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Item Type	Book chapter
Authors	Lohmann, Friedrich
Publisher	Globethics.net; World Council of Churches
Rights	2022 WCC Publications & Globethics.net; Attribution-NonCommercial-NoDerivatives 4.0 International
Download date	01/03/2023 05:56:47
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Link to Item	http://hdl.handle.net/20.500.12424/4260157

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Human Rights and the Biblical Narrative

Friedrich Lohmann

Introduction

The international movement for human rights, with the Universal Declaration of Human Rights (UDHR) at its symbolic centre, did not come to birth out of the blue. It is true that the adoption of the UDHR in December 1948 was the first time that equal rights were claimed for all human beings, around the globe, and that this claim was made by a body with planetary scope and recognition, the United Nations General Assembly. However, the drafting commission of the UDHR could draw upon a long history of ideas, actions, and written law in which the notion of equal rights for all human beings had taken shape.

The Christian contribution to this history is ambiguous. On the one hand, Christian theologians and churches were opposed to the burgeoning rights talk, defending monarchy and the old political order, but there also was a crucial positive impact of Christian theology and practice for the human rights movement long before the movement received its name. In the middle of the 16th century, the Dominican friar Bartolomé de las Casas witnessed the cruelties of the Spanish colonists against the Indigenous people of Latin America and defended the latter by claiming rights deriving from their humanity.[1]

The Protestant Reformation, which originated in the same century, can be called a reformation of rights.[2] Christian activists were leading the

1. See, e.g., Lawrence A. Clayton and David M. Lantigua, *Bartolomé de las Casas and the Defence of Amerindian Rights: A Brief History with Documents* (Tuscaloosa: University of Alabama Press, 2020).
2. John Witte, Jr., The Reformation of Rights: Law, Religion, and Human Rights in Early Modern Calvinism (Cambridge, MA: Cambridge University Press, 2007).

struggle to end slavery in the 19th century United States.[3] These are just three examples, predecessors of the human rights movement, standing on Christian convictions.

All Christians who engage in human rights, past and present, invoke the Bible as the source of their thoughts and actions, as a witness of human liberation, despite its long-standing use as a legitimizing tool for oppression and the denial of rights. In this chapter, I will give an overview of the main arguments for the struggle for human rights that can be derived from the biblical narrative.

Equality

The central person of Christian belief is Jesus; therefore, it seems right to start this overview with the message he sent out through his actions and teaching. One of the most prominent features of his attitude, and particularly relevant when talking of him as a catalyst of later human rights activism, is the way he treats everyone as equal, strongly opposing the social exclusivism that shaped the society in which he was living. Questions of social status, wealth, gender, ethnic affiliation, or physical disability did not matter to him when he was interacting with people around him. Even more, he voluntarily transgressed the social boundaries of his time and took special interest in those at the margins of society, thereby provoking his bystanders and even putting them off.[4]

Lots of examples could be given here. Let me just mention the particularly revealing encounter between Jesus and a Samaritan woman at a well (John 4). His disciples "were astonished that he was speaking with a woman" (John 4:27); if we look a bit closer, we can see that Jesus transgresses the social order of his time in no less than three instances: he talks (1) to a woman who is (2) Samaritan and (3) in no proper marital relationship.

The source for Jesus' embracing attitude is the notion of a common humanity, in which everyone stands on equal footing, notwithstanding social ranking or former personal wrongdoing. We can see a glimpse of that in the

3. John Coffey, "The Abolition of the Slave Trade: Christian Conscience and Political Action," in *Cambridge Papers* 15:2 (2006), https://cdn2.hubspot.net/hubfs/6674075/Cambridge%20Papers/The%20Abolition%20of%20the%20Slave%20Trade.pdf?hsCtaTracking=6c914e71-8715-43ec-bbe3-2351605a6c8c%7C31658014-2838-491b-be42-35db9b9e0c87.

4. See, e.g., Warren Carter, Matthew and the Margins: A Sociopolitical and Religious Reading (Maryknoll: Orbis), 200.

story of Zacchaeus (Luke 19:1-10). Once again, the people around Jesus are surprised and annoyed by his spirit of openness. Jesus, however, justifies his positive attitude toward Zacchaeus, the detested and corrupt tax collector, by pointing out that "he too is a son of Abraham" (Luke 19:9). He may be an outsider, a *persona non grata*, for most people around him, but Jesus points out the man's everlasting membership in the people of God. Moreover, the circle of people included by Jesus is even bigger than just the descendants of Abraham: an officer of the hated Roman occupiers is heard by Jesus as well, and his servant healed (Matthew 8:5-13; Luke 7:1-10). In Jesus' eyes, God's kingdom knows no geographical or ethnic limits: "many will come from east and west and will eat with Abraham and Isaac and Jacob in the kingdom of heaven" (Matthew 8:11).

It took the early church some efforts to overcome social prejudices and apprehensions in the way Jesus had preached and acted, as is illustrated in the story of Peter and Cornelius that finishes with Peter as the first witness of Christian inclusivism: "I truly understand that God shows no partiality, but in every nation anyone who fears him and does what is right is acceptable to him" (Acts 10:34-35). Or, in the words of Paul in the Epistle to the Galatians: "There is no longer Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus" (Gal. 3:28). Distinctions between groups of human beings and their amalgamation with distinctions of value, so frequently used in our societies, have no place in the eyes of God and should therefore not shape our life on earth either. That is Paul's revolutionary message,[5] based on the life and teaching of Jesus. This notion of a fundamental equality between all human beings became, and still is, a decisive source for Christian advocacy for human rights.

Judicial and Economic Rights

With the critique of the elites of his time and the positive attention given to the marginalized, Jesus follows the footsteps of the Old Israel prophets. Their writings, as they are transmitted in the Old Testament, show a high awareness of social injustices. In God's name, they castigate self-enrichment at the cost of the poor, corrupt political leadership and a partial judicial system. Their protest is an inspiration for all those striving for human rights. Particularly intriguing is the fact that we can already find in the writings of the prophets the language of rights.

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5. Alain Badiou, Saint Paul: The Foundation of Universalism, trans. Ray Brassier (Stanford: Stanford University Press, 2003).

Isaiah puts it this way when denouncing those in power: "Ah, you who make iniquitous decrees, who write oppressive statutes, to turn aside the needy from justice and to rob the poor of my people of their right, that widows may be your spoil, and that you may make the orphans your prey!" (Is. 10:1-2). In the original Hebrew text, the word for "right" is *mischpat*, a word with a clear judicial meaning, referring to the court of law. Therefore, by speaking of the right of the widows and orphans, Isaiah not only repudiates their exploitation. He goes way beyond what was for a long time in the Church's history the way to handle the interests of the poor: by acts of charity and solidarity. No, says Isaiah, this is not enough; beyond charity, it is a simple act of justice to give the poor their due and not to exploit their precarious situation.[6] And by speaking of "their" right, he makes it clear that this is an inherent right that is part of their human identity and God's order. Therefore, and following Isaiah's words, any attempt to restrict or to ignore these rights is a sin against God that will be punished by him.

There is another biblical reference for *mischpat* used in the sense of an inherent right. In the Book of Job, Job at one point swears his innocence. He claims that all the suffering he must endure would be correct and just if his attitude and actions had been unrighteous, but he is innocent. This so-called oath of innocence is of high relevance for our understanding of the moral code of Ancient Israel because Job lists in it what his fellows would have considered clear transgressions of that code. Therefore, it is very revealing that Job mentions—next to deceit, adultery, and missing care for the poor—negligence toward his subordinates who, in his words, have a right to be treated properly: "If I have rejected the cause [Hebrew *mischpat*] of my male or female slaves, when they brought a complaint against me; what then shall I do when God rises up? When he makes inquiry, what shall I answer him? Did not he who made me in the womb make them? And did not one fashion

6. At this point, I would like to distance myself from the remarkable suggestion of George Newlands to base a Christian human rights theory and practice on a Christology that emphasizes "the self-giving, self-dispossessing nature of divine reality as a pattern for human relationships" (George Newlands, *Christ and Human Rights: The Transformative Engagement* [Aldershot: Ashgate, 2006], 146; see also Richard Amesbury and George M. Newlands, *Faith and Human Rights: Christianity and the Global Struggle for Human Dignity* [Minneapolis: Fortress, 2008], 123). Despite the fact that Jesus' example of "love as generous relationality" (Amesbury and Newlands, *Faith and Human Rights*, 158) undoubtedly can serve as an additional motivational push factor for Christians to engage in human rights, it should not be neglected that, for example, care for the poor has to happen not merely out of generosity but as a duty corresponding to a right of the poor person. The Old Testament notion of social justice was well aware of that.

us in the womb?" (Job 31:13-15). By including these words in his oath of innocence, Job gives an indication that the extension of rights to those on the bottom of the social ladder was part of everyday moral life in Ancient Israel and not only an idealistic claim of prophetic voices. At the same time, he gives the faith-based argument that founded that claim: slaves are human beings, created by the same God as those who happen to be their owners; therefore, because of this equal origin, they have rights that must be respected.

I will come back to this argument from creation in the next chapter because it is at the core of what we today call dignity. Before that, I would like to take a brief look at the law texts of the Old Testament. Those laws, found mainly in the books of Exodus and Deuteronomy, are another indication of the extent to which the rights of those in misery were taken seriously by those who imagined a better social order in a time of great social inequality. They acknowledge the inclination of those in power to subvert justice in their favour, and they put up a legal framework to keep that inclination checked in favour of those without power. This is done mainly in two regards: economic justice and judicial justice.

Economically, the Old Testament law departs from everyone's right of subsistence. Usury is banned because of the spiral of debt it kicks off (Lev. 25:35-40); the sabbatical year (Ex. 23:10-11) and the remission year (Deut. 15:1-18) are installed in favour of the poor to give them an opportunity to catch up and avoid economic annihilation. There is a notion of basic needs that must be attended to, notwithstanding the rules of the market: "If you take your neighbour's cloak in pawn, you shall restore it before the sun goes down; for it may be your neighbour's only clothing to use as cover; in what else shall that person sleep? And if your neighbour cries out to me, I will listen, for I am compassionate" (Ex. 22:26-27).[7]

7. The cloak may well be the last property of the impoverished neighbour. Carole Fontaine's observation that property rights "were probably the first and most important form of 'rights' that the Bible came to recognize" (Carole R. Fontaine, "The Bible and Human Rights from a Feminist Perspective," in *The Oxford Handbook of Feminist Approaches to the Hebrew Bible*, ed. Susanne Scholz (Oxford: Oxford University Press, 2021), 21–36, at 30) must be seen in light of the fact that property was a necessary means to subsistence in Ancient Israel. "Given that family property (land, animals, tools, seed) in antiquity was so closely tied to the continued ability to exist in an agricultural society, it is indeed a 'human right,' almost on par with the 'right to life'" (Scholz, *The Oxford Handbook of Feminist Approaches*). To defend such a kind of property right is a completely different thing from the claims of today's real estate speculators who fear for their gain on investment.

A strong argument for economic, social, and cultural rights can therefore be made from these Old Testament texts.[8] And at least one core civil right is present in them as well: the right to a correct and impartial judicial procedure. The prophets and the law castigate over and over the perversion of justice in favour of those in power. The story of Naboth's vineyard (1 Kings 21) is a flagrant example of what was common at the time but also of how such a breach of law was seen by God and his prophets. No wonder, then, that the law texts once again take the standpoint of those who lack power and claim due process for them: "You must not be partial in judging: hear out the small and the great alike; you shall not be intimidated by anyone, for the judgment is God's. Any case that is too hard for you, bring it to me, and I will hear it" (Deut. 1:17); "You shall not deprive a resident alien or an orphan of justice; you shall not take a widow's garment in pledge" (Deut. 24:17).

It may be recalled here that the Old Testament was invoked as a source of political rights as well, when in the 16th and 17th centuries the so-called Monarchomachs brought up the designation of Saul, the first king of Israel, as a sign of God's willingness to accept the will of the people (1 Sam. 8–10).[9] It would be going too far to call Ancient Israel a democracy. Still, equal political rights are the logical consequence if one thinks of everyone as basically equal, as was the case in the concept of a just society drafted by the prophets and law writers of Israel. Political rights were not granted yet, but they lie at the horizon. And with regard to judicial and economic rights, we can go even further; they are duly proclaimed by the law, and the prophets of the Old Testament duly proclaimed them.[10]

The background of this proclamation is the same as it has been the whole time that human rights have been proclaimed throughout human history:

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8. Berma Klein Goldewijk and Bastiaan de Gaay Fortman, *Where Needs Meet Rights: Economic, Social and Cultural Rights in a New Perspective* (Geneva: WCC Publications, 1999).

9. Friederich Lohmann, "Die Bedeutung des Protestantismus für die Menschenrechtserklärungen der Moderne," in *Religion, Menschenrechte und Menschenrechtspolitik,* ed. Antonius Liedhegener and Ines-Jacqueline (Werkner: Springer, 2010), 126–52.

10. The importance of rights within the Torah is also emphasized by David Novak ("The Judaic Foundation of Rights," in *Christianity and Human Rights: An Introduction*, ed. John Witte, Jr. and Frank S. Alexander [Cambridge, UK: Cambridge University Press 2010], 47–63). I would, however, challenge Novak for a somehow too communitarian view. The notion of creation, which is well represented in the sources (see the next chapter), implies an expansion of rights and duties from the local, religious, or ethnic community to all human beings, even all of creation.

in a social, political, and judicial world in which justice had been perverted by the powerful to become an instrument of oppression, the prophets recall to those in power another justice, an eternal justice which stands above the current practice of justice. "Ah, you that turn justice to wormwood, and bring righteousness to the ground!" (Amos 5:7); "Thus says the Lord: Act with justice and righteousness, and deliver from the hand of the oppressor anyone who has been robbed. And do no wrong or violence to the alien, the orphan, and the widow, or shed innocent blood in this place" (Jer. 22:3; to the King of Judah). This appeal to an ideal justice, over against any earthly authority, foreshadows the words of Peter in the Acts of the Apostles that since then have been repeated countless times by all those struggling against oppressive regimes, not least for human rights: "We must obey God rather than any human authority" (Acts 5:29).[11]

Dignity

What is the conceptual source of the notion of equality and the right claims that we explored above? In Job's oath of innocence, we found a hint to the common creation by God as the backbone of human equality. Indeed, this common creation has since become the focal point of all talk of human dignity as the root from which all human rights are derived.[12]

Usually, the qualification that God created humankind "in the image of God" (Gen. 1:27) is taken as the concrete biblical reference for the notion of human dignity. This long-standing argument, established in the first centuries of the Christian church[13] and with unquestionable positive impact on the development of the human rights idea in early modernity,[14] has its

11. For this relativization of stately power by the Old Testament prophets and law texts as a revolution within the cultures of the Ancient East and as a precursor for the later human rights movement, see Eckart Otto, "Human Rights: The Influence of the Hebrew Bible," *Journal of Northwest Semitic Languages* 25:1 (1999), 1–20.

12. See, e.g., the Preamble of the ICCPR: "Recognizing that these rights derive from the inherent dignity of the human person . . .." The link to the story of creation is explicitly made in the U.S. Declaration of Independence (1776), drafted by Thomas Jefferson: ". . . that all men are created equal, that they are endowed by their Creator with certain unalienable Rights . . .." Most human rights declarations, however, use more neutral formulations (Virginia Bill of Rights: "That all men are by nature equally free and independent, and have certain inherent rights"; UDHR, now including women as well: "All human beings are born free and equal in dignity and rights").

13. Ulrich Volp, Die Würde des Menschen: Ein Beitrag zur Anthropologie in der Alten Kirch (Leiden: Brill, 2006).

14. Roger Ruston, *Human Rights and the Image of God* (London: SCM Press, 2004).

flaws, however. First, recent biblical scholarship established that it was, in its original context, thought as the description of a task of the newly created human being rather than as a description of its ontological status.[15] Second, the image-of-God metaphor has a long history of abuse as justification of human exploitation of their environment. This shows—third—that the formula is apt to be mainly understood as a metaphor of difference, saying that humanity represents a categorical other species than all other created beings, with a specific dignity granted only to humanity, from which the aforementioned exploitation of the environment can be justified.

If one wants to avoid these flaws, it seems better to conceive the biblical notion of dignity not based on Genesis 1:27. An alternative approach, which I would like to propose in this paper, is to derive dignity from the notion of creation in general. What does it mean to be created? This notion can be approached by looking at our everyday language. To create something is a different action from just producing something. If we speak of a creation, such as of a work of art, we want to say that what was created has a certain value in itself. It is not, as a machine that was produced, a simple means to a purpose. This relationship between creation and value comes also to the fore when we look at the distinction between a creation and a simple coming into being. What was created was created by someone; it is not the random outcome of some chemical reactions. Instead, it conveys purpose and value.

By exploring these two distinctions, we see that it is very apt to make a link between everything that was created and an inherent value and dignity conveyed to it. Psalm 139 is the best biblical reference to illustrate this relationship. The prayer speaks of the purposeful creation of the human being, culminating in the appraisal of the inner value thus conceived: "I praise you, for I am fearfully and wonderfully made" (Ps. 139:14a). This self-appreciation immediately leads to an appraisal of the whole of creation ("Wonderful are your works; that I know very well," Ps. 139:14b), therefore showing that human dignity cannot be separated from the dignity of everything that was created by God. Human life is a gift of God, and so is the whole of creation.

The appraisal of the created world that we find all over the Bible is a clear indication of its dignity. A clear-cut distinction between the dignity of human beings and the dignity of the rest of creation, as it was for a long time

15. Cf. Friedrich Lohmann, "Climate Justice and the Intrinsic Value of Creation: The Christian Understanding of Creation and Its Holistic Implications," in *Religion in Environmental and Climate Change: Suffering, Values, Lifestyles*, ed. Dieter Gerten and Sigurd Bergmann (London: Continuum, 2012), 85–106.

put forward and justified by relying on Genesis 1:27, is not in the spirit of the biblical writings. Rather, one should speak of gradual increments in dignity between the different species.[16]

If something or someone has inner value, it is a logical consequence to associate rights with this value. The world of creation has a basic right to exist, and it is an echo of the intrinsic value of creation when, in the second biblical creation story, "God took the man and put him in the garden of Eden to till it and keep it" (Gen. 2:15). The first task of humankind is to keep the garden existing. This means that human transformations of the created world are not generally excluded: they need justification and should be executed in the most cautious way possible. For humans as self-conscious beings, the right to exist, as it comes with the notion of creation and dignity, involves many more rights than for nature in itself. We have seen in the biblical references presented in this chapter how, already in a time when human rights discourses were thousands of years away, the notion of a common and equal dignity of all human beings—notwithstanding their social status, wealth, gender, ethnic affiliation, or physical condition—brought upon religious, moral, and legal claims to transform the social order of the time into an order based on the notion of each human being as an equal holder of rights.

With its theology of creation as a purposeful gift, the Bible contains a valuable foundation for the notion of dignity, be it human dignity or the dignity of the whole of creation, and therefore an inspiration for today's rights discourses.

Individual Responsibility

Human beings, as self-conscious animals, can be addressed by moral claims and obligations. The ascription of human rights therefore comes with duties. "With freedom come responsibilities."[17] Human rights declarations usually do not speak much about duties, because in their historical context they were answers to situations of oppression which made the statement of rights all the more important. It also would contradict the notion of an inherent dignity of the human being if these declarations started with the statement of duties, somehow implying that the inherent rights of human beings were dependent upon the fulfilment of duties. However, the language of duty and responsibility is not strange to them as, for example, in Article 29 of the UDHR.

16. Lohmann, "Climate Justice."

17. Nelson Mandela, *Long Walk to Freedom* (Boston: Little, Brown and Co., 1995), 751.

The biblical writings correspond very well with this way of dealing with the relationship between rights and duties. There are numerous stories of people who were morally corrupt and still addressed by Jesus, clinging to their inherent dignity. Zacchaeus, who was mentioned above, is an example; despite his shamelessly self-enriching behaviour in the past, Jesus reassures that "he too is a son of Abraham" (Luke 19:9) and therefore keeps the right to be treated with respect and dignity. Zacchaeus' repentance comes only after Jesus addressed him; it was not a precondition for the love with which Jesus encountered him. With this unconditional attitude, Jesus follows his "Father in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the righteous and on the unrighteous" (Matt. 5:45).

Freedom, as the choice between good and bad attitudes and actions, is part of the human condition. "See, I have set before you today life and prosperity, death and adversity" (Deut. 30:15). Everyone is the creator of his or her life and therefore responsible for the consequences. The message of the prophet Ezekiel in Ezekiel 18 shows that, for some time, the notion of a collective, at least family-wise, familial responsibility must have prevailed in Ancient Israel. Ezekiel's message, however, is clear-cut individual responsibility: "The person who sins shall die. A child shall not suffer for the iniquity of a parent, nor a parent suffer for the iniquity of a child; the righteousness of the righteous shall be his own, and the wickedness of the wicked shall be his own" (Ezek. 18:20). This idea of individual responsibility is predominant in the New Testament, be it in the teaching of Jesus or in Paul's epistles. "For all of us must appear before the judgment seat of Christ, so that each may receive recompense for what has been done in the body, whether good or evil" (2 Cor. 5:10).

We see, therefore, that the primacy of rights before responsibilities, the complementarity of both, and the primacy of the individual over against collective identities, as they commonly are features of the human rights discourse, find strong support in the biblical writings.

Conclusion

This chapter tried to show the profound correspondences between the human rights discourse and the biblical narrative. There seems to be overwhelming evidence that rights talk in its current configuration can be founded on notions and observations that are a decisive part of biblical theology. In addition, historically speaking, biblical references were an important factor in history when pushing forward the idea of human rights.

Still, it must be said that the Bible is not the only source when it comes to conceptual support for human rights activism. Human dignity or the gift of creation are important notions in other holy scriptures or worldviews too. The same is true for the idea of an eternal order of justice which prevails over the judicial systems in place, in all their imperfection, even corruptness. It would be, therefore, a misunderstanding to take this chapter as an attempt to prove some kind of superiority of Christianism when it comes to human rights. Rather, the intention was directed toward the Christian community of churches itself. Even if we are far away now from the resentment with which human rights ideas and activities were greeted by the churches in the past, there still is no consensus regarding many aspects of human rights in the churches. In this situation of disagreement, a fresh look at the biblical sources may reveal the common ground on which all Christians stand today.