The Russian Orthodox Church on Human Rights

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The Russian Church in its official teaching on human dignity, freedom, and rights has recently proposed that human rights “cannot be superior to the values of the spiritual world.”¹ Thus, “it is inadmissible and dangerous to interpret human rights as the ultimate and universal foundation of societal life to which religious views and practice should be subjected.”² Human rights should not subjugate any religious values and norms, but be subject to them. Thus, human rights are denied a status of the ultimate authority and are given a subordinate status in the social contract of the Russian Church.

Taking into account this attitude toward human rights and the overall hostility of the Russian Church toward the secular values of contemporary society, many people have questioned the validity of this proposal. Others have objected to its terms on the basis of its religious origin, since religions are considered to be largely responsible for centuries of political turmoil in Europe arising from the wars of faith. How then should we understand the proposal? Is it a negation of the notion of human rights, or a partial affirmation of it?

The questions to be addressed here are the following: What is it that is designated as human rights? Do human rights have a reasonable degree of actuality? What are their essence/nature, content, ontological status? Does the notion of human rights have a universal validity? Is the notion of rights incompatible with the Christian concept of person? Finally, how should we understand what the Russian Church proposed in this statement in light of the Orthodox concept of person? In this article I use Kantian ethics as a framework to grasp the most basic features of the notion of rights.

² Ibid.
The English philosopher John Locke introduced the philosophical notion of human rights in the eighteenth century with his *Two Treatises on Government*. He proposed that human rights are of natural origin and arise out of natural laws; thus they comprise the natural conditions of humanity. Among the major rights Locke listed were the proprietorial ones of life, possessions, and security. This notion of human rights that assumes the communication of ideas of rights and equality was extremely influential and laid the ground for many subsequent social movements and declarations made by different states and international institutions.

Roughly speaking, human rights in Locke represent natural conditions of humanity; they are rooted in human existence as such. Locke remains to be one of the major authorities in this matter, and his language of natural rights, although heavily criticized, remains viable even now.

If human rights belong to humanity by nature, if they are predicated on a subject as its essential property, they should constitute an actuality of a subject. In this case, a subject should have the power to exercise these universal rights. Moreover, because there is a communion of ideas as the idea of rights communicates with the idea of equality, subjects of these equal rights have to possess equal powers to exercise these rights. However, the actual state of affairs cannot validate that the notion of human rights at the present stage has any degree of actuality. This conclusion does not mean that in particular societies particular rights are not actualized (being promulgated as civil laws), but the generic notion of human rights seems to be far from being in a state of actuality as a cosmopolitan law. Kant defined cosmopolitan rights (backed up by cosmopolitan laws) by saying that: This right, in so far as it relates to a possible union of all nations, in respect of certain laws universally regulating their intercourse with each other, may be called “cosmopolitical right”. ¹ I will expand on this subject later in this article.

For now I should say that even if some declarations can be considered as universal, international legislative decrees, it is clear that there is no power that can implement them as such. Thus they cannot achieve the status of coercive force. Using the language of contemporary semantics, the notion of human rights, thus, signifies, but fails to refer to, a particular subject.

Is it possible in this light to speak of human rights as essential universals? Do they belong to the realm of beings at all? Traditionally, it is assumed that essential universals can be observed in particular beings. In other words, essential universals, as manifested in historical forms, should be approachable by the faculties of sense perception, imagination, and reasoning. However, a simple observation can lead one to an affirmation that there is no objective reality that stands behind this notion. Is it then just an abstraction, completely void of any positive content and not represented by any actual beings of which the notion of human rights might be predicated?

Now the question arises: how should we classify the notion of human rights? Is it a historically generated concept, void of a positive content? Is it an essential universal, an idea that appeared to the human consciousness at a certain historical period? Is it, rather, an ideal?

In this context it is worthwhile to make a distinction between concepts, ideas, and ideals. Concept can be understood as an abstraction, void of a positive content. There might be no object that it can denote. It in no way represents essential universal beings or any things that can be placed in a classification of *ta onta* (beings). It is a human invention, an abstraction made to facilitate research (which is its ultimate end). In contrast, idea always has a concrete object that reflects it; it is an essential universal being, full of a positive content, the *logos* of things that unfolds itself in history. Speaking of ideas, I should note that an ideal is a matter of human intentionality, it might not reflect being. Kant defined it in the following way: “Human reason contains not only ideas, but ideals, which possess, not, like those of Plato, creative, but certainly practical power—as regulative principles, and form the basis
of the perfectibility of certain actions.”

How then should we classify the notion of human rights? I think that the notion of human rights does not stand for *ta onta*, which is for existent entities, but rather constitutes a matter of human intentionality. The notion of human rights does not constitute any natural conditions of human life but, rather, it is an ideal of practical reason, which functions as an imperative for will and thus prescribes what has to be done. In other words, it prescribes final ends toward which our free will should be directed. The reality is measured against these ideals. Yet, as Kant pointed out,

Although we cannot concede objective reality to these ideals, they are not to be considered as chimeras; on the contrary, they provide reason with a standard, which enables it to estimate, by comparison, the degree of incompleteness in the objects presented to it.5

It is clear from the passage that the reality of ideals cannot be tied to beings but, instead, should be attributed to human intentionality, which prescribes behavioral patterns and functions as a criterion that allows one to estimate the degree of actuality of things subjected to human volition. However, the distinctive feature of ideals (as compared to ideas), the thing that places them into a different category, can be described as a limited capacity of actualization. Thus, whereas an idea can be fully actualized, there is something in an ideal that prevents it from full actualization. Kant phrased it in a following way:

To aim at realizing the ideal in an example in the world of experience—to describe, for instance, the character of the perfectly wise man in a romance—is impracticable. Even more, there is something absurd in the attempt; and the result must be little edifying, as the natural limitations, which are continually breaking

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5 Ibid.
in upon the perfection and completeness of the idea, destroy the illusion in the story and throw an air of suspicion even on what is good in the idea, which hence appears fictitious and unreal.⁶

Thus, an ideal never possesses a reasonable degree of actuality in the real world. Speaking of actuality, I should point out that if a movement (an act) contains in itself its end, then one can say that such movement has a degree of actuality. Thus, if an acting person attempts to exercise a particular right and has a necessary power (or potential) to do it, assuming that nothing prevents him or her from doing it, then such act will definitely contain in itself at least a certain degree of completeness and thus of actuality (taking into account that in order to achieve an end a person might need to do a successive number of acts each of which might have a certain degree of actuality and all of them are necessary steps to achieve the end). Here the difference in degree of actuality might be associated also with the difference in acting capacity, in power to exercise rights (thus, there are some who have a full power, some who have limited power, and some without any power); nevertheless, in this case one can speak of a reasonable degree of actuality of an act in general. In the ideal of human rights the communion of the ideas of rights and equality entails a necessity of equal powers to exercise rights in order to actualize the ideal of rights, to make it real. This unfortunate stumbling block, however, prevents one from an affirmation of actuality of the notion of human rights.

In this context, the very fact of military conflicts immediately denies the basic rights of life, security, and possessions of the population exposed to these conflicts. Since the entire world is subjected to military conflicts, to speak of equal rights of human beings is unreasonable. Thus, the degree of actuality of the notion of rights never extends beyond particular societies, which by implication negates the communion between the ideas of rights and equality, and thus suspends the notion of its actuality and universal applicability. In this sense it is impossible to ascribe an essential being to it. It seems that there might

not be any definite object behind an ideal.\footnote{Here one might question whether this distinction is artificial as ideas of practical reason and ideals are apparently the same. The Kantian example of the distinction between the idea of wisdom and the ideal of a wise man does not give much clarity on the subject. The distinction seems to point out to the fact that the idea of wisdom stands for the universal while the ideal of a wise man for a particular. Kant explained it using a juxtaposition of \textit{in concreto} and \textit{in individuo}. However, if the idea of wisdom or of virtue can be presented to imagination \textit{in individuo} (in an example of a wise or virtuous person) and thus the ideal here can be fully determined by idea alone, the notion of human rights could hardly take such determination for the reason of its complexity (as the idea of rights here communicates with the ide of equality); thus we cannot speak of an ideal of ‘an equal and rightful person’. Nevertheless, the notion of human rights, in all its complexity, is an ideal. Moreover, the idea of human rights embraces the entire humanity, which again can hardly be presented to imagination in an individual form.}

The ideal of human rights is in no way transcendental (in a sense that it is ingrained into human consciousness or is innate to it), nor is it taken from an empirical reality. It is a product of human intentionality, which has its historical origin. It is a historically generated ideal. It had emerged by the eighteenth century. In order for it to be actualized in reality, the ideal of rights and the ideal of its equality ought to be backed up by equality of powers, which allow these rights to be executed. Is that task in any way visible in the realm of historical reality? It seems that most human beings are now striving for it, without being able to make it real because, using Kantian language, the natural limitations creep in and corrupt the product, which never achieves its degree of perfection.

The question of universality or universal applicability of human rights poses another problem. If human rights are of natural origin, universal essentials, which are properties of human nature, then the universality of human rights is secured. However, if the notion of human rights is an ideal, the question of who internalizes this ideal arises and its universality can be measured on this basis. Here we are no longer in the realm of a natural law. Rather, it is a question of moral law, a law of causality of free agents.

Here reason changes the transcendent use of reason into immanent use so that reason is itself, by means of ideas, an efficient cause in the field of experience. Here the problematic notion of freedom (as posited by speculative reason) obtains
objective reality, though practical only.\(^8\)

Human consciousness takes an idea as a regulative principle for itself and thus an idea becomes an ideal. As Kant notes,

Being necessary conditions of that which it commands to be made an object, they acquire objective reality: that is, we learn from it that they have objects, without being able to point out how the conception of them is related to an object, and this too, is still not a cognition of these objects; for we cannot thereby form any synthetical judgment about them, nor determine their application theoretically.\(^9\)

Thus, an ideal entails a possibility of a socially constructed (objective) reality, made by human beings, or actualized by them in a particular historical environment (which is always contingent).

An ideal is properly attributed to the sphere of ethics. However, the concept of rights has a different origin. We speak of the concept of rights as a juridical principle, as distinguished from philanthropic or ethical principles. It is clear, however, that as ethical principle it might not acquire a full degree of actuality, while, as a juridical principle, it must do so. Nevertheless, speaking of the notion of human right, it is clear that as of today, it does not have any juridical authority as such (an international law); rather, some particular rights are reflected in the legal decrees of particular countries. On the level of international law, however, human rights do not have an obligatory function but suggest a following of minimal requirements. Such is the *Universal Declaration of Human Rights*, which prescribes minimal standards to avoid what is terrible rather than to achieve the best. For this reason some scholars define them as negative rights. Thus, if the notion of human rights remains purely ethical ideal it cannot possess universality; it can acquire a universal status only by the universal legal decrees. However, there are no such

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\(^9\) Ibid., 40
decree known to us as of today. Declarations cannot be considered as
that which has a legal status. Thus, the question of universality of the
concept of human rights cannot be answered affirmatively. It might only
have a relative degree of universality or universal applicability, accepted
by some (may be by the majority) but not by all.

The question of the content of human rights poses another difficulty.
What Locke defined as rights (life, possessions, and security) seems to
be unacceptable these days in its scope. Contemporary society seems
to intend to make it more and more inclusive, adding to the existent
list of rights, yet new rights. There are numbers of classifications of
human rights that seem to compete with each other. The major issues
are associated with minorities (sexual, ethnic), women, children, and
other issues.

It seems to me that the ideal of human rights itself does not provoke
as much irritation to Orthodoxy (except for its secular language and
individualistic orientation) as the question of its content. The Church
strongly opposes any attempts to justify rights (of ordination to the
priesthood) of sexual minorities and women, and other issues. This
opposition is necessitated by the policies of the Russian Church, which
do not allow for the ordination of sexual minorities and women to the
priesthood. Overall, I should say that as of today, there is no agreement
on the matter of the content of the concept of human rights. This ideal
remains ambiguous and open-ended. Thus it is always possible to
accept a general notion of rights without accepting some parts of its
content.

Now I can assume that the key message implied in the notion of
human rights refers to dignity and freedom of a human person. John
McGuckin10 noted that the development of the semantics of personhood
is one of the greatest achievements of Orthodoxy, which replaced the
ancient understanding of individual human being as a representative
of a species of humanity, and affirmed an absolute value of each

individual human being as possessing the divine capacities (capacities of Deification - Theosis). Taking into account that the ideal of human rights is a child of the eighteenth century, and thus may be considered as a certain novelty, I can pose a question whether it is compatible with the Orthodox theological concept of person in general and with Orthodox ethics in particular.

First of all, we can easily dispose any version of the notion that claims human rights to be natural conditions of humanity, as it seems philosophically invalid. However, speaking of the notion of human rights as an ideal, as a certain combination of ethical imperatives that arise out of a certain apprehension of a human person as an image of the divine (or, using secular language, as something which is of an absolute value), it seems that this ideal can indeed fit into the Orthodox understanding of person.

It seems, however, that it is impossible to establish proper boundaries of the notion of human rights (delineating its content) and thus make it a well-defined concept. Therefore, I will not attempt to speak of it as of something definite, something that has its proper boundaries (and thus refers to a particular subject), but rather assume its significance, though in its loose sense.

Speaking of the Orthodox concept of person, this is an extremely complex subject, which cannot be fully exposed in the scope of this article. However, here are some key points of this concept. In Orthodox thought a human being is said to be made as an image of God. Moreover, human beings possess a capacity of deification, of becoming gods as a consequence of the assumption of human nature by Christ. As Irenaeus and Athanasius expressed it: ‘He became man so that we all can become gods.’ In addition, human beings are said to be co-creators, participants in the divine creative powers. Ultimately, this capacity is associated with human intentionality, with a power of creating a new, socially constructed reality that does not follow natural patterns but rather has its own teleology as it is posited by consciousness. Here, the subject of a free volition and intentionality is a crucial matter that
allows for an understanding of the Orthodox concept of person. Here in hypostatic being, ideas or logoi, essential universals that represent actuality of being as nature and serve as prototypes of created things, are no longer external objective realities, which set up natural patterns for the created universe. Here, they become internalized, transformed into internal realities of a person, his or her ideas, making him or her an image of God the creator. Here, again, reason changes its transcendent use into an immanent use so that reason is itself, by means of ideas, a cause in the field of experience. What is more, human beings have the capacity of generating new mental patterns, ideals which they attempt to actualize in socially constructed reality. This is the way human beings participate in creation.

In this sense, the notion of human rights as an ideal that sets a practical goal of transformation of societal reality (toward its humanization) is compatible with the Christian concept of person and poses no challenge to Orthodoxy; rather, it expresses the very core of the Orthodox concept of person. There is, however, one significant difference: namely that the Orthodox concept of person places a complete actualization of the person (total degree of actuality) in the Kingdom of God while the ideal of human rights locates it in the world of occurrences, of contingent matters, which entails an impossibility of its complete perfection, or, in other words, its low degree of actuality.

Under certain circumstances, the ideal of human rights can be debased and misused. Kant once said that “all practical principles which presuppose an object of the faculty of desire as the ground of determination of the will are empirical, and can furnish no practical laws.”11

Thus whenever a particular interest of a particular group is attached to an ideal, any particular wish or desire rather than a pure form of moral imperative, it immediately loses its purity and becomes subjected to various types of corruption. Anyone can use human rights language while pursuing his or her particular interests, or group interests. In this case, the

ideal of human rights becomes a means of achieving particular unrelated (to the ideal of human rights) goals or securing particular interests, which have nothing in common with the ideal itself. Thus, the ideal becomes inflated, loaded with other unrelated attachments and thus debased.

The Russian Church uses an example (among other examples) of proselytism, which finds its apparent justification in the right of religious freedom, but in reality represents an ideological agenda, totally alien to the notion of human rights. Thus the use of the notion of human rights by one group of Christians as a means of achieving certain missionary activities among another group of Christians whose churches participate in the World Council of Churches and whose baptismal, eucharistic, and ministerial practices are affirmed as valid, ultimately defeats the purpose of the ideal of human rights, inflates it, and finally creates a very suspicion of the language of rights.

On the contrary, if it remains subjected to some higher spiritual values there is less chance that it can be misused; rather it can help to facilitate an achievement of some higher religious goals, the sanctification of humanity, let us say, its deification, and so on. In this case, the ideal of human rights can receive definite boundaries and a definite content. Moreover, what is more important, human rights acquire a proper ontological status as essential universals, ideas of the Divine mind, and thus acquire universal validity and applicability. In my opinion, this is how we should understand the entire message of the Russian Church on the subject of human rights—not as a complete rejection of this ideal, but as its gradual internalization, an adjustment of this ideal to the doctrinal foundation of Orthodoxy. It is as a movement toward the incorporation of the ideal purified from all unrelated interests (attachments) into the Orthodox philosophy of person.

An understanding of the message of the Russian Church on the subject of human rights that insists on the total rejection of the notion of rights by the Russian Church is thus incorrect. Any attempts to justify such position by making references to the rejection of particular elements of the content of the notion of human rights (say, the rights
of sexual minorities, in whatever way a particular person understands this issue, or to any particularities of the notion of rights), are based on invalid reasoning. The question of content, which is open-ended, refers to that which reflects cultural particularities and thus cannot be universally accepted by all, while nothing can prevent all (or most of all) to accept an ideal as such (and the most commonly accepted elements of its content), as an ethical regulative principle.

Thus, the proper reading of the message of the Russian Church regarding human rights takes into account the compatibility of the Orthodox concept of person and the notion of rights. Such reading affirms the notion of human rights as an ethical regulative principle that should direct human will in social interactions. In addition, being subjected to higher religious values, this ideal is affirmed as being capable of facilitating an achievement of the ultimate ends of Orthodoxy (such as the sanctification of humanity, its deification, and its other religious values). Therefore, there is nothing that can prevent an Orthodox Christian from the complete acceptance of the ideal of rights in so far as this ideal functions as a regulative principle of social interactions and promotes ideas of human dignity and freedom.

Further Reading:

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12 These cultural particularities are, nevertheless, subjects of change.