seeks to destroy the creation that God loves.

It is the contention of this paper that human rights discourse and advocacy provides Christians with a framework to undertake this work of discernment by way of social analysis and theological reflection leading to appropriate social action to address the concerns in our local communities and the wider world *despite the many challenges and pitfalls that human rights discourse poses for us as Christians.*

I will now provide a brief outline of the five theological propositions I have selected.

### **2. Five theological propositions on individual and collective rights**

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<sup>1</sup> Solzhenitsyn, A., *Rebuilding Russia*, (New York: Farrar, Straus & Gioux, 1991), 51

<sup>2</sup> Quoted by Clifford Green in *Bonhoeffer, A Theology of Sociality*, (Grand Rapids: Wm. B Eerdmans Publishing Company, 1999), 31

**Proposition 1: “It is on account of an individual’s inherent worth and dignity as a person created in the image of God (Creation) and loved redemptively by God (Redemption) that a moral obligation is placed on me to treat him or her with the respect and dignity that such worth requires”.**

This proposition forms the central thesis of Wolterstorff’s theory of justice as inherent rights. In his book, *Justice, rights and wrongs* he states his thesis as follows:

“I will argue that it is on account of her worth that the other comes into my presence bearing legitimate claims against me as to how I treat her. The rights of the other against me are actions and restraints from action that due respect for her worth requires of me. To fail to treat her as she has a right to my treating her is to demean her, to treat her as if she had less worth than she does.....And to demean her is to wrong her. If I fail to treat her in the way she has a right to my treating her, I am *guilty*; but she is wronged.”<sup>3</sup>

The importance of this statement is that it reveals the recipient dimension of the moral equation (as opposed to the agent dimension). The moral condition of the agent in this statement is that of *being guilty* whilst the moral condition of the recipient is that of *being wronged*. This serves to decentre the agent from the moral equation and to elevate the recipient’s moral condition based on her inherent worth as a person loved by God and created in the image of God.

Within this framework of justice, rights are seen as normative social relationships and bonds and the other comes into my presence already standing in this normative bond to me (and me to the other). This thesis provides an important counter to those who dismiss rights-talk and human rights’ on the basis that they are a modern liberal construct that promotes possessive individualism at the expense of the social bonds that bind people in communities. ‘Rights’ within this framework refer to the *goods* in a person’s life or history based on an understanding of justice that is rooted in the Hebrew and Christian scriptures. This leads to the premise that ‘justice is present in a society to the extent that people can enjoy the *goods* to which they have a right to enhance their well-being and flourishing as individuals within the communities of which they are a part.’

**Proposition 2: “As individuals with inherent worth and bearers of both moral rights and obligations, we are summoned by God to forsake the idiocy of the autonomous self which is centred in the old Adam to participate in the *koinonia* of the transformed humanity inaugurated and sustained by Jesus Christ - the new Adam.”**

This proposition is central to Bonhoeffer’s theological anthropology which links his anthropology and Christology which is the central subject in his book on *Act and Being*. The basic problem which Bonhoeffer diagnoses in philosophical and theological

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<sup>3</sup> Nicholas Wolterstorff, *Justice, rights and wrongs*, (Princeton: Princeton University Press, 2008), p. 5

anthropology at the time of writing this book relates to: “the knowing I which dominates a violated world of its own construing in the solitariness of self-imprisonment”.<sup>4</sup> A Christian anthropology, on the other hand, is gained not by reflection on the self but by looking away from the self to Christ, who is present in the ‘other’.

Other issues discussed by Bonhoeffer in his theological anthropology relate to: “Christ present in the church community liberating people from their dominating self-isolation, and from relating to their neighbours as things rather than persons; revelation as the point of reference for true human self-understanding; the concrete determination of human existence ‘in Adam’ and ‘in Christ’; the personal community of the church where the continuity of the self is established through God and neighbour; *being-in-the-church* and the freedom of grace and revelation in faith (*act*); the problem of conscience and overcoming this by faith; and, finally, Christian existence as ultimately determined not by the past but by the future.”<sup>5</sup>

**Proposition 3: “As participants in this new humanity in Christ, our lives are no longer lived for our own self-advancement but to advance God’s peaceful and just kingdom in the world through our participation in the *missio Dei* – God’s mission of Shalom.”**

Steve de Gruchy explains God’s work in the world in the following way:

“We believe that God is at work in the world. God did not create the world and then abandon it, but rather chooses it as the arena for God’s work. We understand that the love of God that is known within the Trinity reaches out to embrace the cosmos in creation, and particularly to draw all the living creatures of our earth into a covenant of love and justice with God and themselves. Now this work of love and embrace we understand to be God’s mission – the *missio Dei* – and while it is witnessed to in many part of Scripture, such as the covenant with Noah, and the Law of Moses, it finds its most profound expression in the vision of shalom found throughout the Bible.

Shalom is often translated as ‘peace’, but this is a very thin translation. For shalom is not just the absence of hostility, but ‘peace with justice’. It means dwelling at peace in all our relationships at four levels: with God, with creation, with other people, and with ourselves. It also involves an enjoyment of one’s relationship. It means to delight in serving God, to delight in our physical surroundings, to delight in community, and to delight in what it means for oneself to be a child of God. It is clear that at the heart of shalom is the life that God has brought into being, and the desire to ensure that it is respected, nurtured and enjoyed. God’s work in the world, the *missio Dei*, is therefore about creating and sustaining shalom, and restoring it when it is absent.”<sup>6</sup>

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<sup>4</sup> GS III 81f., DBW 10 375f., CW1 66f

<sup>5</sup> Notes 26 and 29 in *Bonhoeffer, A Theology of Sociality*, Clifford Green, (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1999) p.75

<sup>6</sup> *Ten theological theses on mission and development*, Steve de Gruchy, Plenary address: Micah Africa Regional Conference, September 20–23, 2004 (see [http://www.micahnetwork.org/sites/default/files/doc/library/ten\\_theological\\_theses\\_abridged\\_0.pdf](http://www.micahnetwork.org/sites/default/files/doc/library/ten_theological_theses_abridged_0.pdf) for full address).

**Proposition 4: “As an ecclesial community of the Spirit seeking to create and sustain this shalom and restore it when it is absent, we are summoned by Christ to speak out and act for those who have no voice - the vulnerable other – when their human worth and dignity is violated. We do this on the basis of divine justice which, is informed by God’s unconditional love, or love-informed justice.”**

This proposition is the conclusion that Johannes van der Ven arrives at in analysing the theory of justice which Kohlberg proposes to ground his theoretical stages of moral development. Dismissing Kohlberg’s conception of justice (based on Rawls theory of justice) as too narrow and inadequate in addressing the recipient dimension of the moral order, he offers the Christian concept of divine justice which is informed by love as the basis for moral action towards the vulnerable other. He explains the concept of love-informed justice as follows:

“On the basis of this divine justice, informed by love, people are able to act in a just, forgiving, merciful and loving way toward one another. They are able to do so because they are surrounded by God’s forthcoming benevolence and solidarity, which precede, initiate, and evoke human beings care for each other. This makes their actions of justice and love essentially passive. They receive what they do, owe what they perform, and channel what they let pass. Before carrying out justice, they undergo it....This makes justice a grace, a gift, an infused virtue (*virtus infusa*), as traditional school theology says, a virtue that people receive, before passing it on to another and among themselves.....This means that claiming one’s rights, which evidently is part of justice, must be done from a deep insight into the gift of this justice by God. From this perspective, justice is not absolutely due.”<sup>7</sup>

From this perspective of love-informed justice, the human individual, especially the Christian, is called on to do the work of justice and love towards the other person or group(s) of people, because justice is for the other, as is love. This is particularly pertinent to certain vulnerable groups of people who van der Ven identifies as: i) *the suffering other* - the hungry, thirsty, naked, ill, and imprisoned, through whose face Jesus and God’s face radiate; ii) *the poor other* – those on the margins of our society in developed and developing countries who have been excluded from economic relationships; iii) *the alien other* – the alien or stranger represented by economic migrants, refugees, and those seeking sanctuary for diverse reasons; iv) *the hostile other* – the person who is hostile to me/us or to whom I/we are hostile tests the boundaries of love-informed justice but are included in the *agape* command of Jesus; and finally, v) *the dead other* – to whom we owe ‘anamnetic solidarity’ – that is, “the dead live with us in our memory, which is part of God’s memory, and God does justice to all who innocently failed, suffered and died.”<sup>8</sup>

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<sup>7777</sup> Johannes van der Ven, *Formation of the Moral Self*, (Grand Rapids: Wm. B. Eerdmans Publishing Company, 1998), p. 219

<sup>8</sup> *Ibid*, p. 222

**Proposition 5: “As an advocate of love-informed justice as Christians and a participant in the *missio Dei*, an individual discovers his or her freedom in the discovery and pursuit of his or her vocation - the place where a person’s deep joy meets the world’s deep need.”**

This proposition brings us full circle to affirm the unique and distinctive characteristics of each and every individual based on his or her identity in Christ and within the social and ecclesial tradition of their community. Social identity is an important contributing element to our individual human freedom but there is more to personal freedom than simple participation in a tradition as Oliver O’ Donovan points out in his discussion on *Freedom and its loss* in his book *The Ways of Judgement*.

“It is an imprisoned self-knowledge that cannot distinguish one’s calling from one’s social identity. There can be no freedom in a social identity unless it is a context to discover what one is personally....There is an eloquent difference between the term ‘identity,’ used both of societies and of individuals viewed objectively as members of societies, and the term ‘vocation’ used of ourselves as subjects. Two interlocking histories, the history of the society and the history constituted by the vocation of the individual, are complementary to one another but not fused....‘Vocation’ takes us beyond identity to a fulfilment in service that is extended to us personally by God. And this provides us with a third sense of the term ‘freedom,’ as *the individual’s discovery and pursuit of his or her vocation from God*. It is to this that Christians have pointed when they have spoken of ‘evangelical liberty,’ the liberty of baptism.”<sup>9</sup>

Finally, to conclude these theological reflections we consider the role of individual conscience as the basis for religious freedom or belief as individuals and societies in Europe with another quote from O’Donovan.

“Conscience in the Christian tradition had been a consistently *discursive* self-consciousness, a roomy mental space for reflection and deliberation, where every kind of information was at home, and above all information about the redemptive goodness of God. Conscience was memory in responsibility, the workshop of practical reason, a formal rather than an efficient or final cause. Insofar as it lay claim to authority, it was simply the believer’s authority to reach decisions reflectively rather than accept decisions made for him by others – an authority conceived dialectically in response to that of the church to give moral counsel.”<sup>10</sup>

### **3. Concluding comments**

The above theological propositions rights hopefully provide a framework for Christians to engage in the challenging (and at times heated) debate about human rights in general and individual and collective rights in general. We have asserted that:

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<sup>9</sup> Oliver O’ Donovan, *The Ways of Judgement*, (Grand Rapids: Wm. B. Eerdmans Publishing Company, 2008), p. 72

<sup>10</sup> *Ibid.* p. 302

- it is on the basis of his worth that the other comes into my presence bearing rights to be treated with dignity and respect as befits his worth;
- in Christ a new humanity has been formed where the autonomous self (governed by the illusions of the ego), is bid 'come and die' in order for the true self in relationship to God and others to emerge;
- as members of the ecclesial community of the Spirit that we are called to participate in God's work in the world – the *mission Dei*;
- participating in God's mission of shalom requires us to respond to the vulnerable other on the basis of God's love-informed justice; and finally
- our participation in God's mission within the community of faith does not inhibit, but enhances my human freedom as I discover my calling and vocation from God and live a life of freedom in the Spirit guided by my conscience.

It is hoped that these reflections will encourage us to re-engage in human rights advocacy and action as churches in Europe to act together with other agencies to campaign for a more just and fair social order in Europe whilst reminding individuals and communities of their moral rights and obligations as people created by God and loved redemptively by God.