

**Churches together for Human Rights  
Towards a Leavening between  
Human Rights, Collective Rights and Theology**

**(Partly submitted as a response to papers delivered in a CEC-conference, March 7<sup>th</sup>, 2013)**

(Reading the papers of Pantelis Kalaitzidis and Frank Kantor I would say that both are overdoing the Human Rights. They are as already been mentioned Universal and as such they ought to be culturally debased and therefore impersonal, at the same time theology has to be personal since it is connected to a personal God.

Furthermore the problem of the Orthodox Churches and Human Rights could be addressed more precisely than Kalaitzidis suggests. The problem for the Orthodox is the difficulty in differentiating between holistic claims particular for a certain confession, and universal claims intended to encompass all of humanity. This is the same challenge as the Church fathers encountered in differentiating between the Catholicity of the Church and the Ecumenicity of the Church. In the first instance it is all about upholding the particular and unique identity of the Church while in the second instance it is all about dealing with the general aspects of the inhabited world.)<sup>1</sup>

As a Lay Theologian in the Ecumenical Movement you are often asked to give a theological perspective of different questions; ecological questions, financial questions, and so forth, but what does it mean to give a theological perspective. Pantelis Kalaitzidis and Frank Kantor deliver two ways of giving a theological perspective. The main issue after reading these two papers is whether there really is a need for a theological perspective, and what it would mean. Everything could of course be related to theology, but ought everything be related to theology. In this brief moment of reflection I will suggest a leavening between Human Rights, Collective Rights and Theology.

## **1. Human Rights**

Let us begin with the first leavening, the difference between Human Rights and Collective Rights. The idea of Collective Rights has to do with the difference between International Rights and Human Rights. Most International Rights are conferred by international law on corporate entities such as states and international organizations.

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<sup>1</sup> This part was added for the sake of the response during the CEC-conference.

These corporate entities are legal personalities that are social and legal constructions. Human Rights are instead conferred directly on human beings without the interposition of legal personalities vis-à-vis a corporate identity, mostly the state. The intention by having direct rights of human beings is to infer limitations on the power of the states.

The difference between International Rights and Human Rights could be deduced from Classical Liberalism going back to the basic idea of Rousseau that the state prevails not on the will of the majority but on the general will of the people and therefore there must be no partial associations in the state, and this has further bearings on the need for civil religion for sustaining the general will, through religious and moral ideals. John Stuart Mill also argued that free institutions required a united public opinion and would be “next to impossible” if a country would be made up by different nationalities.

Lord Acton challenged this view arguing that this would violate the “rights of nationalities” by the subordination of the nations not associated with the state. Lord Acton was living in the shadow of the British Empire and was highly pessimistic about power as a Human Resource, attributed with the famous saying: “The danger is not that a particular class is unfit to govern: every class is unfit to govern”. He is also attributed with saying that “power corrupts and absolute power corrupts absolutely”.

Power is not only the capability of committing punitive sanctions but also involves the power of addressing the majority with perspectives taken for granted that diminishes minorities. Lord Acton was most sensitive towards this perspective and said, “The one pervading evil of democracy is the tyranny of the majority, or rather of that party, not always the majority, that succeeds, by force or fraud, in carrying elections.” Holistic claims taken for granted and connected to the majority or those taking the role of the majority are especially in danger of diminishing or even suppressing minorities. Populism is in this sense a real danger if it does not reflect on the rights of minorities.

Theological perspectives and every kind of culture-based perspectives have a tendency of both claiming a holistic view as well as driving a popular view, since one of the aims of most religions is attached to the idea of mission, but these views never the less belongs to a partial reality. Human Rights instead are supposed to transcend theologies and cultures; otherwise they would simply not be universal. From this perspective theological perspectives of human rights seems to be counterproductive, and therefore it seems

as we should simply leave theology aside as much as we can, or at least avoid causing theology to be a stumbling block towards agreeing on basic Human Rights for the protection of the Human Being.

## **2. Collective Rights**

The first leavening therefore concerns the importance of keeping the Human Rights on a Universal Level as much as possible, which implies being cautious in using confessional theology whether it is Greek, Free Church or even Ecumenical. At the same time we have to realize that even though we could agree upon Human Rights as necessary for limiting the power of legal personalities, e.g. the State but also in relation to Ecclesial institutions, human life as such cannot be reduced to rights. Human life also has to include visions and proscriptive conducts, since human beings are inter-subjective agents that together create Life-worlds that really make the difference between an entity of any being and a Human Being. Whenever human beings convene they make use of their cultural background and they become more than they would be as merely a sum of individuals. The cultural space that exists between them confirms who they are in a sense that an individual could not be able to achieve.

Most or almost every right that the UN adopted in its Universal Declaration of Human Rights is expressed as an individual right. The declaration however has some collectivist features. Article 16 talks about the protection of the family; articles 20 and 27 states that individuals have the right to participate in collective practices; article 21 argues that the will of the people is the basis of authority for the government; in article 26 parents are given the right to choose education for their children; article 28 argues that everyone is entitled to a social and international order in which the declaration of Human Rights can be fully realized; finally in article 29 it is written that the rights are subject to limitations to meet “the just requirements of morality, public order and the general welfare in a democratic society”.

The idea of collective rights are never the less not be identified with these aspects of collectivist features but could be seen in the attempt by the USSR to include an article on minority rights. The Representative of the USA opposed the inclusion arguing that the solution on the problems of minorities is the encouragement of respecting the Universal Human Rights. If we consider the arguments

for and against minority rights it is all about the relation between Universal Rights and Culturally Dependent Rights. Minority Rights as well as Collective Rights applies within a particular culture while Human Rights applies universally. The problem of handling the complexity of culture-based rights was in the end abandoned by both parties.

Two problems emerge as we encounter collective rights that also concern religion, and especially challenge the Orthodox Church.

1. If we should adopt collective rights then we have to accept that these would not be universally applied, and if we would try to make them universal, transcending every culture, then they would certainly be of less value.
2. Secondly we have to accept the full impact of what Lord Acton tried to argue for, any state that is exclusively associated with a single nation would by the sheer existence violate collective rights.

From an orthodox perspective this means that we have to accept the idea that any local Church constitutes its own culture or Life-world, and cannot merely reflect the national ideals. In the orthodox world this will create a challenge unprecedented in the history of the East. It means that we have to abandon the very concept of *symphonia* between Church and State as a vision. Instead we have to perceive *symphonia* as a power deal that was needed for the Church to survive, and perhaps needed even today, but disregard it as a vision of perfection. Instead the Church should aim for a distinction between Church and State, but continue the relation, alongside other communities, or even nations.

The consequence of this would be even more challenging. The Church could no longer be perceived as the soul of the nation-state, since the state in some sense has to be distinct from the nation if we want to avoid the dilemma presented by Lord Acton, of suppressing other nations by the sheer existence of the nation-state. The Church has to present itself as a nation, but with the language of love, and its own traditions. Otherwise the Church will fall short in the tides of an emerging Globalized world. The European model where geography, religion and nation coincides will be transcended in the end by a European Union, where geography, nation and religion will be differentiated to such a degree that it will pose a challenge for Church, and the future will depend on how the Orthodox Churches will respond to that challenge. Personally I believe that those

communities that hang on to the idea of being integrated with the nation-state will perish in the end and those communities that develop a distinct identity will survive and prosper.

Here I would add a most important feature. There are in general two ways of developing an identity; either you do it by separating your self from others and also separating your self from the need of explaining and reflecting upon your identity; or you do it through dialogue with others making use of your cultural and intellectual resources. In the first case you will end up with a similar situation as orthodox Christians in the former Soviet Union experienced; they had a strong identity of being orthodox Christians, but when they were questioned of what it meant they could not respond. This created a kind of “secular apophatic” theology where you end up arguing against what is not orthodox, but without a positive understanding of the Christian faith. In the other case you are making the same approach as St Paul in the Areopague, where you affirm the identity of those that have survived and reestablished their faith in the Church and the Holy Trinity, but offering them the Tradition and the Christian story so that a strong identity can mature, in the same manner as the heat and glow in the charcoal needs more fuel to keep the cold night away bringing people together.

### **3. A Theological Perspective<sup>2</sup>**

Regardless if we reflect upon Human Rights or Collective Rights it is a response of a human tragedy of power misuse and human error, but in the end the Human Being is not defined neither by sin or errors, but the ultimate definition is Love. The second leavening therefore involves the difference between the “horizontal” dimension of Life where Human Beings make use of their inter-subjective capacity reaching for consensus and a common awareness, with the aim of achieving Universal values, and the “vertical” dimension where the Human Being have a desire to be plunged into the fullness of God.

The Human being described through the perspective of Human Rights and Collective Rights is a responsibility of striving towards becoming a “neighbor of one another”, but the human being also strives towards becoming a “neighbor of being”. In both of these dimensions there is a corruption of the human being that blurs the sense of neighboring, making us selfish striving towards becoming self-sufficient at the same time as the human being expands his

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<sup>2</sup> The third part was not submitted in the CEC-conference.

desire conquering the space of other beings. Therefore humanity needs to protect the weak against the strong and the defenseless against those vanquishing the living space of others, and the best way to do this is through extending consensus beyond our own cultural borders. Certainly it is a human tragedy why we need to lay out these rights, but it is never the less a reality.

But the human tragedy should not be given the authority of defining life. No, when all protocols have been signed, all rights have been preserved, and equality is achieved, life still remains to be fulfilled. Following St Gregory of Nyssa we have to reflect upon the eternal features of human life, what is left when sin is conquered and death subsumed into life eternal. St Gregory argues that every human being is created with the ability to love eternally, but that this love (*eros*) belongs to God and needs to be shaped by the love of God (*agape*). If *eros* is not shaped by *agape* then *eros* transforms into *erotikos* (in the sense that *eros* shapes itself) with a desire of wanting more and more, an endless desire that even reaches for the heights of God, and instead of searching for the fullness of God it desires to replace God. Now, *eros* therefore could be negative, but when it is attached to the love of God it blossoms, and transforms the Human Being into Godliness, what the Greek fathers call *theosis*, divinization.

In this perspective Human Rights and even Collective Rights has to be considered as a reduction of Human Life if these rights are isolated from divinization, then they would, from an orthodox Christian interpretation, become inhuman rights, and the deeper meaning of Human Rights would be lost. Without the desire and participation in the fullness of God through the Holy Spirit life would be degenerated into moralism. This is the danger that afflicts any Church in the modern era; that the Church responds to issues that do not belong to eternal life and instead of being plunged into the fullness of God the Church becomes plunged into the tragedy of this world, convinced of being the better part of humanity. Ecclesial life ripped of theology is nothing more than pride riding on the tragedy of humanity.

Theology reveals the particular identity of the Church, and in this particularity the Love of God extends into the world, which reveals a personal God, a loving God, but when theology is plunged into the tragedy of this world the particular and personal character of the Church, what could be understood as an Ecclesial ethos, takes on Universal claims but without the others being involved in this supposed Universal approach. Here, according to my own view, fundamentalism and liberalism are two errors that both belong to an

imperialist attitude of theology. I would also add to this general critique that there are some theologians, not least in the Orthodox Church, that mix the understanding of inter-subjective activities, intended to overcome cultural boundaries, with the particular identity of the Church and its precise ecclesiological explanations. This turns the *one* Church into an ideological empire.

This is what the Gospel proclaims in the event when Mary Magdalene washes the feet of Christ, and Jude is standing at the side of her, questioning the purpose of her act. What good comes from this act? Why couldn't she have given the money to the poor instead? Yes, what is the purpose of her act? What is the purpose of weeping, praying and extending such a love? The answer is simply that there is no outer purpose greater than loving God and our fellow Human Being. When every righteous act has been fulfilled, every agreement has been finalized, the act of Mary Magdalene remains, and everything else fades away.

Neither Human Rights nor Collective Rights could ever be fulfilled in themselves, what Aristotle refers to as *entelecheia*; instead they presume the continuation of life in what we as Christians believe to be the act of Mary Magdalene, in order to really be HUMAN rights. Therefore Human Rights should not be reduced to the level of laws (*nomos*), but rather be interpreted according to the sense of the orthodox understanding of *oikonomia*, to be fulfilled in salvation and eternal life. In its cradle Human Rights has to begin as prohibiting the misuse of power, but it needs to evolve into Collective Rights encompassing inter-subjective commitments, creating and sustaining Life-worlds, but it should not stop there. As Church we have to add the extension of Love as a mystery professed beyond the Human tragedy.

If we deny the universal character of Human Rights our *eros* could easily be transformed into *erotikos*, but if we isolate these Rights from the Love of God, even though using the language of the Church the eternal Joy of the Gospel will degenerate into moralism, and the Church will be in risk of suppressing the world through its sheer existence. Therefore let's keep our particular identities for the sake of the liberation of the world, but always transcending our confessional and cultural borders, truly reaching for a Universal and Ecumenical consensus.

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