

Christ and Human Rights

The Transformative Engagement

GEORGE NEWLANDS
University of Glasgow, UK

ASHGATE

Contents

<i>Preface</i>	viii
1 Introduction: The Centrality of Rights	1
2 Jesus Christ and the Hope of Rights	11
3 Rights, Cultures and Transcendence: Ambiguity and Tension	23
4 Human Rights, History and Christology	37
5 The Hermeneutics of Rights in the History of Interpretation	63
6 Christology in Human Rights Focus: Towards a Humane Christology	77
7 Christology in Relation to Global Human Rights Strategy	93
8 Rights Reconsidered: Building a Postfoundational Pathway	113
9 Christology for Human Rights	143
10 Making Rights Stick	173
<i>Bibliography</i>	199
<i>Index</i>	213

Introduction: The Centrality of Rights

Human rights are perhaps the most important geopolitical concept of the present era. Jesus Christ is the centre of Christian faith. Can the understanding of Christ make a significant contribution to the theory and practice of human rights? Why has Christianity so often been associated with domination rather than justice? Are fundamental shifts in Christology needed to maximize the contribution of Christianity to human rights issues? Would the cause of human rights be better served by detaching it from all religion and ideology? This book examines in depth the historical tensions between the Christian gospel and rights, and the scope and limitations of the language of rights. It seeks to provide concrete proposals for facing rights issues in contemporary contexts.

Christ and Human Rights is a study in theology. It involves issues in ethics, worship, politics and culture. The central strand is the exploration of theological issues. It seems likely that basic theological issues, as well as political and cultural issues, lie at the root of much practice in this field. Negotiating these issues where they continue to divide, respecting difference while maintaining dialogue, remains central to movement on rights issues. This study seeks, in the first instance, neither to condemn nor to defend the churches' record on human rights issues, but to understand the context in which decisions and actions that may seem incomprehensible today occurred. On that basis, it should then be possible to suggest specific contributions for the present. Nevertheless, whatever progress we can make today, future generations will no doubt conclude that we still had much to learn about human rights in the twenty-first century.¹

¹ John Langan has produced an excellent summary of the relationships of human rights to Christian Ethics (in Biggar *et al.*, 1986, 119ff.) in his article 'Human Rights Theory: A Basis for Pluralism_Open to Christian Ethics'. He highlights ways in which Christian ethics can complement or challenge human rights theory:

1. It can stress the limited and instrumental character of many human rights
'The point of exercising HR is to enable us to act rightly and to achieve our human (and Christian) destiny in a humane way.'
2. It can stress the full range of human rights as against partial and reductive conceptions of humanity.
3. It can provide links between symbols and histories of a particular religious tradition and the universal values and claims of human rights theory.
4. It can deepen the sense of history and the sense of community, both of which are often left in obscurity or taken for granted in liberal forms of human rights theory.
5. The Christian ethical tradition, through its emotionally powerful symbols and the reality of the common life from which it grows, can contribute motivation and commitment to the long, uneven struggle for the realization of human rights in our world. This struggle by

Many, perhaps most, Christians have no experience of discrimination or even friends who have been discriminated against – churches have long abandoned the practice of burning witches. There are also vivid examples of counterdiscrimination, when people adopt an aggressive victim status in order to dominate others and distort reality. But, still, there are huge numbers of victims of human rights abuses in the world – even, sadly, within the churches themselves.²

It must be said at the outset that there is nothing self-evident about the role of Christ in the advocacy of human rights. On the one hand, it may be said that Christ has nothing to do with rights; on the other, it can so be argued that, historically, Christ has been a figure used to counter human rights – notably racism, slavery and the emancipation of women – and that this is a perfectly legitimate theological interpretation. I shall suggest that this is a misunderstanding of the centre of the faith and will further argue that Jesus Christ is the basis for an urgent Christian support of human rights. Against the more bleak record may be placed the impressive work undertaken by many different sorts of Christian NGOs in alleviating poverty and suffering in the contemporary world.

Christianity is embedded in community. Churches, like other bodies, have, and have had, a complex relationship with human rights. Christian churches and Christian thinkers have made contributions to human rights issues and human rights actions. There was, for example, a decisive Christian input to the United Nations Declaration on Human Rights in 1945, and, especially between 1975 and 1985, churches were active in promoting human rights, abandoning their earlier stance of suspicion and joining in a widespread, and to a large extent American-led, drive for universal human rights. During this period there was frequent dialogue with non-church bodies, and it became common to speak of first-, second- and third-generation rights issues, moving from individual freedoms to economic and social and then to global and environmental rights.

There have also been several new and different waves of anti-rights sentiments. Within and outside the churches – in legal studies, in politics, in theology and elsewhere – objections to rights issues and rights culture have arisen, some with traditional and some with more recent roots. The Marxist critique of liberal Western rights talk made churches cautious about endorsing what might be seen as bourgeois values. The word ‘liberal’ became deeply suspect in many areas of discourse.³ Churches were inevitably concerned to distance themselves from a politicisation of rights which served some interests but not others. The linking of humanitarian, political and global strategic aims by nation-states could be positively damaging to human rights work on the ground by NGOs, including churches. Equally, churches

Christians is to be sustained through sharing in the mystery of life and death of the Christ who came that we might have life and have it more abundantly.

2 A new resource is *The Journal of Hate Studies*, produced by Gonzaga University, Spokane, WA: see www.gonzaga.edu/against_hate. The Christian Identity federation is a good example of what is often a deadly combination of hate and reactionary religion.

3 ‘I’m telling you, it’s a sick, sick nation that turned the word “liberal” into an expletive’ (Iain Banks, 2002, 204).

might be deeply reluctant to expose their own internal structures, social arrangements and lines of authority to human rights scrutiny. Here, traditional assumptions about the independence and autonomy of churches from human scrutiny – old and outdated privileges – are conveniently recalled. On a worldwide frame theology and church have moved further away from patterns of liberal dialogue towards patterns of communitarian affirmation and evangelical affirmation yet the more serious question always remained: do Christians have rights and should they talk of, and exercise rights in discipleship to a God who, in Christ, is an utterly self-giving, self-dispossessing God?

In brief, all these movements were to lead – with due exceptions as always – in the present day (2005) to a marked decline in the momentum of Christian reflection on human rights. In some respects, this may be welcomed. The point has been made; there is no longer an issue. Christian communities do in fact work effectively everywhere for humanitarian causes and for the prevention of injustice – through the Catholic Agency for Overseas Development CAFOD (Catholic Agency for Overseas Development), Christian Aid, the Tear Fund and so on. After a scholarly contest to triumph in being the most non-triumphalist, it becomes clear that many church traditions have contributed to human rights talk, although most have, at the same time, inhibited human rights action. Rights talk can never be seen as a trump card in complex conversations. Rhetoric and advocacy have both positive and negative effects. Some discussions benefit from moratorium.

And yet it is always unwise to assume that, because points have been made, there is no more to be done. The history of black people in North America shows how apparent victories easily dissolve into the former unacceptable status quo. The history of Jewish people in Europe shows how apparent assimilation and general acceptance can be followed by swift and brutal annihilation. The world of post-9/11 is marked by growing religious fundamentalisms of different colours, and these are unlikely to disappear soon. Marginalized communities can rarely afford to be entirely complacent, discrimination against individuals is a fact of everyday life, and positive benefits such as adequate food are denied to a large portion of the world's population. The continuing energetic encouragement of a critical, carefully constructed human rights culture may be an inadequate strategy, *sub specie aeternitatis*. It is one which, I shall argue, all societies should be encouraged to continue to pursue vigilantly. It is a goal on which Christians, as disciples of a loving God, should be consistently and determinedly focused at all times.

Christian faith does not come to the meeting place of dialogue and engagement on human rights as a white knight with a spotless record. It comes as flawed and often disgraced. Yet innumerable individuals and communities have made tremendous concrete contributions to rights issues, very often through anonymous self-sacrifice in forgotten places, and church voices played a central role in the genesis of the 1945 UN Charter. Rights are an issue where persistence in taking small steps remains imperative, whatever the setbacks and challenges.

Why Do Human Rights Matter?

Put simply, human rights matter because they can inspire action to diminish man's inhumanity to man, to discourage the torture, genocide and other manifest evils which remain a continuing and endemic feature of human society. From a Christian standpoint, human rights issues are related intimately to central concepts of the gospel, to the understanding of humanity before God, to righteousness and justice. They embrace considerations of mercy, reconciliation and hospitality, and they focus on the treatment of the marginalized and of strangers. For Christians, they stem from the understanding of Christ as the centre of forgiveness, reconciliation and generosity.

What *are* human rights and do they exist? These questions are the subject of continuing debate. When I use the term 'human rights', I shall be trying to speak about a human ability to enjoy certain basic capacities which are constitutive of human living – the ability to survive and to enjoy reasonable health and freedom of action, to express one's views without hindrance, to associate with other people without arbitrary constraints and without fear of torture or detention. All highly debateable issues, you might say. They are. And shouldn't we also be talking about human responsibilities, or human wrongs rather than human rights? Well, perhaps. But as it has been aptly said:

Outside the cocooned world of the academy, people are still victims of torture, still subjected to genocide, still deprived of basic freedoms and still dying through starvation. We should remember these people before we decide to forget about rights. (Jones, 1994, 227)

What are the relations between ethics, Christian ethics and Christology? In a nutshell, ethics is concerned with the development of critical theories of conduct, right and wrong, desirable and undesirable, and the comparative analysis of these different theories. Morality is the negotiation and implementation of codes of behaviour in practice. Christian ethics seeks to make a contribution to ethical theory and its practical consequences for morality, in the light of the Christian faith. Christology as the exploration of the nature of God's action in Jesus Christ is at the centre of faith, encouraging a Christomorphic view of the world. As such, it is pivotal to Christian views of the ethical dilemmas flagged up in the language and practice of human rights. Although Christian ethics has wider sources than Christology, in that it draws on the whole biblical tradition, the tradition of the Christian community and contemporary social and philosophical reflection, this study will centre on the Christological matrix, because it is paradoxically at once absolutely central and often thought to be at the root of Christian blindness to human rights issues through the centuries.

Although there is endless debate over their grounds and justification, human rights, as embodied in law, are not mysterious or difficult to grasp. For example, the British Human Rights Act of 1998, enacting European legislation into Scottish and English law, has 14 articles. The first article declares that the state must respect the rights set

out in the articles. The second states that everyone's right to life shall be protected by law. The third prohibits torture or degrading treatment. The fourth prohibits slavery or forced labour. The fifth guarantees the right to personal liberty and security. The sixth ensures the right to a fair trial. The seventh ensures no punishment without a relevant law. The eighth concerns respect for privacy and family life. The remainder cover: freedom of thought, conscience and religion (Art. 9); freedom of expression (Art.10); freedom of assembly and association (Art.11); the right to marry and to found a family (Art. 12); the right to an effective remedy (Art. 13); and freedom from discrimination in any of the issues mentioned in the other articles (Art.14). Additional protocols cover the right to the peaceful enjoyment of possessions, to education and to free elections, and reiterate the abolition of the death penalty. The interpretation of these rights, however, is a matter of continuing legal debate and development.

It seems clear that human rights will continue to be of central importance to our human future. Prohibitions against genocide, murder, slavery, torture, prolonged arbitrary imprisonment and systematic racial discrimination will always be important for human flourishing. Human rights theory will remain subject to healthy debate and constructive disagreement in all its dimensions.⁴ If it is to be implemented effectively, it will have to be related to wider cultural frameworks. For some people, this means being embedded in a secular culture, without all the traditional divisiveness of religious commitment. For others in many parts of the world, it will mean engagement with religion as an integral part of culture.

Christian theology is unable to take a purist stance on this debate. The Christian gospel implies commitment to dialogue both with the secular and the religious. Both perspectives have important insights into the human condition, and both are open to distortion and abuse. We can use neither our human rights theory nor our religious commitment as a trump card. Rather, we must seek to draw benefit for humanity from a web of connections and a number of different theories in order to work together with others to deliver practical outcomes in human rights – freedom from coercion and conditions for the reality of human flourishing.

4 There are good reasons for this constructive disagreement, which we shall explore throughout this study. Cf. especially Appiah (2005, ch 6, 'Rooted Cosmopolitanism', 212ff).

Practically speaking, we do not resolve disagreements in principle about why we want to save this child from drowning if, in fact, we agree that this child must be saved. But what if you believe that the child is meant to die because an ancestor has called her, and I do not?

I want to suggest that there was something wrong with the original picture of how dialogue should be grounded. It was based on the idea that we must find points of agreement at the level of principle: here is human nature; here is what human nature dictates. What we learn from efforts at actual intercultural dialogue – what we learn from travel, but also from poems or novels, or films from other places – is that we can identify points of agreement that are much more local and contingent than this. (Appiah, 2005, 253)

Appiah advocates a 'metaphysical ecumenism, responsive to the moral vocabularies we find on the ground' (2005, 267).

We needn't be unduly troubled by the fact that metaphysical debate is unlikely to produce consensus, because human rights can, and therefore should, be sustained without metaphysical consensus. (Ibid.)

Whilst human rights are one of the most important geopolitical issues in the modern world, systematic theological attention to the subject, though significant, has been very limited. Moreover, given the history of persecution in the name of Christ, Christology may seem an unlikely catalyst for such dialogue. Yet Jesus Christ has always been the centre of Christianity, and I believe that it should be possible to put reflection on Christ at the centre of a research project on human rights. Christian ethics shares in all human ethical concerns. But the character of Jesus Christ in his life, death and resurrection colours all Christian thinking about rights, duties, justice and the whole spectrum of overlapping concerns. Paradoxically, it may be that the very ambiguity of the Christian response to Christ in the area of human rights over the centuries can help us better understand the choices which we are called to make. That would, of course, correspond to a central feature of Donald Baillie's famous *God was in Christ* (1948), the paradox of grace.

It is precisely in the particularity of Christ that we are invited to share in the universality of the concerns of other world religions and of humanist ethical endeavour. The paradox extends further. Christians believe that Jesus Christ is centrally relevant to all aspects of human life. Yet the more we are inclined to use Christology to produce instant solutions to human rights issues, the less success we are likely to have. It is likely to be more profitable to see the Christian framework as a perspective of eschatological hope, a vision of the peace of God, and to work towards this with as much patience and modesty as we can find. Henri Nouwen's notion of *The Wounded Healer* (1972), though of limited application, may be relevant to the role of Christian community in reinforcing rights culture in society.

Why are human rights so important? The reasons are, at a basic level, quite simple. In the twenty-first century, large numbers of people continue to be abused, tortured and murdered. Large numbers continue to die of hunger and disease when the resources are there to prevent this. Large numbers suffer from all kinds of discrimination to a degree that is serious enough to damage their lives in quite unnecessary ways. Despite giant strides in human social progress, descent into barbarism seems as easy in our current century as it has ever been. Action needs to be taken constantly to reduce and prevent these evils. This, at least, is agreed by most people today, even if they may not always avoid aspects of discrimination, large or small, themselves. It seems, too, that human rights are likely to remain central to any work on global ethics.⁵

5 There is a very useful overview of recent human rights writing in Little (1999, 151f). In addition, David Little's definitions on human rights, in his essay 'The Nature and Basis of Human Rights' (1993, 73ff) are especially useful:

Since a human right is a complex idea with moral, legal and other aspects, we must make some preliminary clarifications. Given that a 'right' *simpliciter* is an entitlement to demand a certain performance or forbearance on pain of sanction for non-compliance; that a 'moral right' is a right regarded as authoritative in that it takes precedence over other action, and is legitimate in part for considering the welfare of others, and that a 'legal right' is warranted and enforced within a legal system, a 'human right' then, is understood as having the following five characteristics, according to the prevailing 'human rights vocabulary'.

Much else remains controversial and highly contested. The nature of human rights, their scope and how to achieve them, how to negotiate conflicts of rights, how to create the political climate in which rights may be best achieved, how to deal with diverse combinations of rights talk with other ideals, often of a conflicting nature – all of this is the subject of continuing debate. Often, difficult practical decisions have to be made, and are decided on an ad hoc basis. It is important that Christian perspectives should be fed into reflection at an early stage, as a contribution to the framework in which decisions are taken.

Human rights talk may be distinguished, but not entirely separated, from other social and political considerations. We have seen nations use human rights as a weapon of propaganda against other nations with which they are in dispute on other grounds. States may stop talking about rights when this could embarrass allies, invite the publicity of countercharges or politically liberate people whose views could be un congenial. The experience of Amnesty International has been a history of dealing with such complexity and seeking to avoid being used for extraneous political reasons. Talk of human rights does not take away the need for politics and diplomacy, or that for wider reflection on citizenship: it is only one avenue, albeit an important one, to social communicative action. As communication changes – most recently through the Internet – rights issues develop new and unexpected dimensions.⁶

If human rights are so very important to human well-being, then it is clearly incumbent on all traditions of thought and action, religious or non-religious, which believe they have a distinctive contribution to make to the human future, to engage seriously with rights issues. For Christianity this involves theology and practice. Since Christology is at the centre of Christianity, it should be engaged in this process.

-
1. It is a moral right advanced as a legal right. It should, as we pointed out earlier, 'be protected by the rule of law' thus constituting a standard for the conduct of government and the administration of force.
 2. It is regarded as protecting something of indispensable human importance.
 3. It is ascribed 'naturally', which is to say that it is not earned or achieved, nor is it disallowed by virtue of race, creed, ethnic origin or gender.
 4. Some human rights can be forfeited or suspended under prescribed conditions (for example, a public emergency), but several 'primary' or basic rights are considered indefeasible under any circumstances.
 5. It is universally claimable by (or on behalf of) all people against all (appropriately situated) others, or by (or on behalf of) certain generic categories of people, such as 'women' or 'children'. Those who are appropriately subject to such claims are said to have 'correlative human duties'.

6 The Internet provides new resources of Human Rights action. In *Human Rights and the Internet* (Hick *et al.*, 2000) there are excellent discussions of the advantages and disadvantages of the Internet in the fight against human rights violations. These include the possibilities of wider communication, the dangers of hate sites (*ibid.*, 141), the battle between human rights groups and oppressive governments attempting to hack into their websites (illustrated in relation to East Timor (*ibid.*, 133ff)), the problems of protecting children and the need, on occasion, for encryption software such as PGP (Pretty Good Privacy). There are useful lists of human rights resources on the Internet (*ibid.*, 100ff, 117ff), including Oneworld.org, OCMT (the World Organization Against Torture) and so on.

Currently there is remarkably little extant literature on Christology and human rights. There may be good reasons for the gap. Although the connections are inescapable in theory, making the appropriate ones may not be easy. But it must at least be both possible and desirable to take steps towards an ongoing task.

There are, however, important areas of reflection and practice which overlap with both Christology and human rights. These include humanity before God, righteousness and justice, mercy, reconciliation, and hospitality. Christ is often seen in the Christian tradition as the centre of forgiveness and generosity, of commitment to marginality, to specific sorts of strangers. It will be part of this project to draw together these webs of connection.⁷

Here, I need to sound a note of caution. It would be unwise to imagine that even a widespread agreement on the main characteristics of human rights will in itself solve the many human rights problems in contemporary society. We have noted that societies, groups and individuals are often notoriously selective in the ways in which they espouse human rights issues. This selectivity is seen in the disagreements on rights between Eastern and Western states during the Cold War, and between North and South. Churches and other religious organizations enthusiastically and piously support human rights causes in faraway countries while continuing to discriminate systematically against members of their own communities at home. In reaction

⁷ An excellent deployment of webs of connections is made in Ian Markham's *A Theology of Engagement* (2003), a study devoted to the dialogue between Christian thought and action and other traditions, religious and secular, in contemporary society. Inclusion is a keyword in the engagement process. Engagement is to be understood as 'an encounter that subsequently shapes the theology itself' (Markham, 2003, 10). It is described more closely, as: assimilation – the constructive use of categories from non-Christian sources; resistance – the ability to reject sources as incompatible with the heart of the Christian tradition; and overhearing – the process of illumination from discussion within another religious tradition. Assimilation as a process has been valuable even when the content remains subject to critique. Resistance leads to precision in expression and has characterized the development of doctrines of the incarnation.

Assimilation is deployed by Markham in engagement with human rights, enabling theology to negotiate – an issue on which the church has a very chequered record. Resistance may also enable the defence of human rights, illustrated through resistance to the concept of the sovereign state, with reference to Austria, Kosovo and Chile. God is more basic to humanity than the state. Resistance points to a human rights construction of theological engagement with black and feminist issues. Markham is characteristically trenchant: 'I take the oppression of women by men as given. Christian theology has at its most benign treated women as invisible; and at its most wicked, it has provided a justification for this cruelty' (ibid., 87–8). Repentance and modification of the tradition are urgently needed. Similar conditions apply in the development of black theology.

Markham returns to overhearing, examining the clash of discourses concerning the secular, in the West and in India. He considers the ramifications of Hindu nationalism through the eyes of Chandhoke and Chatterjee. Here, religious sensibilities and group rights have to be respected. This leads to further reflection on Hinduism, inclusivity and toleration. Beyond this there is need of an inclusive cultural vision in which the economic consensus around capitalism may be humanely articulated. This is focused on the response to globalization. Complexity and ambiguity may be revelatory (ibid., 187).

We turn to the shape of an engaged theology: 'So the theologian needs to be both in the middle and on the edge' – centred in the believing community but 'forcing the community to listen to the truth of God as it is in non-Christian traditions' (ibid., 209).

we may be tempted to despair over the whole process. But the weaknesses only underline the need to move forward with consistency. The reality of hypocrisy has to be weighed against the reality of the symbolic importance of human rights language. When human rights theory becomes embedded in human rights culture the chances of effective outcomes increase. Where Christianity in particular is concerned, it may be that awareness of our ambiguous record can lead to action in repentance, which may incorporate an effective element of humanity and provisionality into the process.

The human rights debate takes place on several levels. There are academic arguments for and against rights concepts. Rights arguments may get in the way of practical action on justice issues. Rights language may be manipulated to facilitate oppression. These levels are reflected in theological debate. There are academic arguments for and against the theological use of rights language. Rights language may not always be the best for dealing with issues which are more suited to a notion like forgiveness. Here, too, rights language is manipulated for the sake of oppression. Christian and Christological arguments have been, are being, and will continue to be, used in ways which will oppress minorities who deviate from traditional norms. The argument of this book is that they can be liberating, provided that the roots of oppression are laid bare and addressed.

On the other hand, there are a huge number of coercive and manipulative people who do not believe in God. Abandoning faith does not always make people more sensitive to the needs of others! They may become obsessed with other, penultimate values and these may become a new form of idolatry.

But some people who have a vision of Jesus as the instantiation of the vulnerable God *do* have a sense of the need for mutuality and reciprocity, this is something worth advocating. It should be the mark of an open and progressive theology that it constructs a robust case for its preferred perspective, but that it is not afraid to embrace insights – sometimes critical insights – from different perspectives, where these are available.⁸

8 It is important in this process to take a charitable, rather than a pejorative, view of these alternative perspectives if they are to be maximally useful, and to avoid caricature. As Glasgow's Archbishop Robert Leighton famously said in a slightly different context – and he knew all about theological controversy:

Nobody, I believe, will deny, that we are to form our judgement of the true nature of the human mind, not from sloth and stupidity of the most degenerate and vilest of men, but from the sentiments and fervent desires of the best and wisest of the species. (Theological Lectures, 5, *Of the Immortality of the Soul.*)

Jesus Christ and the Hope of Rights

For Christian faith, Jesus Christ in his life, death and resurrection shows us the character of God as a God of unconditional love, peace and justice. Christ is the crucified God, the executed God, always in solidarity with the marginalized. As such, Christ is, and will remain, a vital source of hope of justice, compassion and rights for all humanity. But today Christianity is often perceived as oppressive, in the past and the present. Despite the work already done, there is still a need for more precise accounting for this contradiction, and for strategies to produce more constructive outcomes in the future.

Embodying the Love of God

Jesus Christ is at the centre of Christian faith. Christian faith holds that Jesus in his life, his ministry, his death and his resurrection embodies the generous love of God for all humanity. In his incarnation he manifests the character of God in the created world. In Christ, God was reconciling the world to himself. Christ is ground of hope for a future of justice, peace, and human flourishing. Christian faith and life is Christocentric, as the great twentieth-century theologian Karl Barth tirelessly insisted.

Reflection upon Christ comes to the churches through a tradition including scripture, community and interpretation. The scriptures importantly include the Old Testament as well as the New. For Jews and Christians the Hebrew scriptures have been a constant source of understanding of the faithful love of God. Judaism has produced important reflections and valuable impetus for human rights as an expression of that love. But none of this stream of human consciousness has been free from the contradictions and tensions inherent in any culturally embedded tradition. Christocentric faith can become Christomonist, using Christ as a kind of trump card, to echo language used in rights talk, to override all other considerations. Passages from the scriptures can, and often continue to, serve to override the teaching and significance of Christ as the icon of God's love. This creates situations where stereotyping of one side of an argument does not solve the problems. Faithful and generous Christians continued to keep slaves for centuries.¹ Some Christians continue to practise what others regard as moral slavery in relation to groups such as women and gays.² It will be a central part of my argument to suggest that it is precisely this conflict concerning the significance of Christ in the light of the roles

1 For example, famously, Thomas Jefferson. Cf. Genovese (1998).

2 Catharine MacKinnon in Haydon (2001) and Richards (1999).

of scripture and tradition in interpretation that accounts for the extremely ambiguous record of Christianity in relation to human rights through the centuries.

Of course, everything that we know of Christ comes to us through scripture and tradition, past and present. There is a very great deal that we do not know about Jesus Christ. We have become aware, in recent decades, of the cultural relativity of our own research traditions and of the need for constant critical reappraisal of what we take to be assured results. We may be certain that perspectives will change and develop in the future. This does not mean, however, that we can have no confidence that the state of research to date is much superior to the position 100 years ago. There is a dialectic between the hermeneutics of suspicion and suspicion of that suspicion.

There are grounds for asserting against relativizing criticism that Jesus of Nazareth, in his life and death, was concerned for individual human dignity and for social justice. He was committed to unconditional love for all human beings, both in his teaching and in his actions. Christian faith trusts that this concern was the instantiation of the love of God the creator of the universe, and that, through the events which are collectively understood as the resurrection, this love was universalized and made effective as a decisive contribution to the well-being of all humanity. All of Christian doctrine becomes relevant to human rights concerns.

God is love. Response to this love has been articulated in countless ways in Christian community, often in relation to justice. The language of rights has been a newcomer to this practice. But of course there are connections between love and justice and the new discourse of rights. It may be thought that attention to rights has always been included in concern for love and justice. Yet one discovery of recent decades may be that there may be aspects of rights language which need to be made explicit in order for love and justice to be fully served. There may be much more to human well-being than rights – apprehension of the effective love of God and of our fellow human beings, for example. But there may also be reasons to believe that modern alertness to human rights can be a powerful catalyst for human flourishing, to which the religious and the non-religious can contribute equally, and in which Christian faith can suggest important initiatives.

Perhaps we should stand, from the start, with the crucified Jesus and the vulnerable God he makes known to us. (Placher, 1994, 128)

William Placher's *Jesus The Savior – The Meaning of Jesus Christ for Christian Faith* (Placher, 2001a) expands the discussion of the vulnerable God in Christology. Both this book and *Narratives of a Vulnerable God*, from which the above quotation is taken, are brilliant reminders of the intimate connection between doctrine and ethics, and between Christology and human rights. Placher reiterates the equal importance of the life of Jesus, the crucifixion and the resurrection for faith, and, in a highly instructive analysis, relates these dimensions from a classical Reformed perspective to three classical human rights issues of Christian ethical concern, namely homosexuality, prisons and war. His work is an illuminating example of the power of the combination of classical and emancipatory theology.

The ministry of Jesus is prophetic and points to the coming reign of God. Through Jesus' actions God is encountered by those around him – an encounter which often challenges order and respectability. Jesus' bodiliness reminds us that having a body is part of being human. He modelled the compassion and care that we ought to show to others. Discussion of biblical passages is framed through the ministry of Jesus:

Jesus clearly did not deliver his most forceful condemnations about the sins that generated the most social antagonism in his culture, as homosexuality often does in ours, but rather reserved them for the flaws in those his society viewed as most respectable... Here as elsewhere, Jesus stood with the outsiders, the disreputable, and the fearful, rather than the self-confident and self-righteous. (Placher, 2001a, 101)

Crucifixion: 'The whole course of Christ's obedience led him to crucifixion'

The gospels are passion narratives. The memory of the cross and the presence of Christ are at the centre of the central act of Christian worship, the Eucharist. The cross is a cross of solidarity, sacrifice, reconciliation and redemption as the victory of love. This should make us think, as we rarely do, about the penal system: 'We live in a country gone mad on sending people to prison.' (Placher, 2001a, 150). But the Bible talks of release to the captives, and Jesus speaks of visiting prisoners. If Christ has taken upon himself the sins of the world, punishment becomes problematic. Yet thousands of prisoners receive no visitors at all.

Resurrection

Resurrection was an important part of the hope of Israel. It indicates that the cross was not the end of the Christian story, and affirms the eternal value to God of every human life. From resurrection comes faith, as in the breaking of bread on the road to Emmaus, and the reign of God. In the framework of the peace of God, violence and war are exposed for the evils they are:

We take it for granted that we should kill and be killed in the name of our nations. Christians should at least dream of a time when that too will seem part of the horrible past. Christ invites us to follow him in love, and offers us eternal life... But it isn't easy. Resurrection lies on the other side of the cross, and hope follows only on the risks of love. (Placher, 2001a, 197–8)

There is much more to human life than human rights – neither life nor theology can be reduced to human rights alone. Undue concentration on a particular issue can often diminish the enjoyment of full lives. The Christian gospel is concerned with salvation, reconciliation, the fullness of human flourishing in all its aspects, in life and beyond life. Human life is built up through the development of satisfying personal and social relationships, through appropriate economic and political arrangements, through the development of the humanities and the sciences. Through Jesus Christ, Christians believe, God's love as a transformative force of grace is

effective throughout³ the cosmos. Yet when human rights are abused, rather like when a vital organ of the human body fails, the results have a pervasive detrimental effect on the whole of society. That is why theology may welcome, without qualification, the recent prominence of human rights issues in global affairs and will seek to make its own contribution to human rights advocacy through critical appraisal of its own traditions and resources.

Violence, coercion and torture are the enemies of human rights. They perfectly exemplify the actuality of sin.⁴ There is a thread of violence and coercion which runs through the sources of Christianity, and which will be the subject of our close attention in succeeding chapters. But there is also a thread of non-violence, of self-giving, self-affirming love which, as the Fourth Gospel has it, shines in the darkness as a beacon of hope. This light is the incarnation of God in Jesus Christ, an icon of the divine love. It is this positive side of Christian faith which provides an antidote to despair. While there is everything to be said for realism, obstacles are only overcome when we have the courage to trust to the beacons of light rather than to giving in the face of the darkness. I shall suggest later that there are other distinctive and effective lights, both in the world religions and in secular thought. Here, I concentrate on Christ.⁵

There are countless varieties of Christologies, but all point, in their diverse ways, to the particular and lasting significance of Jesus Christ for human welfare. More absolutist Christologies are concerned not to understate the vital role of Jesus Christ in the understanding of God, and of the entire created order, in Christian understanding. More modest Christologies are concerned to safeguard the connections between Jesus and all human beings, while not alienating those who do not share their views

3 Human dignity, the realization of which is the aim of human rights, cannot be reduced to dimensions that can be encompassed by a short or narrow list of 'basic' human rights. All human rights are basic rights in the fundamental sense that systematic violations of any human right preclude realizing a life of full human dignity – that is, prevent one from enjoying the minimum conditions necessary for a life worthy of a human being. (Donnelly, 1989, 37–9)

4 Roger Haight neatly articulated the connection between oppression and sin in his early book *An Alternative Vision*:

One sees social institutions that not only structure human freedoms of people, but also crush them, oppress their very being, cause suffering and push many towards untimely and unnecessary death. These structures are more than the effect of sin: such social structures may be called rightfully sin, and not merely the effects of sin, since they are not merely evil and products of nature. (Haight, 1985, 148)

With this he contrasted the essence of a liberation spirituality:

This spirituality has a faith that sees the Kingdom of God in the little bits and pieces of history where people are being served and cared for by other people. This faith sees God's hand working through human agency in this; these little victories in the struggle for the emancipation and liberation of other human beings are the ultimate experiential ground of faith that justifies hope. And finally, the faith and hope of this spirituality is informed by love, because only through participating in this movement in history can faith and hope continue to survive. (Ibid., 256)

5 This chapter seeks to provide an overall sketch of the issues involved, each of which will be addressed in later chapters.

by making totalizing claims. Both these dynamics are present in changing patterns in all Christian theology and practice.

Jesus Christ is central to Christian reflection on rights. This centrality may be expressed traditionally, in what is often described as foundationalist categories, or it may be expressed more cautiously in terms of a web of connections concerning the nature of the divine love and relationality. But the web and the foundations share a distinctive hermeneutical envelope, which prioritizes the life, death and resurrection of Jesus as the continuing source of unconditional regard and support.

The divine love seeks, creates, welcomes and relates in reciprocity with all other loves. This has been a classical theme of faith through the ages. But its instrument in human agency has often been able only very imperfectly to apprehend and to transmit that love. In our local cultures, whether in small circles or in huge tracts which we have culturally colonized, we have failed to recognize different responses of love as love. Love has become hate or indifference. This is a commonplace, but has to be acknowledged as part of the way things are.

The task of liberating, in each cultural situation, the communication of unconditional love from the limitations which hinder it remains incomplete. Although this problem is not, of course, unique to Christian perspectives, it is a primary objective of this study to consider how the Christian tradition in its continuities and interruptions may provide hints that may be utilized in other strategies for action. I hope to show that the language of rights may be particularly effective in this task.

The Way of Jesus

Christians have almost universally held that Jesus of Nazareth, in his life, teaching and actions, manifests the purpose of God for the created order, and in particular for human beings. They continue to argue about important areas of this life. How far was he committed to engaging in, and encouraging his followers to take, social and political action? To what degree did his teaching rest entirely within an apocalyptic framework?

Much about the culture in which he was embedded remains the subject of scholarly controversy. But it is always possible, and indeed it is necessary, to attempt an interim report on these issues, assuming that biblical scholarship is at least as capable of modest progress as all other scholarship in the humanities. It seems clear that Jesus was a teacher in the tradition of teaching in Israel, intensively devoted to Israel's God, and conscious of a need to live, teach and act as a messenger of salvific change, which was to come from God himself. His humanity was moulded by his devotion to God.

It also seems clear that he was in some ways faithful to rabbinic tradition and in other ways radical – socially, religiously and, just possibly, politically. As a result, he gathered a group of followers and had a remarkable influence on them and on others in the community in which he lived. He preached in word and action a message of what was perceived to be something approaching unconditional love. Attracting

attention in a highly charged political maelstrom he came into conflict with the religious and political authorities and was executed by crucifixion.

After his death, some of his followers came to believe that he continued to be alive in some decisive and mysterious way, which they came to understand in terms of bringing individual salvation and the corporate expected reign of God. They came to affirm that, as St Paul phrased it, God was in Christ, reconciling the world to himself. For many centuries they tended on the whole (for there were always many different understandings of faith) to see this salvation in individual and otherworldly terms, as an escape from the consequences of moral sinfulness and a place in heaven. In time, some would reflect on God incarnate, the crucified God, the executed God, in a mysterious but effective solidarity with all the liminal, with all the marginalized and all the discriminated against. It is on the genesis and the fate of this latter strand that we shall now reflect.⁶

There are sources for theoretical reflection on human rights at many levels. There is also a powerful demonstration of the embedding of theory in the lives and cultural world of individuals and communities. Although, of course, not everyone has heard of Jesus Christ, this life is perhaps the most familiar life image in human history. For this reason it is worth reflecting that it has the potential to become a kind of condition of the possibility of helping to translate human rights theory into the establishment of a human rights culture. For Christian faith, this iconicity is based on the belief that, here, the creator of the universe participates definitively in human life.

Emphasizing the relation of Jesus Christ to the marginalized and to human rights is, of course, a characteristically modern preoccupation. Future generations will doubtless stress other dimensions. But I would claim that the link to human rights is an important positive development in Christology, which is likely to remain, and ought to remain, central to Christologies to come. It may be that Christianity will develop into an increasingly spiritualized and socially conservative religion, as Islam has tended to do in recent decades. But I regard it as vital that a witness to a socially and politically radical Christology should also continue as a witness to a tradition stemming from the centre of the gospel. If this dimension should become less widespread in world Christianity, persistence with it will become all the more important.

Turning to the biblical narratives, we find concern for the whole range of questions concerning God, creation and salvation, the future of humanity under God, the development of the relationship between God and human beings, relationships between men and women and social development. It would be unhelpful to view this

6 Richard Kearney puts it well:

How ironic it is to observe so many monotheistic followers still failing to recognise the message: that God speaks not through monuments of power and pomp but in stories and acts of love and justice, the giving to the least of creatures, the caring for orphans, widows and strangers; stories and acts which bear testimony – as transfiguring gestures do – to that God of little things that comes and goes, like the thin small voice, like the burning bush, like the voice crying in the wilderness, like the word made flesh, like the wind that blows where it wills. (Kearney, 2001, 51)

immense range always from the narrow focus of rights. Yet it is also important to explore this area, not least because its significance has so often been underrated by Christian tradition.

Liberating Narrative

Here, the emancipatory theologies offer a particular insight. An excellent example is Brian Blount's *Then the Whisper put on Flesh – New Testament Ethics in an African-American Context* (2001). Blount argues for the model of liberation as a lens for reconfiguring ethics. This enables him to read the synoptic gospels as an ethics of the kingdom, John as the Christology of a community of active resistance, Paul as theology enabling liberating ethics – at least on occasion – and Revelation as the witness of active resistance. More precisely, the synoptic gospels set up new paradigms of behaviour: 'For Mark, discipleship as a narrative theme follows from the realization of God's own boundary breaking behavior around and in Jesus' (Blount, 2001, 57). In Matthew we see the liberating ethics of a 'visible institution', the kingdom of heaven. In Luke there is a bias towards the poor and the oppressed in Jesus' teaching and action, in a reversal of common attitudes. In John love for God and humanity becomes a strategy of active resistance. In Paul there is also a basic liberating ethic of boundary-breaking, although Paul's choices might be different in some areas today, notably in slavery and sexuality (ibid., 149ff). In Revelation there is a pattern of active resistance in the face of massive evil.

Blount struggles with the question of what exactly the New Testament has to do with ethics, and here he follows Leander Keck:

New Testament ethics may not look like what we have come to expect from a 'critical reflection on morality' because it is its own brand of ethics. It is not ethics formed round a philosophical construct. It is, instead, 'event ethics.' It is ethics orientated and structured around the event of Jesus' life, death and resurrection. (Blount, 2001, 17)

This, it seems to me, is precisely why any Christian reflection on human rights needs to deal centrally with Christology.

Why should people who have suffered at the hands of Christians even consider listening to Christian sources for human rights reflection? This basic question is illuminatingly tackled in Blount's discussion of slavery as an interpretive lens. Those who first learned of Christian faith, often in very distorted form, at the hands of their oppressors have nevertheless been able, in the past, to own Christian faith as a humanizing force, through a reconfigured ethics of liberation. 'Jesus can understand the pain, the tragedy, the hopelessness, the sorrow, and, most important, the hope' (Blount, 2001, 33). In the lens of liberation the Bible is read contextually, 'reading, respecting, sometimes rejecting' (ibid., 31). African-American slaves reconfigured the biblical message in order to retrieve it for their own situation.

Blount's narrative respects equally the value of the narratives of individual and community suffering. Are human rights concerned with individuals or communities?

The answer from the slave communities would seem to be emphatically that it is both, although neither romantic individualism nor romantic communitarianism will do. Critiques of neoliberal economic policies have alerted us today to the dangers of individualism. Sebastian Haffner's *Defying Hitler* (2002) provides a devastating critique of the romanticization of community:

The general promiscuous comradeship to which the Nazis have seduced the Germans has debased this nation as nothing else could...Comradeship completely destroys the sense of responsibility for oneself, be it in the civilian, or worse still, the religious sense... The Nazis knew what they were doing when they made it the normal way of life for an entire nation (Haffner, 2002, 235f)

Of course, the abuse does not take away the proper use, but the dilemma of appropriate community is worth noting.

Brian Blount, in conclusion, faces up to the need for dialogue between black and white American communities who remain separate and distrustful of each other.

In this dialogue the primary focus would not be on the establishment of universally normative ways of dealing with particular issues. It would instead encourage a cross-fertilisation of different cultural perspectives which would spark in turn new encounters with the text's meaning potential. Then and only then would the real goal be within reach. Then we would approach an interpretive reality where ethics enables the crossing of those boundaries that separate humans from God and disable productive and transformative human contact with one another. (Blount, 2001, 191)

I have quoted this study at length because the issues with which it deals seem to me to be applicable to other contemporary human rights issues. The love of God in Jesus Christ, as a boundary-breaking narrative and a signal of the hope for a different future, is of the essence of a Christian contribution to human rights.

Christ Against Human Rights

Brian Blount's interpretation highlighted, in an acute form, the danger of assuming that Christ will always be seen as an advocate of rights. Christianity was brought to the Americas by slavers and was fostered through the piety of plantation owners. They too, it might be argued in a postmodern framework, had their own legitimately contextual theology, in which they read the biblical texts in interaction with their own culture. Within their Christian community they had the right to the peaceful possession of their lawful property, and that included slaves. They exercised Christian charity and often lived blameless and pious lives, as did many who later practised apartheid. They, too, had legitimate interests and human rights. Above all, they had religious human rights, because their practices were integral to their

religious beliefs, which were based on scripture. The same defence could be made of those who tortured heretics and witches. Were these also not religious human rights, ultimately part of obedience to Christ?

Rights conflict. Where they conflict, the more basic and fundamental rights prevail. Who decides? In a secular setting the courts decide. In a theological setting it comes down to debate and decision between different interpretations. I shall suggest that a Christ who blocks access to specific rights, which we shall examine, is a Christ misinterpreted. I shall propose that the character of God's love always privileges justice, equality and kindness. It is always on the side of the marginalized, but not if the marginalized have marginalized themselves through oppression and coercion. It is always the character of unconditional compassion. Discipleship leads unconditionally to human rights advocacy. As Bonhoeffer famously and tellingly put it, 'Only he who speaks up for the Jews should sing hymns in church'. For Jews, read any other persecuted group. But what about my human right to sing hymns regardless? That is indeed a human right, but it is overtaken by the greater need and injustice.

There is a Christ of unconditional love. But the tradition also contains a Christ of terror, a severe judge who will cast into hellfire all who break any of the detailed commands in the scriptural corpus. The judgement of God on unbelief, false belief or moral deviation has been a powerful driving force for the persecution of countless individuals throughout history. In medieval Christendom the vision of Christ the judge could be sufficient justification for torture and repression. In numerous small communities today, and even at family level, there remain various micro-tyrannies in which lives are wrecked by such imagery and the imagined threat that it implies (for current examples see the many websites on Christ and hellfire). Terrorism is never justified, and human rights are perhaps the best remedy.

Christians and Rights Talk

We shall come shortly to debates in philosophical and political literature about the value of rights talk, but already we should note that Christian theologians are themselves quite divided on the role of rights language in relation to the gospel.

In his sympathetic, but searching, critique of Christian notions of justice, especially in liberation theology, Daniel Bell writes of the 'terror' of justice, as it involves judgement and reparation. He is especially critical of the liberal discourse of rights, which he sees as arising from an Enlightenment perspective. Against this he places the therapy of forgiveness, as a gift of God in Christ. He recognizes the dangers of disempowerment for the already powerless, as well as the lack of empirical confirmation of an effective strategy of forgiveness. But he sees the Christian way as a 'refusal to cease suffering, a Christian therapy of desire over against a capitalist therapy of desire'. He concludes as follows:

When history's losers, the crucified people, follow in the steps of Jesus and forgive their enemies, they are wagering on God. They are wagering that God is

who the Gospel proclaims God to be, the one who defeats sin and wipes away every tear, not with the sword of a justice that upholds rights but with the gift of forgiveness in Christ. (Bell, 2001, 195)

Daniel Bell's advocacy tends to stress the less satisfactory sides of an argument from justice and rights, building on Aquinas and echoing traditional Catholic suspicion of liberal values. It might also be thought to be in danger of a kind of triumphalism of forgiveness, of the sort finely discussed by James Alison (Alison, 1993, 2001). For Bell, the church and its penitential system become the keystone of the arch of human well-being, in a kind of vulnerability which is itself imposed from above, reminding us once again of the value of a more open, progressive approach to theology as a contribution. But Bell's study, in its reflection on justice from a Christian perspective, is a deeply thoughtful and well-constructed exploration of the other side of rights language.

A more constructive engagement with rights language can be found in Nicholas Wolterstorff's *Until Justice and Peace Embrace* (1983), a fine study which cannot be faulted for neglecting attention to the deep underlying theological questions. Wolterstorff combines justice with the theological sphere of *shalom*, and he balances rights with duties. But he can still find an important Christian role for rights language:

Seeing that rights are claims to guarantees against threats makes clear that rights are God's charter for the weak and defenseless ones in society. A right is the legitimate claim for protection of those too weak to help themselves. It is the legitimate claim of the defenseless against the more devastating and common of life's threats which, at that time and place, are remediable. It is the claim of the little ones in society to restraint upon economic and political and physical forces that would otherwise be too strong for them to resist. (Wolterstorff, 1983, 84)

An impressive account of church groups acting against torture is given in William T. Cavanaugh's *Torture and Eucharist* (1998). Cavanaugh, writing from a radical orthodox position, stresses the importance of the rights of Christian groups against a pure individualism. He emphasizes that torture works by isolating individuals. In his Catholic hesitation about the individualist roots of Protestant human rights thinking he follows a long tradition, reflected, for example, in Jacques Maritain's 1943 work, *The Rights of Man and Natural Law*. It was indeed church suspicion of the individualist and the potentially secularizing tone of much early modern human rights reflection that made the churches wary of engaging with it. Cavanaugh offers a rare Christological reflection on the body of Christ as an antidote to torture and of the Eucharist as 'performing the body of Christ'. He expresses this eloquently as follows:

Jesus' suffering is redemptive for the entire world. His one unrepeatable sacrifice, His death by torture on the cross, serves to abolish other blood sacrifices once and for all. We do not find other bodies to torture and sacrifice, but only remember the eucharist and the one sacrifice which takes away the world's pain.

The Christian economy of pain, therefore, overcomes the incommunicability of pain on which the torturer relies. Torture is so useful; for isolating individuals in society from one another in large part because of the inability of people to share pain... Pain is incommunicable beyond the body, and the sufferer must suffer alone. Christians, nevertheless, make the bizarre claim that pain *can* be shared, precisely because people can be knitted together into one body. (Cavanaugh, 1998, 280)

It may be that Christians ought not always to assert rights for themselves. But it is important to be able to support the rights of others who may be defenceless in the face of violence. It would seem that neither rights nor forgiveness nor justice as concepts in themselves will be sufficient to articulate the Christian vision of the realm of God. The Christian contribution to society may perhaps be more a combination of incommensurable fragments, deployed together with non-Christian contributions in different ways at different times but always shaped by the eschatological vision of a Christomorphic trace in history, without which all predictions of the end of history will be incomplete.

In looking for insights between the various theological schools of interpretation it is usually fatal to be too purist and to imagine that any one approach has all the answers. For example, between the Christian visions of Jon Sobrino, Stanley Hauerwas and figures such as Adam von Trott (cf. MacDonogh, 1989) and the Kreisau Circle there are huge gulfs. For the latter it was absolutely necessary to become involved in all kinds of dangerous political compromise in order to kill Hitler. There are many ways of embracing resistance and crucifixion.

A Christology for Human Rights?

We have been emphasizing the humanity of God in Jesus Christ. The Christian faith has also sought to find words to articulate its sense of the divinity of Jesus Christ, not in opposition to, but in and through, his humanity. This recognition of transcendence, of the humanity of Jesus as extending participation beyond humanity into a distinctive relationship with God, the source of all existence, has been framed in very different sorts of language, symbol and metaphor throughout the history of Christian community. The search for appropriate language to articulate the gift of faith will always be an ongoing task that cannot be resolved through any particular cultural expression. Even within the same time and culture the language of faith will take different forms in relation to different questions, and cannot accomplish everything that needs to be said in one range of expression. I suggest that the language and culture of human rights may be one highly significant field – though certainly not the only one – for the articulation of the central Christian affirmation of incarnation and reconciliation. I do not wish to suggest that Christology is, in essence, only a Christology of human rights, but I do wish to contemplate a Christology for human rights. I would like to imagine such a Christology with a dynamic which not only reflects a sense of Jesus' human solidarity with our fellow human beings – that is crucially important – but also seeks to bring to some level of effective concrete

expression at least the underlying divine love which Christians understand to be the ultimate ground of the way things are. A modest Christology should not be a diminished Christology.

The suggestion that Jesus Christ is the central Christian icon (and not an idol) of human rights engagement entails that all dimensions of Christ, both human and divine, are understood to be fully involved in rights concerns. A Christology that is immersed in human rights culture cannot be the private property of any single theological movement. It may start from many places, and it requires the wisdom and cooperation of different Christian perspectives if it is to be fully effective.