



Gemeinschaft Evangelischer Kirchen in Europa (GEKE)
Community of Protestant Churches in Europe (CPCE)
Communion d'Eglises Protestantes en Europe (CEPE)

Human Rights And Morality

A Response of the Community of Protestant Churches in Europe (CPCE) – Leuenberg Church Fellowship – to the Principles of the Russian Orthodox Church on “Human Dignity, Freedom and Rights”.

In summer 2008 the Russian Orthodox Church published its principles on human rights. It argued for an understanding of human rights which on the one hand corresponds to its own biblical and ecclesiastical positions and on the other takes note of the prime importance of national cultural traditions. In its statement the Russian Orthodox Church invites other Christian churches to study and discuss its doctrine. The CPCE is grateful to the Russian Orthodox Church for this invitation to ecumenical dialogue. We see it as a sign of the reciprocal trust, which has grown up in recent decades through the close collaboration of the churches in Europe. We are sending this statement to the Russian Orthodox Church as a response to its document of June 2008 and combine with it an invitation to continue the joint dialogue on the importance of human rights. The textual basis of this statement is the English translation of the doctrine of human dignity, freedom and rights, which was published on 11 September 2008 on the web page of the Russian Orthodox Church.

1. The theological foundation: the inalienable dignity of human beings

In the first section of its statement the Russian Orthodox Church explains its understanding of human dignity in connection with Gen.1.26. Here the statement makes a distinction between an “ultimate value” of human beings because they are in the image of God and a “dignity” of the human being still to be achieved which rests on a similarity to God. This similarity to God consists in overcoming sin through God’s grace and achieving moral purity and virtue.

From a Protestant perspective, too, that human beings are in the image of God is the central point for the foundation of their unique dignity and the inviolability of human rights.

The unassailable and inalienable dignity of human beings is grounded in the fact that God has created them “in his image”, as the creation story declares (Gen. 1.27). Therefore the Reformers always understood human dignity relationally as an expression of human dignity over against and in relation to God. Thus human dignity is not governed by a person’s own achievements but solely by God’s grace, a precondition which is simply quite outside his or her disposal.

This is reflected in the New Testament doctrine of justification: Paul writes : “For we hold that man is justified by faith apart from the works of the law” (Rom. 3.28). In principle, therefore, human dignity grounded in God’s righteousness cannot be put in question by the sinfulness of human beings. Thus according to the Christian conviction a soteriological orientation of human dignity is added to its foundation in the theology of creation. This christological foundation is lacking in the statement of the Russian Orthodox Church. Thus the statement lacks an essential theological element in the basis for human rights. That is also regrettable because this christological foundation of human dignity is already developed in the early church (e.g. in Clement of Alexandria or Gregory of Nyssa) and it forms a common tradition of all churches.

In the statement of the Russian Orthodox Church this leads to a misunderstanding of human rights. As the Russian Orthodox Church develops human dignity only as a moral criterion, it cannot understand the dignity as the foundation of an unconditional protection against human encroachments. Thus human dignity does not stand for a taboo which categorically resists any reification and instrumentalisation of human beings but becomes a distinction which human beings must acquire through their actions and therefore can also forfeit.

2. Human rights and morality

Starting from the differentiation between the value and dignity of human beings, the concept of human dignity in the statement of the Russian Orthodox Church is transformed into a moral category (“a direct link between human dignity and morality” ch. I.5.): moral action gives human beings dignity, immoral action robs them of it. Therefore it is important that worthy and unworthy behaviour are clearly distinguished (“that things dignified and undignified should be clearly distinguished in the life of a person” ch. I.2.).

Morality – in the sense of “the ideas of sin and virtue” (ch. III.1.) – precedes rights. Therefore human rights must be brought into accord with clear “Christian values” (“It is necessary to give a clear definition to Christian values with which human rights should be harmonized” ch. III.1.). Here human rights have no precedence over “spiritual values”

(“Human rights cannot be superior to the values of the spiritual world.” ch. III.2.). Accordingly the Russian Orthodox Church absolutely rejects an understanding of human rights as “the ultimate and universal foundation of societal life to which religious views and practice should be subjected” ch. III.2.). Here the text presupposes a confrontational relationship between human rights and Christian morality which culminates in the thesis that the observation of human rights would compel Christians to think and act “in contrary” (preamble, ch. I.4.) to the divine commandments. This basic dissent runs through the whole text

In the Protestant churches the question of the sanctification of Christian life plays a great role. The churches of the Reformation have always attached great importance to Christians leading their lives in the right way. The aim of Protestant education is to put people in a position to lead a consciously responsible life in the face of God and neighbour. We see this as an important contribution of the churches to strengthening moral values in society.

However, the sanctification and morality of human lives are to be distinguished from the definition of the tasks of human rights. Unfortunately the statement of the Russian Orthodox Church refrains from such a legal ethical clarification of human rights. As a result there is no clear differentiation between human rights on the one hand and moral ideas and religious convictions on the other.

Human rights are rights of protection and participation, which put human actions and their sphere of living under the rule of law and guarantee a framework for the co-existence of human beings together.¹ In this sense the Protestant churches value the positive contribution of human rights. “The Protestant churches, with their orientation on the distinction between law and gospel and the relationship between them, can take up the notions of human rights constructively and deepen them critically. There is a relationship of similarity and difference between the modern form of human rights and the basic substance of Christian faith: In the face of an exclusive claim of theology to be the foundation of human rights, the secular character of human rights must be taken seriously. The concept makes it necessary to think of them in universal terms and to seek possible ways of linking them up with the cultural traditions of humankind. In the framework of the doctrine of the preservative function of the ‘law’, Protestant theology relates the concern of human rights to God’s will for preservation, without denying their

¹ Law and Gospel, also with reference to decision-making in ethical questions. The result of a study process of the Community of Protestant Churches in Europe (CPCE), edited on behalf of the Council of the CPCE by M. Bünker and M. Friedrich, Frankfurt am Main 2007, 11.1.1. <http://www.leuenberg.eu/daten/File/Upload/doc-7161-1.pdf>.

secular character. Historical and theological insights forbid us to identify an ethic which has been formulated directly with God's law."²

3. Freedom and responsibility

As is elaborated in the second section on "freedom of choice and freedom from evil", the human challenge consists in dealing rightly with the freedom given by God. With a reference to Rom.7.15ff. the relativity of freedom is emphasized, because we human beings are not capable of bringing about the good by ourselves. Only those are really free "who take the path of righteous life and seek communion with God" (ch. II.2.). Without this reference freedom is "distorted" (ch. II.2.), as "absolutely vicious things such as abortion, suicide, lechery, perversion, destruction of the family, the worship of cruelty and violence" (ch. II.2.) show. The Russian Orthodox Church makes "The weakness of the human rights institution" (ch. II.2.) responsible for such social developments, which with the defence of freedom "tends to increasingly ignore the moral dimension of life and the freedom from sin" (ch II.2.).

As in the Orthodox churches, so too according to the Protestant understanding freedom is never without ties, but orientated on responsibility and love. As Martin Luther wrote in his work on the freedom of a Christian, a Christian is on the one hand "the most free lord of all and subject to none", but on the other "the most dutiful servant of all and subject to everyone". We find this connection between freedom and responsibility in the common foundation of our faith over and above all confessional traditions: "Everything is permissible but not everything is useful," writes the apostle Paul. The criterion for a decision is the question what serves our fellow human beings, goodness and peace (1 Corinthians 10.23ff.).

The classical declarations of human rights (the Universal Declaration of Human Rights of 10.12.1948, the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4.11.1950 and the International Covenant on Economic, Social and Cultural Rights of 19.12.1966) reflect the connection between freedom and responsibility. Personal rights to freedom, rights to social participation and the rights to development, peace and the protection of the environment thus supplement one another, albeit in a relationship of tension.³ The Protestant churches therefore see human rights not as a threat to morality but as foundations for peaceful and respectful coexistence in freedom in a pluralistic society. To restrict such rules which apply to all in favour of particular interests goes against the common concern of the churches to strengthen the

² Ibid., 11.2.1.

³ Ibid.

responsibility of all for society, love of neighbour and respect for those who think otherwise and their convictions.

The statement of the Russian Orthodox Church mentions “abortion, suicide, lechery, perversion, destruction of the family, the worship of cruelty and violence” (ch. II.2.) as examples in which human rights endanger the morality of Russian society. We cannot go along with these examples. In fact the declarations of human rights emphasize the protection of life and the inviolability of the person,⁴ the protection of private life and the family.⁵ We also cannot see from the argument why human rights in particular, which have been created as the “foundation for freedom, justice and peace in the world”⁶ should be responsible for the promotion of cruelty and violence.

4. Human rights and relations with the state

The statement demands that human rights do not contradict “love for one’s homeland and neighbours” (ch. III.4.). The Orthodox tradition derives patriotism from Jesus’ words: “Greater love has no man than this, that he lays down his life for his friends” (John 15.13). The conflicts between private and public interests can be overcome only when human rights and human freedoms coincide with “moral values” (ch. III.4.) on the basis of love. Finally, human rights may not be at the cost of the environment and natural resources. So that human rights can serve good ends, to sum up, “the implementation of human rights should not come into conflict with God-established moral norms and traditional morality based on them. One’s human rights cannot be set against the values and interests of one’s homeland, community and family. The exercise of human rights should not be used to justify any encroachment on religious holy symbols things, cultural values and the identity of nations.” (ch. III.5.)

The presupposed harmony between state and church leads to the question of a critical attitude of the church to the state order. Where in this connection does appear the prophetic ministry of the church to the secular order which is indicated in Acts 5.29 and is broadly developed in the theology of the early church? Starting from Rom. 13 the two *civitates* doctrine of Augustine and the two kingdoms doctrine of Luther differentiate between the tasks of church and state and at the same time make possible the positive relationship which has prepared the modern understanding of law and state. In our perception this is a common biblical category for the relation between law and gospel

⁴ Universal Declaration of Human Rights, Art.3.

⁵ Ibid., Arts 12, 16.

⁶ Cf. the preamble to the Universal Declaration of Human Rights.

which in the Orthodox churches too has been taken up to define relations with the state (especially in the controversy with the totalitarian state).

In that the saying of Jesus in John 15.14 addressed to all human beings is related only to the national level, the universal claim of the Christian message which overcomes all national, ethnic and cultural boundaries is lost. The statements of the Russian Orthodox Church in this sphere are open to misunderstanding and could also be interpreted in terms of nationalism and ethnocentrism. The argument runs the risk of fundamentally putting in question the legitimacy of the modern constitutional state and subordinating state law to religion. In our view this contradicts the essence of the church. It is certainly not the concern of the Russian Orthodox Church that critical discussion of human rights can be misused for ideological purposes alien to the church.

5. On particular rights

In the fourth section of the statement the fundamental human rights are elaborated and explained: the right to life, freedom of conscience, freedom of opinion, freedom of art, freedom of education, civil and political rights, social and economic rights and finally collective rights. Here there is a wide sphere of the protection of human dignity which is taken for granted in all the churches. At this point we would refer to joint statements of all the churches like the Charta Oecumenica, the concluding declarations of the three European Ecumenical Assemblies or also the joint representation of church concerns in the Church and Society Commission of the Conference of European Churches. Against this background of a far-reaching common basis we want to go into some individual questions on which in our view clarification is needed:

In the case of the right to life the indirect acceptance of the death penalty (the church has merely the "duty of intercession" ch. IV.3.) is inconsistent. The churches have time and again stressed the task of protecting human life independently of personal misdemeanours. That also applies to the death penalty. With regard to armed conflicts for many years the churches have argued together for the absolute priority of conflict prevention and the non-violent resolution of conflicts.

The achievements of freedom of faith and conscience for which the churches have fought for many centuries, particularly in Europe, should not be relativised by the church's invitation to bear witness to the truth and reject false doctrine, giving rise to a legal restriction of freedom of conscience and freedom of opinion. Many European churches are minority churches in their particular context. For them this protection of freedom of faith and conscience is an existential question.

Freedom of opinion and freedom of art: the executive committee of the CPCE has grappled intensively with these questions in connection with the dispute over the Muhammad cartoons and in so doing has emphasized the responsibility of the churches to support freedom of opinion. "This includes a responsible way of dealing with freedom generally. The churches support dialogue with believers and for conversation with people without religious confession. It is the common task of all to contribute to a peaceful and just society through dialogue. That applies especially where there are conflicts and differences of opinion."⁷

Civil and political rights: the Russian Orthodox Church emphasizes its support for the preservation of social unity on the basis of lasting moral values. A person can be put under surveillance to defend the homeland, preserve good morals, protection of health, rights and legitimate personal interests or to solve and condemn crime. In view of the restriction of civil and political rights in Russia and also in many other states we miss in this statement anything about the protection of the individual from state encroachments like political persecution, political murder, discrimination against minorities, the undermining of democratic proceedings and structures, social injustices, state spying or illegal dealings with critical persons and groups. From a Protestant perspective the churches have an important task in opposing the misuse of state power precisely in these questions. This is a central doctrine which the church have arrived at from the controversy from totalitarian regimes.

6. Conclusion

According to the Protestant understanding, "human rights" are such rights as accrue to all human beings on the basis of their God-given dignity. Just as they cannot be bestowed by any inner-worldly authority, so they cannot be denied by any authority; they are unassailable, inalienable and indivisible. They form "basic rights" of the individual person with binding force on for state action.

"It has proved that the concept of human dignity can be derived with a special focus from the gospel of the justification of the sinner by grace alone. But 'human rights are not the gospel'; for Christians a political praxis orientated on human rights is one of the works which follow faith."⁸ It follows from this that the concrete form of human rights must be

⁷ Cf. the statement of the Executive Committee of the Community of Protestant Churches in Europe on the topic of freedom of religion and opinion: "The truth must be striven for not by force but with the Word alone," Budapest 8.4.2006. www.leuenberg.net/daten/File/Upload/doc-8097-2.pdf

⁸ Law and Gospel 11.2.2.

discussed and developed further. The Charter of Fundamental Rights of the European Union which was adopted in 2000 is a good example of this, since it takes up questions of information technologies and biotechnology which do not yet come into view in the Universal Declaration of Human Rights.

In spring 2007 the Russian Orthodox Church together with the Church and Society Commission of the Conference of European Churches agreed in a joint communiqué “that the consequence of the present debate on human rights within the Russian Orthodox Church and among the European churches will be to strengthen the confession of the churches on human rights, as they are maintained for example in the Universal Declaration of Human Rights, the European Convention on Human Rights, the European Social charter and the documents of the link conferences of the Organization for Security and Cooperation in Europe.”⁹

In the present document we see this concern above all in the last section, which describes the activities of the Russian Orthodox Church in pastoral care and in the caring for those who are threatened. We invite the Russian Orthodox Church to continue the dialogue with other churches for which it explicitly issues an invitation in its document, in a continuation of the 2007 consultation, and understand this statement as a contribution to this dialogue.

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The CPCE Presidium

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At present 105 Protestant churches in Europe (including five South-American churches originating from Europe) belong to the Community of Protestant Churches in Europe (CPCE). Lutheran, Reformed, United and Methodist along with pre-Reformation churches such as Hussites and Czech Brethren grant each other pulpit and table fellowship on the basis of the Leuenberg Agreement of 1973. The Secretariat is located in the Severin-Schreiber-Gasse 3, A-1180 Vienna, office@leuenberg.eu, tel. +43.1.4791523.900, fax .110 The CPCE press officer is Dipl.theol. Thomas Flügge (Bern), tel. +41.31.3702502, t.fluegge@leuenberg.eu.

⁹ <http://www.cec-kek.org/content/pr-cq0715e.shtml>.