

# Seeking Justice and Promoting Human Rights: Orthodox Theological Imperatives or Afterthoughts?

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The 2009 Sophia Institute conference seeks to explore Orthodoxy's contribution to the Church's social witness in the world. This witness—in different contexts wrought by the vagaries of history—has been mixed. Certainly the Church has historically affirmed the scriptural injunction to feed the poor, welcome the stranger, clothe the naked, heal the sick, and visit the imprisoned (Matthew 25:31–46). Is this affirmation at the heart of the Church's life?

Indeed, the Church is widely known by Christians of other traditions for its ascetic piety, liturgical beauty, and iconographic art. Its monasteries are sought-after refuges for spiritual retreat. Its churches are models of architectural wonder. Its Eucharistic fellowship is praised for its reflection of divine community (and derided by some for its perceived ecumenical exclusivity). However, is it known today for its witness in the world of *philanthropia* (collectively and generally understood here as justice for the oppressed)?

Certainly, examples both historic and contemporary abound with regard to what is essentially a question of loving one's neighbor. Patristic literature – St. Basil the Great and St. John Chrysostom come to mind – is filled with sermons on the responsibilities of the wealthy when it comes to the poor.<sup>1</sup> (St. Nicholas, whose modern, secular incarnation will be visiting children around the world three

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<sup>1</sup> See, for example: St. Basil the Great, *On Social Justice*, trans. C. Paul Schroeder (Crestwood: St. Vladimir's Seminary Press, 2009); St. John Chrysostom, *On Wealth and Poverty*, trans. Catherine Roth (Crestwood: St. Vladimir's Seminary Press, 1984).

weeks hence, is remembered for his charity toward those in need.) In addition, the landscape of Byzantium was dotted here and there with church-run hospitals, hospices, and orphanages.<sup>2</sup> Further, Greek history and hagiography is filled with examples of laity and clergy literally dying to liberate their country from the yoke of Turkish oppression.<sup>3</sup> Recent Russian history is replete with examples of Russian faithful ministering to others during the decades of totalitarian oppression. Today's Albania is a testament to the attention paid by the Orthodox Church to the material and educational needs of that country's people.

On the one hand, there is a tradition within Orthodoxy of social welfare, but is this tradition writ large? In other words, in the mindset of Orthodox Christians, is this tradition with a small "t" of *philanthropia* part-and-parcel definitive of the Church's tradition with a large "T"? Is social welfare—in all of its manifestations—an inherent part of its being? After all, at least with reference to St. John Chrysostom's treatment of poverty and justice, Fr. Georges Florovsky notes that, "one may contend that in practice very little came out of this vigorous social preaching."<sup>4</sup>

This question, then, of whether social welfare is at the heart of the Church's being, is not a contrived question. In his recitation of the Prophet Isaiah at the outset of his ministry, Jesus' identity as the promised savior is made manifest in just these terms: "The Spirit of the LORD is upon me, because he has anointed me to bring good news to the poor. He has sent me to proclaim release to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim

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<sup>2</sup> See Demetrios J. Constantelos, *Poverty, Society and Philanthropy in the Late Mediaeval Greek World* (New Rochelle: Aristide D. Caratzas, Publisher, 1992).

<sup>3</sup> Anastasios Yannoulatos refers to this history: "During this period the Church not only acted as an advocate of human rights for the subjugated peoples but also defended and consoled them when those rights were cruelly violated. . . . During these tragic years the clergy constantly supported the people by defending their rights and attempting to organize the Christian community on the basis of equality, dignity, and brotherhood." See *Facing the World: Orthodox Christian Essays on Global Concerns* (Crestwood: St. Vladimir's Seminary Press, 2003), 65. He also shows how in Greece this inspiration was enshrined in the constitution and subsequent documents following independence (66–7).

<sup>4</sup> Georges Florovsky, *Christianity and Culture*, Volume 2 in the *Collected Works of Georges Florovsky* (Belmont: Nordland Publishing Company, 1974), 134.

the year of the LORD's favor' ... Today this scripture has been fulfilled in your hearing" (Luke 4:18-21, NRSV). And yet, the Orthodox, as followers of this same Christ, today seem almost eager to be identified by other terms, almost in opposition to social justice, which is often dismissively assigned as the identifying characteristic of some Protestant communities and some streams of Roman Catholicism.

Thus the question: Is the seeking of justice (and thus the promotion of human rights, whether understood by their secular construct or informed by Christian theology), an Orthodox theological imperative or merely an afterthought appended to what is considered a loftier set of Christian convictions?

### **The Universal Declaration of Human Rights**

We are gathered during the Sophia Institute annual meeting in a place famous for its theological engagement with the world. Perhaps no other figure in the history of Union Theological Seminary in the City of New York is better known than Reinhold Niebuhr. In September 1948, Niebuhr gave an address at the first assembly of the World Council of Churches in Amsterdam. This assembly was almost immediately after a world war, which would become emblematic of the worst of crimes against humanity (the Holocaust). Niebuhr anticipated the international community's adoption of the Universal Declaration of Human Rights that coming December:

The Christian Faith is, of course, unable to promise, as do secular creeds, some final historical redemption from all social evil. The revelation of God's judgment and mercy in Christ negated both the pre-Christian and the post-Christian expectations of an earthly paradise; and has taught us to look "for a city which hath foundations, whose builder and maker is God" (Hebrews 11:10). The Kingdom of God always impinges upon history and reminds us of the indeterminate possibilities of a more perfect brotherhood in every historic community. But the sufferings of Christ also remain a permanent judgment upon the continued fragmentary and corrupted character of

all our historic achievements. They are completed only as the divine mercy, mediated in Christ, purges and completes them. Our final hope is in “the forgiveness of sins, the resurrection of the body, and life everlasting.” Applied to our present situation, these words speak to us. On the one hand, we must strive to reform and reconstruct our historic communities so that they will achieve *a tolerable peace and justice*. On the other hand, we know, as Christians, that sinful corruptions will be found in even the highest human achievements. *We ought as Christians to strive more earnestly, and not less, toward the peace of nations. We ought not to be indifferent to the problem of what technical-political instruments are best suited to maintain a tolerable peace and to express humanity’s obligation to our neighbors.*<sup>5</sup>

In this passage, Niebuhr does not jump on a post-war bandwagon of optimism. He admonishes the Church to seek *a tolerable peace*. Up to that point, the century had experienced the Armenian Genocide, an earlier world war, a great depression, and totalitarian communist oppression. No doubt in Niebuhr’s mind was the process unfolding across town from this seminary, a process that was seeking to establish a standard against which future crimes against humanity could be measured. Perfect? No. An instrument, as he said, “suited to maintain a tolerable peace and to express [one’s] obligation to his [or her] neighbor”? Yes.

The Universal Declaration of Human Rights enumerates basic principles, which if upheld would go a long way toward ensuring a greater measure of justice in the world. Still, justice would not be guaranteed for all; the history of the world demonstrates that human beings give in to sin regularly, and this sin includes the worst kinds of violence committed against one another. Also, there is no guarantee that these principles would be carried out equitably; the powerful have since the beginning of the world dictated how justice should be meted

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<sup>5</sup> Reinhold Niebuhr, Address, in *Man’s Disorder and God’s Design* (New York: Harper, 1949), 21-27, as excerpted in *The Ecumenical Movement: An Anthology of Key Texts and Voices*, ed. Michael Kinamon and Brian E. Cope (Geneva: WCC Publications, 1997), 281 (emphasis added).

out. However, as a set of principles, they provide a guide for social interaction, and interaction among nations, which would lessen the amount of pain human beings inflict upon one another. To cast them in religious terms, the principles are like the plumb line in the Book of Amos (7:7-9), against which the LORD promised to measure the injustices committed in ancient Israel.

The types of rights included in the Universal Declaration of Human Rights are the right to life, liberty, and security; the right not to be enslaved, tortured, or arrested arbitrarily; the right to privacy, freedom of movement, and asylum; the right not to be deprived of nationality, of property, or of marriage and family; the right to freedom of thought, conscience and religion, freedom of opinion and expression, and of peaceful assembly; and the right to work, to rest, and to education. These rights and others carefully written into the declaration seek to define – naively perhaps, but not without warrant – what makes for the conditions for individual men and women, not so much to reach their full potential as human beings created in the image and likeness of God – this is a theological task – but to enable the conditions that will allow people to maximize their full potential as political beings in this world.<sup>6</sup> Here I would also especially point out the issue of gender equality and persistent gender discrimination.

The theotic and the political intersect in the interaction of human beings with one another. Ecumenical Patriarch Bartholomew has commented on this interaction. As he writes: “[H]umanity derives its source and existence from God, whose image within human beings constitutes the essence and depth of freedom while at the same time planting the seeds for social justice within the world.”<sup>7</sup> Given this intersection, the question at hand is if, and how, religious communities—and specifically here in the context of this conference, the Orthodox Church—should promote human rights. For as Bartholomew further

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<sup>6</sup> This distinction is not lost on Yannoulatos. For him, human rights have to do, not so much with the theological as with one’s place vis-à-vis the state (51).

<sup>7</sup> Bartholomew I, *Encountering the Mystery: Understanding Orthodox Christianity Today* (New York: Doubleday, 2008), 124.

writes, “As Orthodox Christians we are called to support and stand up for the innocent and defenseless victims of religious oppression, racism, and intolerance. Ultimately, we are called to work for peace in every part of our world... We must remind people of the significance of tolerance, which is ultimately grounded in respect for the sanctity of freedom and the sacredness of human justice.”<sup>8</sup>

This sensibility certainly influenced the drafting of the declaration. While mostly Protestant influence might have been evident in this process, it is significant to note that one of the members of the drafting committee was an Orthodox academic and statesman from Lebanon, a “theologically informed” philosophy professor by the name of Charles Malik.<sup>9</sup> Encouraged in this task by the Churches’ Commission on International Affairs of the World Council of Churches (which he would later join as a commissioner), a task not incidentally supported by the National Council of the Churches of Christ in the USA, known then as the Federal Council of Churches, Professor Malik would later reflect – at a conference held by the CCIA here at Union Theological Seminary – on “the spiritual implications of the Human Rights Covenant.”<sup>10</sup>

Admittedly, the Orthodox influence on this drafting may not have been too profound, or it may have been. There would be no doubt that the presence of an Orthodox person on the drafting committee represented an ecumenically ideal choice for those church leaders eager to influence the progress of the task at hand. In any event, it can be safely asserted that the ecumenical community was united in its desire to leave its imprint on the final document.<sup>11</sup> As a historian of this ecumenical effort has noted:

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<sup>8</sup> Bartholomew I, 135.

<sup>9</sup> John S. Nurser, *For All Peoples and All Nations: The Ecumenical Church and Human Rights* (Washington: Georgetown University Press, 2005), 43f, 159 (n. 58).

<sup>10</sup> Nurser, 169.

<sup>11</sup> This is Nurser’s conclusion as well, where he states (28): “The Federal Council of Churches (FCC) and the YMCA were determined not to allow the end of hostilities to diminish their commitment to questions of global order... The churches were ‘dedicated to the progressive realization of the dignity and worth of man’ and to ‘the world-wide achievement of man’s individual freedom, under God, to think, to believe, and to act responsibly according to the dictates of his own conscience.’”

The Protestant, Anglican, and, to an extent, Orthodox ecumenical movement contributed enormously to the events that led up to the United Nations General Assembly proclaiming in December 1948 that its Universal Declaration of Human Rights was defining, with unparalleled authority, what had in its 1945 founding charter been left indeterminate. This declaration was deemed to be what the states that ratified the charter had in mind as the constituting ‘soul’ of the new order of international affairs they created.<sup>12</sup>

This commitment of the ecumenical community was in ample evidence some four decades later when the WCC held a critical convocation on Justice, Peace, and the Integrity of Creation in Seoul, Korea, in 1990. There, the delegates affirmed their belief, based on Exodus 3:7b, that “there is an inseparable relationship between justice and human rights, [and that] human rights have their source in God’s justice which relates to an enslaved, marginalized, suffering people in concrete acts of deliverance from oppression.” Also affirming that human rights referred not only to individual rights but also to “collective, social, economic and cultural rights of peoples,” they went on to assert that “human rights are God-given and that their promotion and protection are essential for freedom, justice and peace”; that they would “resist all structures and systems that violate human rights and deny the opportunity for the realization of the full potential of individuals and peoples”; and that they would commit themselves “to actions of solidarity with organizations and movements working for the promotion and protection of human rights...through effective instruments.”<sup>13</sup>

A quote just above says that the Orthodox joined their ecumenical partners in contributing to the general human rights framework only “to an extent.” In fact, if we note the view of Metropolitan Gennadios

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<sup>12</sup> Nurser, 173.

<sup>13</sup> *Between the Flood and the Rainbow: Interpreting the Conciliar Process of Mutual Commitment (Covenant) to Justice, Peace, and the Integrity of Creation*, ed. D. Preman Niles (Geneva: WCC Publications, 1992) ((WCC World Convocation on Justice, Peace and the Integrity of Creation (JPIC), Seoul, 1990), 175–6.

Limouris, who at the time worked in Faith and Order Commission of the WCC, the extent of Orthodox affirmation in the later Justice, Peace and the Integrity of Creation statement was less than overwhelming. Commenting on that statement, while noting that “the justice of God calls for a word from the church,” his observation was that “the conversations at Seoul, as well as its main results, have been criticized not only by Orthodox participants but also by Protestant theologians. There was a general feeling that the convocation was not well prepared; that Seoul’s theology was irrelevant and its resolutions, reflections and affirmations were mainly based on the horizontal secularized ethic of classical humanism.”<sup>14</sup>

Limouris’ observation seems to reflect a wider Orthodox assessment of human rights instruments, and even more fundamentally of their foundation. His statement that “Seoul’s theology was irrelevant” is not a casual critique. Is such a dismissive position justified? It is to this critique that we turn next.

### **Some Orthodox Views of the Human Rights Construct**

*The Apparent Absence of Human Rights from the Sources.* Of the several arguments of Orthodox commentators on human rights, the one perhaps most often heard is that the idea of human rights is not to be found in the sources, namely the patristic sources. If it is something we should consider so important to our faith, this argument goes, why is there such scant evidence of it in our history?

Even one such as Florovsky laments this seeming lapse in the historical record. After emphatically stating that “Christianity is a social religion,” and after highlighting Orthodoxy’s affirmation of the equality of persons and its defense of the marginalized, he asks: “Why then was there so little social action in the East and the whole richness of social ideas left without an adequate embodiment?” Indeed, to Florovsky, this apparent lapse in the Church’s witness cuts to its very being. This leads him to say, “If the church, as an institution, cannot adopt the way of an

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<sup>14</sup> Gennadios Limouris, in *Between the Flood and the Rainbow*, 111.



open social action, Christians cannot dispense with their civic duties, for theirs is an enormous contribution to make ‘in the material sphere,’ exactly *as* Christians.”<sup>15</sup> It must be stated that Florovsky’s observations do not form a negative critique of human rights. They do give support to those who would dismiss human rights based on an apparent omission in the sources.

Christos Yannaras goes back even further than the patristic sources. He questions, why, if human rights is so important a principle, it isn’t found enshrined in the political construct of ancient Greece or the legal codes of ancient Rome. For Yannaras, the concept of the Greek city and the system of Roman law were the epitome of human social development, at least when it came to regulating human interaction and guiding citizens to fulfill their potential as members of those respective societies.<sup>16</sup> As the inheritor of both Greek and Roman achievements, Byzantium, and thus the Church, further developed these high points into a principle based on love for the other as members of the Church. “Being a participant and a member of the body of the Church,” he writes, “means that one only exists in order to love and be loved—therefore, far from any expectation of self-protection through a legislation which would be ‘mandatory for all.’”<sup>17</sup> Although academically we might follow this line of reasoning, we would nonetheless have to conclude that it offers little in the way of how to deal with the reality of suffering in our midst. For even members of the Church have been known to oppress others, including those with whom they would otherwise commune on Sunday mornings.

To be sure, Yannaras does see a measure of achievement in the articulation of human rights as such. His real complaint, however, is that this achievement “has not realized the depths as found in the Greek city and the Byzantine community.”<sup>18</sup> He sees the insertion of

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<sup>15</sup> Florovsky, 131-142.

<sup>16</sup> Christos Yannaras, “Human Rights and the Orthodox Church,” Holy Cross Greek Orthodox School of Theology, October 4, 2002.

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

individualism as defined by the Enlightenment in what should have otherwise been a legitimate development as a real abortion of what would have been a genuine achievement. We will turn to the critique based on Enlightenment philosophy in a moment. For now it is instructive to underscore Yannaras' belief that the 18<sup>th</sup> century's misstep was the abandonment of its Greek, Roman, and Byzantine heritage.

The assumption that human rights, as a concept, are not found in Orthodoxy's early sources is contradicted by the work of Fr. John McGuckin. He, too, like Yannaras, sees the link between the Roman legal codes and Byzantium's legal systems. This not only results in a direct move from West to East but also implies a resonance between later, Western philosophical ideas about individual rights and early, Eastern theological claims.<sup>19</sup> Unlike Yannaras, McGuckin does not find a disconnect when moving from Byzantium to the Western European context, which brought forth human rights principles.

To support this contention, he cites the body of Eastern Church canon law, in which he finds ample evidence of early human rights sensibilities. About canon law, he finds that they:

[M]anifest on every page a code of governance that protects, defends, and orders the Orthodox Christian community.... These canons are...regarded by all the Orthodox as a fundamental part of what is called the 'Holy Tradition' of the Church.... This development and flourishing of Canon Law in the East... is a major rebuttal of the idea that Orthodoxy is not concerned with the rights of the individual, or that Orthodoxy can hardly conceive of the concept of the individual as such, only the collective. It is equally a defense of the fundamental Orthodox understanding that rights of persons cannot be separated from duties and responsibilities.<sup>20</sup>

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<sup>19</sup> John A. McGuckin, "The Issue of Human Rights in Byzantium and the Orthodox Christian Tradition," in *Christianity and Human Rights*, ed. J. Witte (Cambridge: Cambridge University Press, forthcoming - 2011), 4.

<sup>20</sup> McGuckin, 5. Susan Holman finds similar sensibilities in the specific human rights-type language

If this is indeed true, then the argument that there is no line to trace from the modern human rights conception to Orthodox sources becomes a bit tenuous. McGuckin is more pointed in his criticism of this line of thinking. “It is thus,” he writes, “wholly disingenuous to speak of Human Rights issues as if somehow they are not part of the fundamental fabric of Orthodoxy’s ancient constitution.” He continues:

Why then do many Orthodox do just that in contemporary arguments about human rights? I suspect that it is because there is a set of miscommunications about what one is actually speaking of; and my diagnosis is that it is the Orthodox who need to clarify their language most, and more than that, clarify their true historical and philosophical tradition; recognize that it is profound: a force that civilized Europe and gave a model of rule by Christian Law that was once the envy of tribes that still made up the violent fringes of western Europe.<sup>21</sup>

McGuckin’s research into the sources of Orthodoxy has been instrumental in laying the foundation for the task of recognizing in our own theological heritage a consistent understanding of human rights. But before we can move forward with this task, we need first to tackle the next critique, namely the influence of the Enlightenment.

### **The Enlightenment and Its Humanistic Influences**

The Enlightenment serves as a target for many an Orthodox arrow, particularly shot by those who suspiciously regard anything that is not readily perceived as handed down through the Tradition of the Church. On the one hand, given that Enlightenment thinking above all gave space for people to question the status quo, which from then on in the West served as a methodology for all manner of inquiry, it is no wonder that it is met with skepticism by churches whose cultures

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used in early Eastern Christian homiletic texts, as in: S.R. Holman, “Healing the world with righteousness: The language of social justice in early Christian homilies,” in *Charity and Giving in Monotheistic Religions*, Studien zur Geschichte und Kultur des islamischen Orients, ed. Miriam Frenkel and Yaacov Lev (Berlin: De Gruyter, 2009), 89–110.

<sup>21</sup> McGuckin, 6.

never underwent this tectonic shift directly. On the other hand, one must wonder how some Orthodox believers, especially those living in the West, who operate according to this methodology in every other aspect of their lives, genuinely disregard it when it comes to religious thinking. Is this a legitimate position some two hundred plus years later?

Granted, the Orthodox Church is preeminently communal: grounded in a Trinitarian conception of God, whose perichoretic relationship definitively characterizes its oneness of being; composed of countless members who together make up the one body of Christ; gathered in Eucharistic fellowship to partake of divine life as one, holy, catholic and apostolic community. But does such an emphasis on community preclude any consideration of the individuals—*as* individuals—who compose the Church and society? Does the Orthodox theology of personhood, rooted in the creation of human beings in the image and likeness of God and transformed by the experience of the divine-human person of Jesus Christ, say something to this situation?

Archbishop Hilarion Alfeyev gives voice to the extreme criticism within Orthodoxy of Enlightenment thinking. Not uncommonly, he sees its humanist influence, here understood as exclusively secular and atheistic, destructive of the appropriate understanding of the human person as created by God. This critique then allows for a harsh view of human rights, which thus do not require a divine starting point.

Alfeyev starts by affirming this divine reference point for humanity: “Christianity and secular humanism attach principally different meanings to the ideas of the dignity and freedom of the individual. In the religious tradition the notion of the dignity and freedom of the person directly follows from the concept of his or her divine origin.”<sup>22</sup> It is when he compares this view with the secular humanist view that his argument takes shape. He writes,

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<sup>22</sup> Hilarion Alfeyev, *Orthodox Witness Today* (Geneva: WCC Publications, 2006), 232.

Thus Christianity, just as secular humanism, speaks of the dignity and freedom of the person, but unlike the latter it insists that the principle of freedom must be balanced by the principle of personal spiritual and moral responsibility before God and other people. Of course, the idea of responsibility is also present in humanism, but with the absence of absolute moral norms this principle simply denotes the limitation of one person's freedom by the freedom of other people. From the standpoint of atheistic humanism, the realization of the potential of freedom is nothing other than the person's unhindered realization of all his desires and aspirations, except for those, which hinder the realization of similar desires of other people, as well as the realization of those rights of his that do not violate the rights of others. This gives rise to the relativistic interpretation of all moral norms and spiritual values. Nothing is a norm and value by itself if the only criterion is the person's free will.<sup>23</sup>

In short, moral principles proposed explicitly devoid of divine origin are too flawed to be of truly positive use.

With regard to human rights, Alfeyev points out that this secular view of the human person led to both human rights principles and the horrific acts against which they were directed. This is more than irony; for Alfeyev, this amounts to a questioning of the entire human rights enterprise. For example,

Humanism of the second half of the 20<sup>th</sup> century, expressed in the Universal Declaration of Human Rights, arose as a reaction to the barbaric acts, which fill the conscience of mankind with indignation, i.e. in reaction to the crimes of Nazism. However, humanists refuse to see the connection between these crimes and the anthropological theories born in the atheistic minds of the French enlighteners of the 18<sup>th</sup> century and developed by 19<sup>th</sup> century materialists. Humanists refuse to admit that the

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<sup>23</sup> Alfeyev, 233.

‘humanization’ of morality through the rejection of religious norms was the main cause of the monstrosities of the French revolutionaries and later of the communists and Nazis.<sup>24</sup>

This, in itself, is not an indictment of human rights as such. However, it clears the way for perspectives such as those that dismiss human rights as nothing more than demands made upon society in service of humanity’s self-centeredness.<sup>25</sup>

McGuckin sees in this objection a reaction to a perceived “‘pushing’ of a secularist, non-Christian moral agenda’ and not a negative assessment of human rights per se.<sup>26</sup> Rather than dwell on this perception, McGuckin takes a more nuanced view of the Enlightenment’s human rights legacy. Indeed, he sees a direct link between earlier theological principles articulated by the Church and the Enlightenment theories that succeeded them. In fact, in response to Yannaras’ assertion that eighteenth-century Western European thinkers somehow abandoned what was clearly their inheritance from Byzantium and earlier, McGuckin argues that:

Orthodoxy brought to the European mind the understanding that personhood was vested with divine potency...It was therefore Orthodox philosophical theology that historically brought the very term of person and individual from the margins of irrelevance to the central stage of anthropological philosophy...It is the theological stance underpinning all Orthodox theology, the deification of the human race by the grace of divine incarnation within it, which is the root of how Christian-inspired philosophers of a later age could declare: “We hold these truths to be self evident,” and go on to cite the

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<sup>24</sup> Alfeyev, 236.

<sup>25</sup> See, for example, Yannaras: “...Religious individualism preceded the egocentrism of a *religionized*...Christianity and became the cast of the absolute importance of individual rights in modernity... when the tyranny of metaphysics was rejected, the aim of the individual metaphysical salvation was replaced by the aim of a secularized (legal) protection.”

<sup>26</sup> McGuckin, 11.

inalienable dignity of the human person as one of the ‘obvious’ things they took as axiomatic.<sup>27</sup>

What we can take from this argument is that, if at the heart of human rights constructs is the individual human person, this very notion indicates a positive inheritance from what came before. Though rejected by some Enlightenment and post-Enlightenment thinkers, nonetheless, this inheritance defined the human person precisely as one invested with a God-given inviolable dignity.

Archbishop Anastasios Yannoulatos is also not so harsh on the human rights inheritance of the Enlightenment. They may be secular in their construct, but to him this doesn’t mean that the principles aren’t in themselves based on Christian principles. With regard to the human rights documents, he finds that they “express faith in individual freedom, in equality for all without exception, and in human dignity.”<sup>28</sup> In this statement, like McGuckin, he notes some affinity with Orthodox theological understanding. We can parse his language here: freedom, equality and human dignity are part of the Orthodox heritage; what is not part of this same heritage is faith in the concepts themselves rather than in the God in whom they find their meaning. However, it is not Yannoulatos’ brief to disparage by highlighting difference; it is rather to build on what is in common. He writes:

Orthodox thought is not always in full agreement with everything that has been characterized from time to time as ‘human rights.’ On the basic core concepts – freedom, equality, and human dignity – there is of course immediate agreement and absolute affirmation. Most of the ideas expressed about human rights are accepted by Orthodox thinking as *corollaries* of its own views on humanity.<sup>29</sup>

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<sup>27</sup> McGuckin, 6

<sup>28</sup> Yannoulatos, 50.

<sup>29</sup> Yannoulatos, 51, emphasis added.

This approach is a rather helpful way to look at this situation. To disparage the Enlightenment's outcomes is a self-defeating exercise. To appreciate them as corollaries opens up the possibility for creative engagement as the human rights experiment moves forward.

Yannoulatos, like McGuckin, considers rights as corollaries to Orthodox convictions because, as he argues, the former are derived from the latter. To wit:

The roots from which the 'tree' of human rights has sprung are clearly older and more complex than the documents that are usually mentioned. These roots are connected to religious beliefs and basic concepts found in the major religions. To be more specific, the western world indisputably owes a great deal to the Gospel, and it was the spirit of inquiry inspired by Greek thought that enabled the seeds of the gospel to grow during the Renaissance.<sup>30</sup>

One further word is necessary on this critique of human rights coming out of the Enlightenment experience. And this is the anticipatory anxiety characteristic of those who seem perched on the proverbial slippery slope. Individualists "demands" made in the name of rights continue to evolve, this argument goes, and next on the list is the issue of sexual orientation. Never mind about basic discrimination. What about same-sex marriage and the ordination of openly homosexual clergy?

The front of this aspect of the culture war is in Europe and the United States. In the US, we see religious leaders from Evangelical, Catholic, and Orthodox communities taking a stand against this issue (as well as abortion), in such statements as the "Manhattan Declaration" issued recently. They did so in the name of one particular human right: religious freedom. The crux of the statement is this: no civil law will force religious communities to make accommodation for what they see

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<sup>30</sup> Yannoulatos, 53.



as contrary to fundamental religious principles. Never mind that civil law makes provision for matters religious conscience.

In Europe, there is a similar war going on. One who has enjoined this battle is Alfeyev. But his argument that “contemporary humanists... continue to insist on the incompatibility of Christianity with progress, of faith with reason, and of religion with science” and of traditional values with civilization,<sup>31</sup> leads him to conclude that, if Europe gives in to same-sex marriage, and thus affirms homosexuality alongside heterosexuality, what will stop it from sanctioning pedophilia?<sup>32</sup> This line of thinking is of questionable value.

In the matter of same-sex marriage, if indeed we understand rights to be a matter between the individual and the state, is this necessarily a threat to the Church and all other organized religion? Might it not be a better use of moral and material resources not to inveigh against this social trend but to invest “marriage” with the meaning that, as an evangelistic witness, offers an alternative way of looking at marriage? In other words, the civil law will not force churches to marry homosexual couples. Thus an opportunity exists to witness to what the Church considers the ideal of marriage.

### **Questioning the Universality of Human Rights**

A third critique of the human rights architecture is that, despite its claim, it is not universal. According to this argument, human rights as such are a Western innovation, and one that cannot be presumed to apply in other contexts: In Arab countries, human rights may be seen by many as fundamentally anti-Islam; in Asian countries, human rights might be opposed by groups driven by specifically Asian culturally-determined rights; in African countries, they might be considered by some a manifestation of western colonial imperialism. In countries with a predominantly Orthodox cultural mindset, they are often deemed ‘foreign’.

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<sup>31</sup> Alfeyev, 237, 243.

<sup>32</sup> Alfeyev, 242.

Coupled to this critique is the emphasis on collective rights as determined by one particular society. The Russian Orthodox Church makes this argument in its “Basic Teaching on Human Dignity, Freedom and Rights” (2008):

Human rights should not contradict love for one’s homeland and neighbors...the love of a person for his family and other loved ones cannot but spread to his people and the country in which he lives. It is not accidental that the Orthodox tradition traces patriotism back to the words of Christ the Savior Himself: *‘Greater love has no one than this, that he lay down his life for his friends’* (Jn. 15:13)...Actions aimed at respect for human rights and improvement of social and economic relations and institutions will not be truly successful if the religious and cultural traditions of countries and nations are ignored. Some civilizations ought not to impose their own way of life on other civilizations under the pretext of human rights protection. The human rights activity should not be put at the service of interests of particular countries. The struggle for human rights becomes fruitful only if it contributes to the spiritual and material welfare of both the individual and society.<sup>33</sup>

This statement was adopted in a context where the Orthodox Church suffers from the onslaught of other religious groups, most notably and reprehensively other Christian groups that aggressively proselytize in the name of mission. However, such a situation requires an intentional ecumenical conversation about what can be termed “ecumenical charity” among sibling communities, not a backlash against the right to freedom of religious expression, which is enabled by such a statement. Elizabeth Prodromou gives support for this alternative approach:

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<sup>33</sup> Russian Orthodox Church, “The Russian Orthodox Church’s Basic Teaching on Human Dignity, Freedom and Rights” ([www.mospat.ru/en/documents/dignity-freedom-rights/introduction](http://www.mospat.ru/en/documents/dignity-freedom-rights/introduction)), III.4. Another example: “The rights of an individual should not be destructive for the unique way of life and traditions of the family and for various religious, national and social communities. God has laid down in human nature the desire of a human being to share in communal life...In the fulfillment of God’s will for the unity of the human race, an important role belongs to various forms of communal life realized in national, public and social associations, while it is in the Church, the divine-human organism, that God’s commandment of love for God and the neighbor is fully revealed...” IV.9.

[A] loose consensus has begun to emerge across religious traditions...that proselytism has proven to be a demonstrated threat to religious freedom. Consequently, there is growing evidence that religions have begun to turn to the state to mobilize its power against proselytizing groups, but this resort to state power to prevent proselytism has led frequently to infringements on religious freedom that, presumably, would be preventable by rigorous international human rights architectures...

Although existing human rights architectures offer clarity in identifying illegitimate means and objectives as intrinsic to improper proselytism, the theological bases of support for rejecting improper proselytism as “a corruption or deformation of [true evangelism]” remain strikingly underdeveloped.<sup>34</sup>

Does this critique of human rights as definitively non-universal hold up? Or is it best to conclude that such a critique itself opens up the way to injustice? Scott Appleby is helpful as we try to answer these questions:

Conceding the inviolability of “culture”...runs the risk of naively accepting as normative values that are promoted only by a cultural elite. Frequently, such values are contested by other members of society – or would be contested if marginalized people and groups were allowed to speak and organize politically. Failing to challenge “cultural values” therefore might mean obscuring and thus perpetuating social inequities and injustices. Ultimately, capitulation to the politics of cultural relativism in such cases means abandoning persons who have been silenced and rendered powerless by the culture in question.<sup>35</sup>

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<sup>34</sup> Elizabeth H. Prodromou, “Beyond the Dickensian Paradoxes of Human Rights: Reconceptualizing Proselytism, Rediscovering Evangelism,” in *Violence and Christian Spirituality: An Ecumenical Conversation*, ed. Emmanuel Clapsis (Geneva: WCC Publications, and Brookline: Holy Cross Orthodox Press, 2007), 228-230.

<sup>35</sup> R. Scott Appleby, “Serving Two Masters? Affirming Religious Belief and Human Rights in a Pluralistic World,” in *The Sacred and the Sovereign: Religion and International Politics*, ed. John D. Carlson

If we go specifically to the Russian Orthodox situation and its struggles in balancing the ideal of religious freedom and religious interlopers – and yes, some of these missionary groups do deserve a measure of disdain for their uncharitable practices – where the “inviolability of culture” has taken hold and commonly accepted human rights principles are rejected because “religious and cultural traditions are [thought to be] ignored” by them, we find just how problematic this critique is. To some it might seem quasi-philatelic: theological rebuttals of human rights in support of a national church. To others it might seem troublesome because its equal application in other contexts, for example Turkey, would enable harm to the local Orthodox presence, in this case the Ecumenical Patriarchate. To others it would defend rather indefensible repressive practices, such as in Saudi Arabia, where a publicly identifiable church is not allowed. To others it would mostly seem to dampen the Church’s inherent evangelistic witness.<sup>36</sup> How could a church justify any missionary activity if it thinks that other cultures, and hence their predominant religious landscape, is inviolable? If this were the case, if retroactively applied, even Sts. Cyril and Methodios would have been prohibited from evangelizing the Slavs. On this score, it would be good to remember Fr. John Meyendorff’s comment that “one cannot defend human rights on a selective basis.”<sup>37</sup>

### **A Constructive Orthodox Approach to Human Rights**

These critiques of human rights principles and structures have been made by contemporary Orthodox Christian believers, despite the fact that the Tradition of the Church testifies to an affinity with their intent and substance. The fact that this testimony has been obscured is the problem that we Orthodox now have to overcome if we are to be serious interlocutors in the contemporary discussion of how to deal pragmatically with the horrible abuses that human beings undergo on a daily basis. And the Orthodox are indeed called to be interlocutors in this debate, by all potential partners who look to the Church for

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and Erik C. Owens (Washington: Georgetown University Press, 2003), 177–78.

<sup>36</sup> See McGuckin, 10.

<sup>37</sup> John Meyendorff, *Witness to the World* (Crestwood: St. Vladimir’s Seminary Press, 1987), 114.

theological wisdom and solidarity in the search for justice.

One observer describes the Universal Declaration of Human Rights in a manner that can apply to any of the subsequent pertinent documents as well: “[T]his is not to make anything so vague and utopian as a statement of aspirations and ideals; it is to indict, from the perspective of justice and morality, all governments that restrain [people’s] freedom.”<sup>38</sup> To this we can add that it is an indictment against not only governments but groups and individuals as well. How are the Orthodox to contribute to this discussion?

Perhaps the most constructive approach is that of Yannoulatos, who urges the Orthodox community to engage in this discussion with an intention to expand and invest their meaning with theological weight, despite the initial difference in language (how we talk about rights). “In general,” he writes, “Orthodox thought considers the current discussion on human rights to be extremely important, but ultimately sees it as the prelude to a discussion of humanity’s much more intrinsic ‘rights.’... Declarations remain confined to descriptive legal definitions of human rights; at the same time, however, they reflect hope and express a moral judgment.”<sup>39</sup> Aware that “in an era such as ours, in which there is a great diversity of ideological views, it will clearly be impossible to reach philosophical and religious agreement on these immense issues,” he advises us to “simply note here that to the Orthodox way of thinking... the formulations that have been put into writing in existing declarations constitute a starting point...”<sup>40</sup>

If this is the starting point, where do we go from here? First, there should be no hesitation to engage in the conversation. Indeed, if the Church is to be a beacon for justice as testified in our scriptures, we must remember that in the view of the Fathers, equality “lies at the

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<sup>38</sup> Maurice Cranston, “What are Human Rights,” in *The Human Rights Reader*, ed. Walter Laqueur and Barry Rubin (New York: Meridian, 1979), 24. Cranston also points out that “to establish a that a thing is a right is to distinguish it from a privilege” (24).

<sup>39</sup> Yannoulatos, 57.

<sup>40</sup> *Ibid.*

very essence of human nature, and they are unconditional when they call any departure from equality a form of injustice.”<sup>41</sup> Facing down injustice requires courage.

Second, we must for the sake of the timid among us, reclaim boldly this tradition of seeking justice within our history. “It remains, as an extremely pressing agenda,” writes McGuckin, “to require the Orthodox world, and especially its most visible leaders, to reflect much more on the profundities of the deep Orthodox tradition of human rights philosophy; not to dismiss the language simply as an alien concept from the West.”<sup>42</sup> He goes on: “There is a great need for Orthodoxy to clarify and re-pristiniate its ancient deep traditions. It will find there beautiful things; things that put it squarely on the side of the liberation of humanity from oppressive forces; for it is the servant of the kenotic Christ who came to set the world free, not to enslave it. Only then can it hope to dialogue on equal terms with the raucous voices of western secularism that now (temporarily) command the stage.”<sup>43</sup>

Third, we have to articulate the theology that undergirds our engagement. If it is true, as Bartholomew has said, that “human rights . . . must be understood in a way that conforms to the right-ousness of God [and that] human freedom and rights are ultimately informed by divine justice, truth, and love,”<sup>44</sup> then we must not dismiss human rights as a modern, non-Orthodox construction, but show precisely how they are “informed by divine justice, truth and love.” This might be done, as noted earlier, through the Orthodox theology of personhood or through a reflection on the perichoretic relationship within the Triune God. However this task is undertaken, a start has already been made. The Third Pre-Council Pan-Orthodox Conference in 1986 made the following declaration on justice and human rights: “Since we continuously declare the incarnation of God and the deification of

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<sup>41</sup> Yannoulatos, 62.

<sup>42</sup> McGuckin, 13.

<sup>43</sup> McGuckin, 13; cf. Alfeyev, 237–38.

<sup>44</sup> Bartholomew I, 126.

humanity, we defend human rights for every human being and every people. Since we live with the divine gift of freedom through Christ's work of redemption, we are able to reveal to the fullest the universal value that freedom has for every human being and every people."<sup>45</sup>

### **Conclusion: Theological Imperatives or Afterthoughts?**

As in the past, in today's world we are faced with horrors beyond belief. Human trafficking for sexual and other forms of slavery; torture as a form of interrogation; child soldiers; female genital mutilation; rape as a weapon in war; genocide: all of these violations of human rights and more take place on a daily basis; a majority of these and others have taken place on traditionally Orthodox soil. Are the Orthodox obligated to take a stand against these crimes?: How do we answer our question, are the promotion of human rights and the seeking of justice Orthodox theological imperatives, or are they merely afterthoughts?

It is clear, as in Yannoulatos, that "Orthodox thinking views human 'rights' in conjunction with God's 'rights': with the justice, the truth, and the love of God, who has laid down institutions, obligations, and principles that provide humanity with the most fertile ground for the fruition of human rights."<sup>46</sup> If so, then it would appear that we are compelled, as Orthodox, even as we seek to inform them with more theological heft, to promote human rights. This, I think, is what the Russian Orthodox Church, despite its concerns, intends when it states that "motivated by the church teaching on human dignity, freedom and rights, Christians are called to take ethically guided social action..."<sup>47</sup>

As Orthodox, we like to find precedents in our history to help us address contemporary issues. In the matter of human rights, we have such building blocks. As Orthodox, we also know that, as we apply theological articulation to new demands made upon us, we can be creative even as we importantly stay consistent with our theological

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<sup>45</sup> As footnoted by Yannoulatos, 68.

<sup>46</sup> Yannoulatos, 74.

<sup>47</sup> Russian Orthodox Church "Basic Teaching," V.4.

heritage. Although there is nothing new about violence, oppression, and discrimination in the world, the human rights construct is a relatively new phenomenon, one that makes its demands upon us for theological reflection.

In this article, I have made the case that the promotion of human rights is a necessary, urgent task. More than this, it *is* a theological imperative. If, as followers of the crucified and risen Christ, we wish to find ourselves on the side of divine justice, we need to work for justice in this world, so that all people may have the opportunity to believe.