

**Lutheran Church of Australia:
Commission on Social and Bioethical Questions**

HUMAN RIGHTS

Adopted by the Commission, September 1985

I The Secular Nature of Human Rights.

1. The concern for human rights represents a human claim, whether by an individual or by the human community, to some particular right. The concern may be for achieving such a right, or for preserving, securing and extending it.
2. The claim generally presupposes that individual or corporate human rights are threatened or denied by those who have the power to do so, such as rulers, government authorities, associations, interest groups, and individuals. On the other hand the concern for human rights also confronts powerful corporate groups and individuals to recognise their responsibility for granting, preserving and extending the legitimate claims to human rights.
3. Such concerns and claims may be social, political, economic, or cultural, depending on what rights are being considered, in what historical context they occur, and on whether they are individual or those of a group, of a community, of a people, and on what view of man is presupposed. They generally refer to such rights as right to life and physical integrity, the right to freedom, the right to work, the right to education, the right to participate in government or state decisions (democracy), the right to self-determination.
4. The concept of human rights is used widely in legal, political, philosophical, theological, scholarly and ecclesiological contexts, on national and international levels. In all cases its meaning tends to be somewhat ambivalent, largely because philosophy, theology, and legal procedures have not been able to submit an adequate definition.
5. The term has its origin in Greek and Roman thought (eg Stoic philosophy), but its use in modern times must be traced back to the thinkers of the British Enlightenment (eg Thomas Paine, author of *The Rights of Man* (1791)), and to the French thinkers Voltaire (1694-1778) and Rousseau (1712-1778). Common to all these thinkers is the fictitious view of human beings that in their original state in nature all people were born equal and free. Hence human rights are based in natural law. More recently humanism has also propounded this view of humanity. This thought form of human rights has been the basis for modern constitutional formulations, formal pronouncements, and historical catalogues of human rights, eg 'Declaration of the Basic Rights of Virginia'(1776), the French 'Declaration of the Rights of the Human Being and the Citizen' (1789), and the two human rights agreements of the UN (1966).

6. These pronouncements and declarations refer to certain sacred, inalienable and unviolable human rights which are self-evident and which include life, liberty and the pursuit of happiness. The UN declarations derive these rights from the inherent dignity of the human being. The ideal of human rights is the free, rational person who is aware of his/her dignity through reason and the conscience, guards his/her rights, resists injustice and violence, fights against oppression and poverty, and so helps in the restoration of the better world where freedom, justice and peace prevail.
7. This ideal and optimistic view of human beings is in crisis today and widely rejected. Nevertheless the struggle for human rights and for their extension and implementation continues, inasmuch as forces of the state, as also private forces threaten them in various ways. Hence increasingly human rights are an object of national and international legislation. But their enforcement remains a problem in law and in practice, because a convincing and internationally accepted common theoretical legitimation is lacking. In a world divided into ideological blocks, there is a variety of theories on what constitutes the basis for human rights, and hence a variety of legitimations. The significance of various individual rights and the urgency of their implementation will also vary from one historical situation and context to another. So there is no common agreement on what constitutes the hard core of rights which should never be suspended.

The following have found wide acceptance:

- a) the right to freedom (the inviolability of the person);
- b) the right of equality (social nature of the person); and
- c) the right to share in social processes (participation in public life).

(cf Article 4 of the UN Convention on Civil and Political Rights, and Article 15 of the European Convention on Human Rights).

The implementation of human rights must presuppose a conviction among all who are concerned and involved, about the fundamental rightness of the concern of human rights.

8. Such a common conviction does not exist, especially since secular thought has neither been able to show why human rights should be based in natural law, nor to demonstrate that they express what is universally human. Indeed there is no valid philosophical justification for the claim that human beings are free and that the inviolability of their person is inherent. Similarly, the claim that all people are born equal and are free in the same way cannot be verified. The same applies to the claim that all have the right to participate in society, and to share in public life. That claim cannot be upheld on the basis of experience.

II Christian approaches to Human Rights.

9. The analysis of secular thought on human rights has shown that there are fundamental differences between the secular, enlightened, humanist view of man, and the Christian view.

10. In Christian thought human beings are not represented as autonomous beings with definite rights, but as those who are servants of God and of their neighbour. Belief in God is basic to the Christian view of human beings. The right to life and to the benefits of society are not based in human nature, but are a gift of God, the Creator of all people.
11. The word of God nowhere declares that human beings have fundamental rights which they can claim or secure or extend. Nowhere does the Bible mention the concept of human rights or its equivalent; nowhere does it refer to sacred, inviolable, immutable rights which are based in human nature as such. Nowhere are they considered as direct realisations of the will of God. They are not a divine law, not eternal truths.

Not inborn rights, but a responsibility to God and neighbour is the basic principle of Christian ethics (Matt 22:36-40).
12. The biblical view of humanity stresses the ruptured relationship between God and human beings, and between them and other people. This rupture is the result of humanity's Fall and the entry of sin into the human context. Human beings confront God as sinners who have destroyed the harmony of God's creation and undermined and poisoned human relationships. The cry for release from the devastating effects of the sin of fallen humanity, in a world that is no longer God's good creation, often expresses itself as a cry for human rights.
13. Only through faith in Jesus Christ are human beings restored to that original dignity that was God's gift when he created them in his image. Only by the power of the Holy Spirit can people serve their neighbour and become instruments of God in the restoration of the distorted human relationships that have often made necessary the blind secular cry for human rights.
14. However, in view of their secular origin and their secular development in history as socio-ethical criteria and guidelines for the human life of the individual and the community, it is not possible for Christian theology and the Christian church to treat the concern of human rights as if it was really the concern and possession of Christianity in the first place. Theologically superimposing a Christian view on a secular concept, as if that gave the concept a Christian substance, is not possible for the same reason.
15. The task of Christian theology is therefore not to justify human rights in principle or historically. Their basis and function is relative, not absolute. Nor can the task end with pointing out the basic difference between the secular nature of human rights and the will of God for mankind. God's will for man is to take care for the life and circumstances of the neighbour. For Christian ethics this is a primary concern. It is therefore in keeping with Christian belief if Christian theology evaluates and elucidates the secular idea of human rights by showing that state and society must protect human life and safeguard justice against the forces of evil and the ravages of sin (cf Augsburg Confession, Article XVI).
16. The contribution of Christian theology to the secular concern for human rights will be critical assessment and elucidation so that that concern may acquire a basic direction which corresponds to, or is parallel to, Christian ethics. In this

way the significance of the idea of human rights will be highlighted in a world which shows contempt for each person and for the human community.

17. The theological legitimation for such a Christian stance is difficult. Most Christian statements on human rights begin with a reference to the human person created in the image of God. The claim that all human beings are of the same human value can be based, according to the Christian view, on the fact that human beings are created in the image of God and equally loved by God in Jesus Christ. It is this which gives the human person his/her inalienable dignity.
18. An important theological consideration is the question in what way the gospel of grace which justifies the sinner, leads to the establishment of God's kingdom for the poor, the oppressed, the suffering. The task of the Christian Church is to preach the gospel; humanising the world is a fruit of the gospel, demanded by God when he calls us to be a neighbour to our fellow human beings and to love that neighbour, individually and corporately. Human rights remind the church of its service to the human being.
19. In all such service the church knows in faith that God in his love and mercy has not cast his creation adrift, nor has he abandoned it to the destructive forces of demonic powers, sin, and human rebellion. There is in human society still some sense of moral obligation, of rational evaluation, and the capacity for relationship. Human beings can still achieve a limited measure of earthly justice in social, political, economic and cultural spheres, both for individuals and for whole communities. All this points to the continuing hidden presence of God in his creation and to the fact that he has not left himself without witness. God uses even sinners to serve his plan and will for the world.
20. The church also knows in faith of God's witness and presence in creation; it knows of his will for human society and for individuals; it knows of his law which is valid not only in the spiritual but also in the secular sphere. The church also knows in faith of God's act of redemption in Christ, of forgiveness of sin, of the justification of the sinner, of God's plan for a new society, of the gospel.
21. In the struggle for human rights, the proclamation of this law and this gospel is the primary service of the church to governments, concerned groups, and individuals. While the church in this service is mindful of the distinction of law and gospel, it will and must guard against separating them. They do not represent separated realms of God's activity in the world. Through his law God works to preserve and promote his creation and all that is good for human life. Through the gift of grace proclaimed in the gospel he works to save and restore human beings into fellowship with himself and to bring his creation to final perfection.
22. The secular struggle for human rights reminds the church too of the fact that the consummation of salvation is yet to come and that the coming of God's kingdom and the new earth is a matter of Christian faith and hope. In this struggle the weapons of the church are the word and the presence of the Holy Spirit who creates love for God and the neighbour in the hearts of God's

people. In this way the church proclaims hope for the down-trodden who seek justice, and hope for sinners who seek justification.

23. The people of God, blessed with the gift of God's righteousness in Christ, must be ready at all times to act as advocate of all dimensions of that other righteousness which is secular, which is civil righteousness. Communities and individuals must be reminded that they are mutually answerable to each other and to God.
24. The following suggest some ways in which the church can share and help in the struggle for human rights:
 - a) Practise intercessory prayer for governments and for all who are victims of the deprivation or lack of human rights;
 - b) Witness against false optimism about the ability of human beings to establish justice;
 - c) Witness to fundamental inequalities and deprivation which affect so many;
 - d) Express pastoral concern for the loss of human rights where governments and power groups, for ideological, political, social, racial or cultural reasons, persecute and suppress individuals and communities;
 - e) Publicly call for a just distribution of those necessities which enable dignified living and equal access to the opportunities for self-fulfilment;
 - f) Join in the task of clarifying what are the requirements of justice to ensure human rights;
 - g) Be an advocate for those without a voice or without political power;
 - h) Establish works of mercy to do all that is possible to help and rescue those whose rights are trampled under foot;
 - i) Practise continual self-scrutiny to ensure that by the integrity of its internal life, by realising the same obligations within itself as it proclaims to the outside world, it is a powerful witness in the struggle for human rights.