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## Human Dignity and Human Rights<sup>1</sup>

My task as I see it is to describe in more detail the concepts of Human Dignity and Human Rights as well as the relationship between them.

I would like to begin with the concept of Human Dignity. There is a great deal of controversy surrounding this concept, which I shall come back to later. But there is one fact which we cannot consider controversial, namely that human beings possess Human Dignity, e.g. a dignity which non-human beings do not possess. This fact is inherent in our language, in the way we speak of human beings. In some contexts the expression ‘human being’ is a *nomen dignitatis*, i.e. an expression with a normative meaning. When reacting to humiliation or torture this normative meaning becomes clear in appeals such as: “But they are human beings!” (i.e. they are creatures who *should not be treated in this way*). To clarify this, let us take expressions like ‘animal’ or ‘plant’ which do not contain any normative meaning. What are the reasons for this difference? How can we explain the normative meaning of the expression ‘human being’? In my view this is the most fundamental question regarding the concept of Human Dignity.

This question requires some consideration concerning the specific structure of the *social world* in contrast to the *natural world*. In the natural world things are what they are – a monkey, a blade of grass or a human being in the biological sense – irrespective of our acknowledgement and respect. In contrast, the social world is based on acknowledgement and respect. Acknowledgement (in German: *Anerkennung*) determines social belonging and social status. It determines who belongs to the social world or to a particular group within it, as well as the social status a person has within this world. On the other hand, respect has to do with the rights a person has on the basis of social belonging or a certain social status.

I would like to illustrate this with the social status of a refugee. On the one hand, it is a fact that the person in question is being persecuted in his home country for political or religious reasons. On the other hand, this mere fact is not enough to grant the person in question the

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<sup>1</sup> The following text is a speech made by the author at the consultation “Churches together for Human Rights” in Helsinki on 7-8 March 2013, which was organized by the Church and Society Commission of the Conference of European Churches (CEC), by the Evangelical-Lutheran Church of Finland, by the Finnish Orthodox Church and by the Finnish Ecumenical Council.

*social status* of a refugee. He only acquires this status once he has been *acknowledged* by the public authorities as a refugee. Acknowledging is here a *creative* act which brings about the social status of a refugee as a social reality. It is important to see that acknowledging something differs from arbitrarily awarding something. The acknowledgement of the social status of a refugee is bound to social rules defining specific criteria which must be fulfilled in order to acknowledge a person as a refugee. For instance, one criterion is political persecution. A person who fulfills this criterion *must* be acknowledged by the authorities as a refugee. He has a *right* to be acknowledged as a refugee. Therefore the social status of a refugee is a *normative status*. To be a refugee in the sense of this status means: to be a person to whom acknowledgement and respect as a refugee is *due*.

This observation can be generalised: all expressions which refer to social membership and social status have a normative semantic component. A colleague, for example, is someone to whom acknowledgement and respect is due as a colleague. The normative component of this expression immediately becomes clear when somebody disregards this acknowledgement and due respect, and has this disregard pointed out to him with the words: “But he is a colleague!” Or, to take an example from chivalrous society: being a knight means being somebody to whom acknowledgement and respect is due as a knight. These attitudes are not due because he *is* already a knight after being granted knighthood. Knighting – touching a person with a sword on his back – is not witchcraft, changing a non-knight into a knight. Far more, the *ritual* of knighting has as its very purpose the generating of a certain *social acknowledgement*, *which makes* the person in question a knight. This is why the ritual is performed in public. The acknowledgement is *due* on account of the social rule that a person who has been knighted is to be acknowledged as a knight.

In summary: The social world has a normative structure. Social membership and social status are normative facts. There are an immense number of social rules – written and unwritten (think back to the example of the colleague) – which constitute the social world and define to whom, and by which criteria, which acknowledgement and respect are due.

Here we now find the explanation for the fact that in some contexts the expression ‘human being’ has a normative semantic component, or in other words: that it is a *nomen dignitatis*. *Being human* – not in a biological sense but in the social sense of a member of the human community – *means being a creature to whom acknowledgement and respect as a human are due on the grounds of his or her natural human attributes*. The fact that being human is founded in acknowledgement makes humans very vulnerable. Human beings can be deprived

of acknowledgement as human beings, by treating them as non-humans or “sub-human beings” (in German: “Untermenschen”). Considering this vulnerability it is very important to see that, in social terms, being human is a *normative status* which cannot be taken away by depriving a human being of the *factual* acknowledgement as a human being. We cannot deprive a human being of being human.

Now we should be better able to understand what the term ‘Human Dignity’ means. It is simply the normative content within the meaning of ‘human’ which is explicit in the term ‘Human Dignity’. *To possess Human Dignity means: to be a creature to whom acknowledgement and respect as a human being is due.* And this is the same as *being human*. As it is impossible to deprive a human being of being human, so it is impossible to deprive a human being of Human Dignity. In the words of the federal constitution of Germany: “Human Dignity is inviolable” (“Die Menschenwürde ist unantastbar”; not: “It shouldn’t be violated”). When understood in this way, the statement that human beings possess Human Dignity requires no philosophical or theological deduction or grounding. Rather, Human Dignity is contained within the normative structure of the social world and can only be shown by analyzing this structure. In ethical literature we find that Human Dignity is understood as a *moral status* which human beings inherently possess. Following the arguments set out here, however, the term ‘Human Dignity’ denotes a *social status*, in the sense of a membership within the human community. A failure to respect human dignity means a failure to respect a *social reality*, namely that those people who are disrespected are in truth human beings, i.e. creatures to whom acknowledgement and respect as human beings are due. The cry “But he is a human being!”, protesting this reality, makes this clear. At this point it would seem necessary to comment on misunderstandings surrounding the concept of Human Dignity, in particular the equation of Human Dignity with an “intrinsic value” or “worth” held by human beings.<sup>2</sup> Respecting the dignity of a human being would then mean: respecting the value or worth which he or she has as a human being (whatever this “value” might supposedly be). Following the argumentation set out here, however, respecting the dignity of a human being means: respecting *him or her* as a human being, i.e. as a member of the human community. Here the respect refers to *him or her as an individual*<sup>3</sup> and not to an abstract concept of a “worth” he or she supposedly has.

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<sup>2</sup> Nicholas Wolterstorff, *Justice: Rights and Wrongs*, Princeton University Press 2008.

<sup>3</sup> In order to understand the immense importance of the respect to the individuality of persons as a fundamental component of respecting their Human Dignity we should think back to the concentration camps

Another misunderstanding is that Human Dignity results from specific properties which humans possess and non-humans do not, like reason or autonomy. Here the case must be questioned of human beings who do not have such properties, like the mentally handicapped, or persons suffering from dementia. Considering this question, it is crucial to see that Human Dignity is based not on specific human properties but on the *specific kind of being* which characterizes humans, namely the kind of being which characterizes the members of the social world – *being* a refugee, a colleague, a knight etc. – and which is based on acknowledgement due. As members of the social world, mentally handicapped persons or persons suffering from dementia participate in this kind of being, too.<sup>4</sup> It is this kind of being which sets human beings apart from animals or plants, which belong to the natural world. This insight is crucial with regard to the critics of *speciesism*. Human beings possess Human Dignity not as a result of belonging to the human species in a biological sense.<sup>5</sup> They possess Human Dignity as members of the human community. The term ‘Human Dignity’ does not describe a *relation* between humans and non-humans, a higher status which humans have in comparison with non-humans. Rather, it refers to humans as members of the social world. This insight is crucial with regard to the theological founding of Human Dignity in the concept of *imago Dei*. The biblical concept of *imago Dei* (Gen 1, 27) refers to a status man has *in relation to God*, on the one hand, and to *non-human creatures* on the other, namely as a representative of God on Earth. This status is not the same as the normative status which human beings have as members of the social world, namely *in relation to other members of this world*. Therefore, it is an open question to me whether or not the concept of Human Dignity can be directly derived from the concept of *imago Dei*.

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of the National Socialist time in Germany in which human beings were deprived of all signs of individuality: shaven heads, uniform prisoner clothes and numbers on the arms of the prisoners as distinguishing mark.

<sup>4</sup> On the other hand, human embryos do not participate in this kind of being. They are organismic entities belonging to the natural world and an object of biological science. Therefore, it is a conceptual mistake to speak of a Human Dignity of human embryos as can be found in the debate about prenatal life. Perhaps it makes sense to speak of a specific *dignity* of human life in the biological sense (Jürgen Habermas, *Die Zukunft der menschlichen Natur. Auf dem Weg zu einer liberalen Eugenik?*, Frankfurt: Suhrkamp 2005). But it does not make sense to speak of a *Human Dignity* of human life in the biological sense.

<sup>5</sup> There are even theologians who hold that the Christian view of man is “constitutive speciesistic” one (Wilfried Härle, *Ethik*, Berlin/ New York: Walter de Gruyter 2011, 257). This is the consequence of a naturalistic thinking which does not distinguish between the natural and the social world and which understands the social world according to the paradigm of the natural world. In the natural world things differ from each other by their properties. Therefore, in a naturalistic view the difference between humans and non-humans is founded not in the kind of being but in properties which humans have and non-humans do not have, namely the properties of the human species. It is the same naturalistic view which leads to the opinion that Human Dignity consists in a ‘value’ or ‘worth’ of human beings. For a naturalistic view the world is divided into facts and values. Being human is a natural fact which does not entail Human Dignity. Rather, Human Dignity is *additional* to this fact, as a value or worth human beings have.

As I have pointed out, the concept of Human Dignity refers not to a moral, but to a social status. This needs to be further specified. This social status is, after all, linked to moral obligations towards those possessing it, like not to humiliate or not to torture a human. Here, too, the cry “But he is a human being!” makes this clear. It is a demand for a social reality which has moral implications. The concept of Human Dignity combines *social obligations of acknowledgement* (of humans as humans) with *moral obligations of respect* for humans. Human Dignity can be disregarded in two ways, 1. by depriving a human being of acknowledgement as a human being and 2. by violating the moral obligations which are included in the concept of Human Dignity.

If this consideration is true, it is beyond debate whether or not human beings possess Human Dignity. They possess it by the mere fact that they are members of the human community. There are only three questions which can be controversial:

1. Which creatures belong to the human community?
2. What does ‘respect of Human Dignity’ mean, i.e. which moral obligations does the concept of Human Dignity entail?
3. What importance should the concept of Human Dignity have for the political order and constitution of a society?

By trying to answer these questions, a religious tradition like Christianity can play an important role. With regard to the first question, an immediate association might be the liberation of slaves in America and the role the book “Uncle Tom’s Cabin” played. Reflecting upon this first question is less a matter of intellectual reasoning and more a matter of empathy and love, as becomes obvious in questions like the following: What happens to a creature which feels, hopes, thinks or believes like a human – like *us* – and to whom acknowledgement and treatment as a human are refused? The second question, concerning the moral obligations implied in the concept of Human Dignity, is a matter of empathy and love, too: What does it mean for a human being to live in circumstances of extreme poverty? When imagining what it would be like to live under such conditions, we might come to the conclusion that human beings should not have to live in such conditions and that there is a *moral duty* to help them. The moral obligations implied in the concept of Human Dignity must not be regarded out of historical context. Since the 18th century, an increasing sensibility for the moral obligations towards human beings as human beings has developed. For example, torture was an accepted

practice in the preceding centuries. I cannot find any text by Luther, Calvin or Zwingli which criticizes this practice. The condemnation of torture began in the 18th century.<sup>6</sup>

With regard to the third question, it is crucial to see the following historical fact. The idea that human beings possess a dignity which non-human beings do not is a very old idea which goes back to the Ancient World, especially to Cicero. Nevertheless, this idea had no political consequences with regard to the structure and constitution of society (just as the concept of *imago Dei* did not have such consequences). During the time of the Roman Empire, possessing Roman citizenship and its corresponding rights was what was relevant, not whether someone was a human being. In the Medieval corporative society, it was relevant whether one belonged to the class of the aristocracy or to the peasant-class or to the clergy. It was the civil revolutions in the 18th century which brought about a political and social order for which the mere fact of being human was relevant with regard to political rights and obligations. Relative to this fact, all human beings are equal (cf. the demand for equality in the French Revolution). It was at this time that the ideas of Human Dignity and Human Rights found their way into the common consciousness and became politically relevant. The idea that being a human is *the* relevant fact for the social and political order of human community is a result of the social and political upheavals in the Western modern age. It is a question of honesty to admit that we cannot give the churches credit for this idea. The churches were closely associated with the pre-modern corporative society, with its alliance between throne and altar. In addition, the chaotic course of the French Revolution caused them to remain sceptical about this idea for a long time.

But I think there is a close affinity between this idea and Christian thought. When God chooses man as his partner in his Creation, he does not choose him as a member of the aristocracy or the clergy, but *as man*. In a Christian view this is the crucial point, and therefore there is a close affinity between Christian thought and an order of society for which being a human is the relevant fact, and Human Dignity and Human Rights are the guiding principles.

By the way: I would like to emphasize that I am deliberately speaking of a certain *affinity*. I am sceptical about attempts to derive Human Dignity and Human Rights from the premises of Christian belief. These concepts should be the guiding principles in a society where Christians and non-Christians live together. What these concepts mean must be made clear in a way which is understandable for Christians and non-Christians alike. This is a matter of *knowledge*

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<sup>6</sup> Hans Joas, *Die Sakralität der Person. Eine neue Genealogie der Menschenrechte*, Berlin 2011.

and not of religious belief, namely of knowledge about the normative structure of the social world and of knowledge about the moral obligations towards human beings. The attempt to derive Human Dignity and Human Rights from premises of Christian belief leads to a questionable alternative. *Either* Christian belief must be adopted as a quasi-knowledge because knowledge can be derived only from knowledge: In this case Christian belief has been transformed into a religious ideology, i.e. into a belief which claims for itself the status of knowledge (for instance, concerning the will of God). *Or* Human Dignity and Human Rights must be degraded to a matter of belief which is derived from religious belief: In this case the result is a kind of religious fundamentalism. The answer to the question of whether human beings have Human Dignity and Human Rights, and whether these concepts are relevant for the order and constitution of society then depends on the contingent fact that some people share this belief and others do not. Our world is full of religious ideologies and religious fundamentalism, and in my opinion this fact is one of the biggest challenges of today's theology. In order to prevent being trapped in this disastrous alternative it is important to distinguish between matters of knowledge and matters of religious belief. There can be a close affinity between both, and I am convinced that there is a close affinity in the case of Human Dignity. Christian love can make one sensitive to the acknowledgement and respect due to human beings. But it is impossible to derive things which are a matter of knowledge from the premises of religious belief.

Now I would like to turn to Human Rights and I shall begin with an historical remark. When, in 1789, the French Declaration of Human Rights postulated: "Human beings are born free and equal in rights" this sentence provoked vehement protest from Jeremy Bentham. In his view, the idea of natural rights given to humans by birth is complete nonsense. Rights can only be granted by a public authority.

In his book "The Idea of Justice", Amartya Sen refers to the criticism of Bentham in order to reject it. In Sen's view, Human Rights are *moral rights* human beings have and not rights which are granted to them by an authority.

In my opinion, the question is whether or not that really is an *alternative*: *Either* human rights are moral rights *or* human rights are politically granted rights. Would it not make sense to distinguish between two kinds of Human Rights: *moral* Human Rights on the one hand, and *politically granted* Human Rights on the other?

Let us first consider moral Human Rights. In order to understand such rights, it is very important to see that morality does not refer to individuals as they are called by their proper names but to something in *general*. Imagine Richard is in need and Peter helps him for moral reasons. Then the reason Peter helps him is not the fact that it is *Richard* – this *specific* individual – but the fact that it is a person who is in need. The expression ‘a person in need’ describes an individual, too, but a *nonspecific, generalized* individual whom we can find in different specific individuals, and in this example in Richard. When we speak of Peter’s moral obligation to help, then is it an obligation towards this nonspecific individual, i.e. towards *a person* who is in need. Therefore, Richard cannot derive an individual, personal right that Peter must help him from this moral obligation. If we can speak here of a right, then it is the right of this nonspecific individual, of *a person* who is in need. In the Christian tradition, *our neighbour* is such a nonspecific individual we can find in various specific individuals. The rights of our neighbour in the person of another are not the same as the individual rights of this person, for instance of John or Elizabeth.

If it makes sense to speak of *moral Human Rights*,<sup>7</sup> then these rights are not *individual* rights of *every human being*, but rights of *a human being* (in the sense of a nonspecific, generalized individual). Here is the link to the concept of Human Dignity. As I have pointed out, the concept of Human Dignity combines social obligations of acknowledgement with moral obligations of respect. The latter obligations refer to the treatment we owe to *a human being*. Moral Human Rights are the rights to be treated in ways due to a human being. Therefore, *moral Human Rights* are included in the concept of *Human Dignity*. This insight is crucial with regard to the question of whether we should prefer to speak of Human Rights instead of Human Dignity. In many countries the term ‘Human Dignity’ does not play a prominent public role, but there is a debate on Human Rights. In my opinion this is not a true alternative. The concept of Human Dignity can be translated into the language of rights. Then it means 1. the *social* right to be acknowledged as a human being and 2. the *moral* rights a human being has by the mere fact that he or she is a human being. These rights are together equivalent to the concept of Human Dignity.

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<sup>7</sup> In my opinion the best explanation of what is meant by the word ‘right’ is that a right is a *valid claim*. This explanation makes clear that the expression ‘right’ has its place in the intersubjective discourse in which persons make claims on other persons. When understood in this way moral Human Rights can be derived from moral obligations we have to *a human being* because such obligations are perfect obligations (*officia perfecta*). For instance, with regard to the moral obligation not to torture a human being it is exactly defined *what* must not to be done – to torture – and *to whom* it must not to be done – to a human being –. Therefore referring to the fact that I am a human being I have a valid claim on another not to be tortured by deriving the validity of this claim from his moral obligation not to torture a human being.



However, in the political debate we find a very different understanding of Human Rights. This debate doesn't refer to moral Human Rights of *a human being* but to political Human Rights of *every human being*. It is very important to notice this difference. The moral perception focusses on unspecific individuals we perceive in various specific individuals: a person in need, a human being humiliated etc. Therefore moral Human Rights are rights of unspecific individuals: of a human being, a child, a women etc. In contrast, the political thinking focusses on classes or members of classes. Therefore political Human Rights are rights of *all human beings* or of *every human being*. Every human being can claim these rights as his own. Therefore I'll call them *individual rights*, namely rights of specific individuals or persons like John or Elizabeth. ←

Where do these rights come from? This was precisely Jeremy Bentham's question. Evidently he was right when he insisted that these rights cannot be given by nature, but can only be granted by a political authority. In today's world, the United Nations are this authority. It is by the acknowledgement of the United Nations as the representative of the community of nations that Human Rights as individual rights take effect. This acknowledgement is a *creative* act which puts into effect what has been acknowledged. So, in 2010 the United Nations acknowledged a Human Right to water, and since then every human being all over the world has been able to claim this right from the public authorities in his or her country if the latter have neglected their responsibility to supply sufficient water.

The fact that individual Human Rights are not moral rights as Amartya Sen takes them to be, but politically granted rights, is evident in the judiciary of the European Court of Human Rights. The judges of that Court do not make judgements on the grounds of moral deliberations – which they would have to do if individual Human Rights were moral rights – but make judgements on the grounds of a catalogue of recognized (by the UNO) and codified rights.

Mistaking individual Human Rights as moral rights can have disastrous consequences. If they were moral rights then we would have to ask: *Is there an individual Human Right to water and how can such a right be justified?* When they are politically granted rights, however, the question is: *Should human beings have such an individual right, in other words: should such a right be acknowledged by the United Nations?* Mistaking individual Human Rights as moral rights can be the cause of a Human Rights imperialism based on the conviction that human beings *already have* such individual rights, irrespective of their acknowledgement by the UNO, namely as moral rights which are considered to be individual political rights as

well, and that a guarantee of these rights can be demanded from the governments of all countries in the world, irrespective of the social structures and cultural and religious traditions which characterize a country. However, individual Human Rights which are globally binding can only be brought about by *political negotiations* between nations with different social structures and cultural and religious traditions, and the acknowledgement by the United Nations is the result of such negotiations. It is a wrong thinking to draw conclusions directly from the moral convictions of one's own culture concerning moral Human Rights about individual political Human Rights of all human beings in the global horizon. This kind of thinking involves the risk of one culture dictating to the rest of the world its own view of Human Rights.

The question of whether human beings *should have* an individual Human Right to water leads to moral and ethical reflections, i.e. reflections about moral Human Rights as they are implied in Human Dignity. When the United Nations acknowledge a Human Right to water, *then the moral right of a human being to water is acknowledged as an individual political right of every human being, which now can be claimed from governments all over the world.* This is the meaning of the concept of Human Rights: it transforms the moral rights which are implied in the concept of Human Dignity into political rights, and gives them political impact. This institutionalization of Human Dignity in the form of political Human Rights is the only efficient way of safeguarding Human Dignity in a world in which it is disregarded in so many ways. Therefore, the fight for respect of Human Dignity must be a fight for institutionalization and defence of Human Rights.

In my view this is an important mission for the churches. As I have pointed out, the concepts of Human Dignity and Human Rights as they have developed in the Modern Age are not original Christian concepts. However, there is a close affinity between these concepts and the Christian view of man. Christian love sensitizes one for the obligations we have towards human beings. It manifests itself not only in individual actions, but also in the commitment to a political order which serves the needs of human beings. In today's world this commitment must include a commitment to Human Rights.

I would like to conclude my presentation with two remarks. The first remark refers to an expression which plays an important role in the debate about Human Rights, namely the expression 'universality of Human Rights'. What can be meant by this expression? A right can be defined as a *valid claim of someone*. The term 'universal' in the expression 'universality of Human Rights' can firstly refer to what the word 'someone' stands for in this

definition. Then Human Rights are universal because they are rights *of all human beings* all over the world. This understanding of ‘universality’ is unproblematic. Secondly, the term ‘universal’ can refer to what is described by the word ‘valid’ in this definition. This word can be understood in a twofold sense, namely as *factual validity* and as *normative validity*. A right has a *factual validity* within a community when it is recognized and respected as valid by the members of this community. Obviously Human Rights do not have a universal factual validity. There are many regions in the world in which they are terribly disregarded. On the other hand, the *normative validity* of a right is its obliging character and the reason for respecting it. It is important to see that a right cannot be deprived of this normative validity by factually disregarding it. The crucial point concerning the claim of a universality of Human Rights is marked by the question of whether Human Rights have a *universal normative validity*, that is an obliging character for all human beings, peoples or cultures all over the world.

With regard to this question the differentiation between individual Human Rights and moral Human Rights becomes important. As I have pointed out, individual Human Rights are granted by a political authority, namely by the United Nations as the representative of the community of nations. It is by the acknowledgement of the United Nations that individual Human Rights have a universal normative validity and obliging force. Therefore, a universal validity of individual Human Rights cannot be claimed irrespective of their acknowledgement by the United Nations. Otherwise one falls into the Human Rights imperialism mentioned above.

However, what is the case with moral Human Rights? Have such rights a universal normative validity for all human beings, peoples or cultures – even if the latter are unable to recognize this validity as a result of other cultural or religious traditions and another perception of what is due to a human being? Here again we are in danger of falling into a (moral) Human Rights imperialism which is based on the conviction that our Western view of morality is universally valid.

What shall we conclude from this consideration? Does it imply a relativistic position according to which Human Dignity and Human Rights are relevant only for our Western culture, but not for other cultures? A relativistic position means that someone passing the judgement “Human beings have a moral right not to be tortured” is simply expressing the fact that this judgement is true *for him*. If truth is relative in this sense, it cannot really be controversial. For one person this statement is true, for another it is not. The opposite of a

relativistic position is a universalistic one, meaning that someone passing the judgement “Human beings have a moral right not to be tortured” is claiming that this judgement is true *for everyone* all over the world. In this view other peoples or cultures are blind or stupid if they are unable to recognize this truth because it *already is* a truth *for them*. In my opinion both positions, the relativistic and the universalistic, are untenable. When we say “Human beings have a moral right not to be tortured” we claim that this judgement is *true*, but not that it is *true for someone in particular*. Therefore it is wrong thinking to assume that other cultures which do not share our view of Human Rights are blind or stupid. Rather, they have another perception of what is due to a human being – a perception our own culture had for a long, long time. If we are really convinced that human beings have a moral right not to be tortured, we will consistently support efforts towards the global condemnation of torture. Then the mere fact that other cultures have another perception of what is due to a human being will be no reason for us to abstain from confronting them with the concepts of Human Dignity and Human Rights, or from fighting for the global institutionalization and defense of Human Rights. But we should not believe that our view of these concepts *already is* the view which is normatively valid for all peoples<sup>8</sup> all over the world, irrespective of their cultural and religious traditions. Such a belief tends to dictate our Western view of Human Rights to all other cultures. It can be a source of confrontation and conflict between Western culture and other cultures.

The alternative to this belief is an attitude which is aware of the different characteristic features of other cultures and which tries to *convince* other peoples of the moral and political importance of the concepts of Human Dignity and Human Rights for living together in one world. It is an attitude of enabling other peoples to absorb the concepts of Human Dignity and Human Rights against the background of their own traditions so that these concepts *become normatively valid* in their context. Instead of postulating that moral Human Rights *already have* a universal normative validity, we should strive to bring about the situation whereby they *attain* a universal normative validity. In other words, *we should speak of the universality of moral Human Rights not as a fact, but as a task or as a goal, namely that these rights acquire an obligatory character on the global horizon*. Taking the different cultural backgrounds into consideration, it can be expected that different interpretations of Human

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<sup>8</sup> It is important to notice this difference between *truth* and *normative validity*: As I pointed out truth is not relative. When we say “This judgement is true” we mean that it is true and not that it is true *for someone in particular*. On the other hand, normative validity is relative. Something – a rule, a claim – is normatively valid *for someone* or *in a particular group*. Above the expression ‘normative validity’ was explained by the expressions ‘obliging character’ and ‘reason for respecting it’. Both expressions have a relative meaning: obliging *for someone*, reason *for someone*.

Dignity and Human Rights will remain. However, we can already find such differences in the Western world, for instance concerning the death penalty or the torture-like treatment of prisoners – so-called “enhanced interrogation techniques” aiming at breaking the will of prisoners so that they cooperate with their tormentors – in the so-called war against terrorism.

The fight for a universal validity of Human Rights is a long and laborious process. It demands of the Western world that it be willing to compromise. There are good reasons for the assumption of an affinity between Human Rights and democracy. The opinion that Human Rights already have a universal normative validity irrespective of cultural or religious traditions can tempt one towards the assumption that democracy is the only adequate kind of rule for all peoples all over the world, and that there is no alternative to this kind of rule.<sup>9</sup> In today’s world we see the dubiousness of this assumption in Afghanistan and many other countries. Aristotle, the philosopher of prudence, distinguished between three kinds of rule, despotism, aristocracy and democracy. In his view, the answer to the question of which kind of rule is the best for a society depends on the structure and the specific features of that society. There is not just *one* model of rule which is the right or best for all peoples all over the world. For most people in today’s world, it is of the greatest importance to live under conditions of political stability and peace. The forced import of democratic structures into a country, based on a conviction of the universality of Human Rights but ignoring the political structures and cultural traditions of this country, can have disastrous consequences in the form of political instability, internal conflicts, terrorism and all kinds of fanaticism.<sup>10</sup> From a Western perspective it is hard to watch human beings being deprived of basic Human Rights. However, it is far more terrible to see a country sinking into chaos, brute force and a lawless situation in which rights no longer exist at all. Therefore, the most important virtue which is required for a commitment to Human Dignity and Human Rights is the virtue of prudence. A merely *moral zeal*, which strives to adapt the world to our moral ideals without being aware of the real political and cultural circumstances human beings are living in, is in fact a danger to the maintenance of Human Dignity and Human Rights. Such a moral zeal can create a good feeling, namely being on the side of the good. However, it sacrifices the people it aims to help on the altar of its own moral ideals. From a Christian perspective, the real world cannot be divided into good and evil, white and black. All we can attempt is to realize what is *relatively* the best, and this can imply that we have to accept something very bad. Christian love does

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<sup>9</sup> Mark Lilla, Das leere Credo des 21. Jahrhunderts. Unsere Idealvorstellungen von Demokratie blenden die politischen Realitäten aus, in denen viele Menschen leben, NZZ 14. Mai 2012.

<sup>10</sup> Lilla (cf. footnote 8) illustrates this fact using the example of Iraq.

not orientate itself towards abstract ideals of the good but towards the concrete situations and circumstances human beings are living in. However, I admit that there are groups or movements – for instance the Tea Party in the USA – which are considered Christian but which confuse Christian belief with moral ideology.

My second remark refers to the specific contribution of the churches concerning the concepts of Human Dignity and Human Rights. In my opinion, this contribution does not consist in a theological grounding or justification of these concepts by deriving them from premises of Christian belief. As I pointed out, this kind of grounding leads to the questionable alternative between religious ideology on the one hand, and religious fundamentalism on the other. Let us take the statement “Human beings have Human Rights because they were created in the image of the triune God”. This statement raises the question of what is meant by the term ‘Human Rights’. Does this term refer to *individual* Human Rights? As I pointed out, such rights can only be granted by a political authority. Mere theological reasoning or grounding does not bring about such rights in the real world. Or does this statement refer to *moral* Human Rights? Then this statement raises fundamental questions concerning the nature of morality. Is it possible to justify a moral judgment by a mere intellectual derivation or argumentation?<sup>11</sup> The empirical research on the nature of morality in psychology and neurobiology has made it obvious that morality has its foundations in human emotions.<sup>12</sup> Therefore, it is impossible to achieve a moral insight – for instance to realize that human beings should not be humiliated or tortured – by mere intellectual reasoning.<sup>13</sup> The peculiarity of Christian ethics does not consist in a specific kind of intellectual grounding of moral judgements. Rather, it results from a specific kind of emotionally founded *perception*, namely the perception of Christian love (cf. Phil 1, 9f) as it is shaped by the narratives (cf. Luke 10, 30ff), texts (cf. Matt 25, 35-40) and spiritual practices (intercession, meditation etc.) which are constitutive for the Christian belief. The specific contribution of the churches concerning Human Dignity and Human Rights rests on these spiritual resources<sup>14</sup> which sensitize for what is due to a human being. The churches are not morality agencies which already know what is morally right or wrong, and which make it their business to force the rest of the world to do what, for moral reasons, must be done. The churches know about the fragility and

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<sup>11</sup> Harold Arthur Prichard, Does Moral Philosophy Rest on a Mistake?, in: Mind, XXI, 1912.

<sup>12</sup> Johannes Fischer, Stefan Gruden (eds.), Die Struktur der moralischen Orientierung. Interdisziplinäre Perspektiven, Münster-Hamburg-London: LIT-Verlag 2010. Christoph Ammann, Emotionen – Seismographen der Bedeutung. Ihre Relevanz für eine christliche Ethik, Stuttgart: Kohlhammer 2007.

<sup>13</sup> With regard to such an intellectual reasoning Prichard (cf. footnote 10) speaks of a “non-moral thinking”.

<sup>14</sup> Johannes Fischer, Die religiöse Dimension der Moral als Thema der Ethik, in: ThLZ, Heft 4 2012, 388-406. John Cottingham, The Spiritual Dimension. Religion, Philosophy and Human Value, Cambridge University Press 2005.

fallibility of human insight – including their own insight concerning good and evil. They are aware of the fact that this kind of insight is based on passive experience, namely that it emerges from the renewal of the hearts and minds in the spirit of love (2. Tim 1, 7; 1. Cor 16, 14). The active commitment of the churches to Human Dignity and Human Rights has its fundament in this passive, spiritual experience.

Finally, the churches know about the reality of sin, and that all human efforts will not be enough to bring about a just and peaceful world. Therefore, they refrain from a naïve do-gooder optimism. However, they also refrain from a pessimism which is based on the opinion that there is nothing at all human beings can do to change things for the better. Their commitment to Human Dignity and Human Rights is guided by a hope which reaches beyond all that human beings can achieve in this world, namely the hope that God's kingdom will come.