

## **Christianity and Human Rights: An Introduction - Cambridge University Press 2010**

A new book edited by Emory University's distinguished law and religion scholars, John Witte, Jr. and Frank S. Alexander, explores Christianity's contribution to the development of basic human rights in the West. The following is an excerpt from Witte's introduction to the book.

### An Emerging Human Rights Hermeneutic

A number of religious traditions of late have begun the process of reengaging the regime of human rights, of returning to their traditional roots and routes of nurturing and challenging the human rights regime. This process has been incremental, clumsy, and controversial -- at times even fatal for its proponents. But the process of religious engagement of human rights is now under way in Christian, Islamic, Judaic, Buddhist, Hindu, Confucian, and Traditional communities around the world. Something of a new "human rights hermeneutic" is slowly beginning to emerge among modern religions.

This is, in part, a hermeneutic of confession. Given their checkered human rights records over the centuries, religious bodies have begun to acknowledge their departures from the cardinal teachings of peace and love that are the heart of their sacred texts and traditions. Christian churches have taken the lead in this process—from the Second Vatican Council's confession of prior complicity in authoritarianism, to the contemporary Protestant and Orthodox churches' repeated confessions of prior support for communism, racism, sexism, fascism, communism, anti-Semitism, and other systemic violations of human rights.

This is, in part, a hermeneutic of suspicion, in Paul Ricoeur's famous phrase. Given the pronounced libertarian tone of many recent human rights formulations, it is imperative that we not idolize or idealize these formulations. We need not be bound by current taxonomies of "three generations of rights" rooted in liberty, equality, and fraternity. Common law formulations of "life, liberty, or property," canon law formulations of "natural, ecclesiastical, and civil rights," or Protestant formulations of "civil, theological, and pedagogical uses" of rights might well be more apt classification schemes. We need not accept the seemingly infinite expansion of human rights discourse and demands. Rights bound by moral duties, by natural capacities, or by covenantal relationships might well provide better boundaries to the legitimate expression and extension of rights.

This is, in part, a hermeneutic of history. While acknowledging the fundamental contributions of Enlightenment liberalism to the modern rights regime, we must also see the deeper genesis and genius of many modern rights norms in religious texts and traditions that antedate the Enlightenment by centuries, even by millennia. The Western tradition knew "liberty long before liberalism"<sup>1</sup> and had human rights in place long before it fought democratic revolutions in their name. We must retrieve these ancient sources and reconstruct them for our day. In part, this is a return to ancient sacred texts freed from the casuistic accretions of generations of jurists and freed from the cultural trappings of the communities in which these traditions were born. In part, this is a return to slender streams of theological jurisprudence that have not been part of the mainstream of the religious traditions, or have become diluted by too great a commingling with it. In part, this is a return to prophetic voices of dissent, long purged from traditional religious canons, but, in retrospect, prescient of some of the rights roles that the tradition might play today.

And this is, in part, a hermeneutic of law and religion. A century of legal positivism in the Western academy has trained us to think that law is an autonomous discipline, free from the influence of theology and the church. A century of firm laicization and strict separation of church and state have accustomed us to think that our law and politics must be hermetically and hermeneutically sealed from the corrosive influences of religion and belief. An ample body of new scholarship has emerged, however, to show that law and religion need each other, and that institutions like human rights have interlocking legal and religious dimensions. Religion gives law its spirit and inspires its adherence to ritual and justice. Law gives religion its structure and encourages its devotion to order and organization. Law and religion share such ideas as fault, obligation, and covenant and such methods as ethics, rhetoric, and textual interpretation. Law and religion also balance each other by counterpoising justice and mercy, rule and equity, discipline and love. This broader understanding of the interaction of law and religion has particular pertinence understanding human rights.

To provide an accessible introduction to this vast topic of “Christianity and Human Rights,” this book analyzes the foundations of rights talk in the first millennium and the gradual development of rights ideas and institutions within the mainline Catholic, Protestant, and Orthodox traditions. We also address several modern human rights themes and issues that are of central importance to persons of (the Christian) faith today.