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Human Rights from a Theological Perspective

Ingeborg GABRIEL

Concepts of human rights presuppose a theological (or philosophical) idea of what constitutes human beings, what they are entitled to, what their duties are and how these entitlements and duties can be realised. A look into history shows that the answer to these questions is anything but self-evident, even though all cultures grant humans a special status as compared to animals and the rest of nature. They do this in general on religious grounds, *i.e.* by asserting that humans have a special relation with God/the Divine.

1 The Special Status of Humans in all Religions

The three main monotheistic religions (Judaism, Christianity and Islam) derive the special status of humans from man/woman having been created by God in his image and acting as his representative on earth. Thus the Hebrew bible states in one of its core sentences: "So God created man in his own image, in the image of God he created him; male and female he created them" at the same time giving him/her the responsibility to govern the earth (Gen 1, 27). According to this text, human dignity is grounded in a special relationship of man/woman with God. From this, further characteristics of what it means to be human are derived in Jewish as well as Christian theology (*e.g.* because God is free, freedom is a quality of man/woman). A similar concept in Islam views the human being as vicegerents of God, his kaliph ("O David! We did indeed make thee a vicegerent on earth: so judge thou between men in truth (and justice)" (Koran, Sure 38, 26). In the Asian religions (mainly Buddhism and Hinduism), the status of humans is defined through their inner relationship to the Divine.

In all religions, freedom and self-determination as well as responsibility towards others, *e.g.* duties seen as the flip side of rights, are considered as a part of human nature, and are the basis for human dignity which is to be respected by all because its violation also violates God and his law or the Divine respectively.

2 Morality and Responsibility from a Theological Perspective

All religions regard humans as vulnerable, finite beings afflicted by mortality as well as (potential) moral corruption. The cause may be seen in the disobedience to God (the story of the fall in Genesis 3,23f) or their lack of inspiration by the Divine.

Despite considerable differences in application (mainly with regard to the range of addressees) the so-called Golden Rule constitutes a universal moral norm found in practically all religions. Its negative formulation is that one is to "not to do unto others, what one does not want to have done unto oneself". Or positively: "To do for others, what one wants that they do for oneself". It can be applied to law as well as to the commandment to love one's neighbour (and even one's enemy) as an expression of respect and recognition of others. Muslims find it in analogy to some suras, for example 24, 22 and 83, 1-6, as well as in several hadiths. In Buddhism, it pertains to the twelfth chapter of Dhammapada about the self and the demand to control the inner self, in Hinduism one can find it in the striving for fulfilment of "dharma". The transgression of this norm also provoked the criticism of prophets who stood up against social and legal injustice (whereby their insights were limited by their age). Still their insistence on the supreme power of God was a strong incentive for moral action. Words from the New Testament as "We must obey God rather than men" (Acts 5, 29) or "The Sabbath was made for man, not man for the Sabbath" (Mark 2, 27) call for a critical attitude *vis-à-vis* any absolute claim of political power.

The humanistic anthropology of religions as well as the moral impulses derived from it unfortunately often have clashed with the widespread practice to have one's own truth enforced with the help of political authorities.

3 Implications for Human Rights

The religious insistence on the dignity of human beings as God's representatives on earth (or realising the Divine in themselves) can be a strong incentive to reduce human suffering, which last but not least is the result of the abuse of power. Since this is also the aim of human rights, they overlap with basic intentions of a religious moral. At the same time this moral can be a formidable motivation to support human rights policies and claims so as to oblige the political powers and authorities to limit their power (political rights) and support humans in realising their potential (participation rights, social rights). Moreover, these religious insights call for political action for the sake of those whose dignity is being impaired by State power (*inter alia* by torture) or by social circumstances like poverty, lack of schooling etc. The responsibility of each human being to care for all others, who have been created in God's image, means that there exists a particular duty to care for the sick, the poor, the homeless *et al.* In Christian theology this has been called the "preferential option for the poor".

Moral behaviour, and not formal faith, in all religions constitutes the precondition for salvation, *i.e.* the continuation of life after death (monotheistic religions) and the end of suffering and estrangement (Asian religions).

A third theological insight important for human rights is that in spite of all efforts to bring about justice (including the implementation of human rights), due to human freedom, the human condition does not allow for a perfectly

just world. The attempt to realise perfect justice rather leads to political totalitarianism. In other words the freedom from "fear and want" named as the goal of human rights in the preamble of the Universal Declaration of Human Rights can never finally be reached, as much as the situation can and must be improved. The insight of the monotheistic religions that the completion of the world will only be realised "at the end of times", when "God will wipe away all tears, and there will be no more, neither shall there be mourning, nor crying, nor pain anymore, for the former things have passed away" (Rev 21, 4) contains an important element of exoneration and may help to fend off resignation. It also shows an important difference of the idea of human rights and the grand ideological concepts of modernity (mainly Marxism). The aim of human rights is not the creation of the new man or woman of perfect justice, but the alleviation of human suffering contrary to human dignity and the creation of a space of political freedom in which one may realise his/her potential in her/his own responsibility. Humans are not able to create paradise on earth but they can and indeed are obliged to reduce the suffering of others. The imperfectness of their moral constitution thereby calls for checks and balances on political power, since – as is well known – "power corrupts and absolute power corrupts absolutely" (Lord Acton). This shows that from the point of view of theology there is a large overlapping consensus between the basic intentions of human rights and the moral demands of religions. It is, however, important that religions overcome their tendency to demand that their religious claims be realised through State power.

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List of Abbreviations

AAA	American Anthropological Association
ACHR	American Convention on Human Rights
ACP	African, Caribbean and Pacific
AfCHPR	African Charter on Human and Peoples' Rights
AfComHPR	African Commission on Human and Peoples' Rights
AfCtHPR	African Court of Human and Peoples' Rights
AFET	Foreign Affairs Committee of the European Parliament
AFSJ	Area of Freedom, Security and Justice
AHSG	Assembly of Heads of State and Government
AI	Amnesty International
AICHR	ASEAN Intergovernmental Commission on Human Rights
AIDS	Acquired Immunodeficiency Syndrome
AMARC	World Association of Community Radio Broadcasters
AP	Additional Protocol
APRM	African Peer Review Mechanism
ArCHR	Arab Charter on Human Rights (2004)
Art.	Article
ART	Antiretroviral Therapy
ARTIP	Awareness Raising and Implementation of the Istanbul Protocol
ASEAN	Association of Southeast Asian Nations
AU	African Union
AUCCPC	African Union Convention on Combating and Preventing Corruption
BTI	Bertelsmann Transformation Index
CA	Common Article to the Geneva Conventions
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CAT Committee	Committee against Torture
CCPR	International Covenant on Civil and Political Rights
CDDH	Steering Committee for Human Rights
CDDH-UE	Informal Working Group of the CDDH
CEAS	Common European Asylum System
CED	International Convention on the Elimination of All Forms of Racial Discrimination
CED Committee	Committee on the Elimination of Racial Discrimination
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEDAW Committee	Committee on the Elimination of Discrimination against Women
CEEC	Central and Eastern European Countries
CERD	International Convention on the Elimination of All Forms of Racial Discrimination
CERD Committee	Committee on the Elimination of Racial Discrimination
CESCR	International Covenant on Economic, Social and Cultural Rights