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Introduction

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Abstract

Two generations after the proclamation of the Universal Declaration of Human Rights, there is a need to evaluate what has been achieved when it comes to discussions on human dignity and human rights in terms of their foundations and applications. This issue of the Interdisciplinary Journal for Religion and Transformation in Contemporary Society addresses this task from the point of view of theological ethics and religious studies. Part One of this collection provides a solid foundation for defining human dignity and promoting human rights. Part Two demonstrates how this foundation can be applied to current and pressing ethical, legal, and theological issues confronting humanity, by addressing four exemplary issues (homosexuality, gender, migrants, and climate change). Combined, these essays point a way forward for the ongoing development of a comprehensive, comprehensible, consistent, and credible definition of human dignity and human rights and their role in addressing ongoing ethical, legal, and theological issues.

Keywords

human dignity – human rights – theological anthropology – theological ethics – religious studies

The drafting and proclamation of the *Universal Declaration of Human Rights* (UDHR) by the United Nations in 1948 is widely recognised as a monumental achievement with far-reaching consequences and implications across a wide spectrum, from legislation, politics, and international relations to ethics, economy, and ecology. While the shock and horrors of the Second World War provide the context that largely explain why there was a need for such a document in the post-war years, those horrors certainly do not diminish its import, but are instead making the UDHR even more relevant against that background. Thus, in the post-war years for the first time in its history, the world managed to set a standard, based on the concept of human dignity and human rights, against which conduct of individuals, organisations, institutions, and even governments could be evaluated. From that point on, the discourse on human rights became one of the dominant forces that shapes the public forum debates, partly due to its perceived universality and ability to traverse the boundaries of specific cultures and religious traditions in widely understandable and relatable terms and partly due to the discourse's particularity that recognizes and appreciates diverse cultural and religious contexts. This particularity prevents human rights discourse from becoming a purely formal exercise.

As the 20th century progressed, the Catholic Church also recognised the importance of affirming and promoting human dignity and human rights. Despite its torturous history of engagement with these realities, this recognition was not only opportunistic, but actually reflected an insight that the affirmation of human dignity resonates deeply with the Gospel narrative. By re-examining normative sources, Catholic theologians were, thus, able to ground the notion of human dignity in the tradition to which they belong and to draw out the logical and ethical implications of this newly formulated hermeneutical principle for Church teaching and practice. While the monumental accomplishment of that generation of Church leaders and theologians is certainly recognised by the current generation, it is equally clear that the task is far from complete.

1 Aim of the Volume

Contributing to that task, this volume identifies and addresses two focal points for discussion. First, from its very beginning and despite its achievements, the discourse on human rights and the normativity of its outcomes have been beset with theoretical and practical challenges. Taking these challenges into consideration now, two generations after the proclamation of the UDHR, there is a need to evaluate what has been achieved when it comes to discussions on

human dignity and human rights in terms of their foundation and application. Furthermore, it is beyond doubt that the context in which human dignity and human rights are discussed has shifted radically during these two generations. This fact is not only worthy of attention in its own right, insofar as it generates new challenges for discourse on human rights, but it also raises a more fundamental question of the sufficiency of that discourse as a framework for meeting those challenges. Second, one of the insights that emerged or was at least confirmed through theological engagement with the notion of human dignity is that Church teaching is in a constant state of development. By recognising the importance of the discourse on human dignity and human rights, the Church has committed itself to promoting them and, thus, incorporating them also as foundational concepts in the development of its own teaching with far reaching consequences.

The first focal point of this volume, the foundational character of human dignity and human rights, is hinted at already in the *Preamble* of the UDHR: "[R]ecognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,"[1] which is then partially reasserted in its first article: "All human beings are born free and equal in dignity and rights."[2] In both of these statements, the foundational role of human dignity and human rights is emphasised, but neither statement explains why human dignity and human rights have this role and the relationship between them, nor is such an explanation provided anywhere else in the document. What is clear, nevertheless, is that the UDHR assumes that there is at least some kind of relationship between human dignity and human rights. In addition, most people assume that human dignity is foundational for human rights in the sense that the latter are somehow derived from the former, although the UDHR does not explicitly affirm this last claim,[3] nor do those who assume it often provide a detailed account of this relationship.

Making such assumptions becomes even more problematic when one compares the UDHR with some other important human rights documents. For instance, the *European Convention of Human Rights* does not mention human dignity at all, while the *Geneva Conventions of 1949* makes a distinction between "violence to life and person, in particular murder of all kinds, mutilation, cruel

1 UN General Assembly, *Universal Declaration of Human Rights*, preamble.

2 UN General Assembly, *Universal Declaration of Human Rights*, article 1.

3 The claim that "these rights derive from the inherent dignity of the human person" is however affirmed explicitly by the UN General Assembly, *International Covenant on Civil and Political Rights*, preamble.

treatment and torture" and "outrages upon personal dignity, in particular, humiliating and degrading treatment."[4] The latter statement, thus, portrays (personal) dignity not as foundational to human rights and, therefore, violated when human rights are violated, but as a separate requirement for people to be treated with respect, i.e., with dignity. This suggests that there is a need to clarify the notions of human dignity and human rights by attending to various traditions of thought that seem to underly them. Several essays in this volume grapple with this indispensable task of setting human rights discourse on sturdier ground as a preliminary step to addressing new challenges.

The second focal point of this volume shifts the attention to several new challenges that confront the Catholic Church and theology under the premise that the discourse on human dignity and human rights is a legitimate and perhaps even a foundational framework to address such challenges. Although this volume limits itself to four such issues (homosexuality, gender, migrants, and climate change) and does not pretend to be exhaustive, its immediate goal is to illustrate insights that emerge from recent discourse on human dignity and human rights on issues that have been addressed either within different theological-ethical frameworks or largely ignored. The pursuit of this immediate goal, however, raises a more fundamental question of the possibility of a fruitful dialogue at the crossroads of two traditions – human rights discourse and Catholic theology – and whether this dialogue can make Catholic moral teaching more consistent, coherent, and accountable, especially on sexual and gender ethical issues. While certain theological perspectives might be dismissive of such fundamental concerns of public accountability and coherency, claiming that the allegiance and accountability of the Church and theology lie (exclusively) elsewhere, those perspectives are becoming progressively harder to maintain. One significant factor compounding this difficulty might be precisely the human rights discourse that the Church supports not because it is fashionable, but because it resonates with its own tradition. Consequently, ignoring the implications of this discourse as irrelevant, even for the Church's internal issues, is unacceptable. These and all issues ought to be approached in the spirit of the Gospel and, therefore, indirectly, in accordance with human rights.

2 Workshop

In order to discuss and reflect on these issues, an expert workshop, entitled *Going beyond the Imago Dei Paradigm? Theological Perspectives on Human*

4 International Committee of the Red Cross, *The Geneva Conventions of 12 August 1949*, article 3; Rosen, *Human Dignity*, p. 58–61.

Dignity, was organised by the Department for Theological Ethics of the Institute of Systematic Theology and Ethics of the Catholic Theological Faculty of the University of Vienna, Austria in June 2019. The two-day workshop brought together several prominent English and German speaking theological ethicists, who have dealt extensively with the issue of human dignity and human rights in their work from various perspectives and starting points. The workshop deliberately avoided following the typical structure of academic conferences in which long papers are read and discussion is kept to a minimum. Instead, all participants were asked to prepare short papers well in advance and to read the contributions of all the other participants before the workshop so that the two-day meeting could focus on critical and constructive discussions.

When the workshop ended, the participants were asked to expand their short papers into essays, incorporating ideas and perspectives that emerged during the discussions. The essays in this volume represent the fruits of that process.

3 Structure

The volume consists of two parts with six essays in the first part and four essays in the second part. *Part One* opens with Antonio Autiero's essay *Human Dignity in an Ethical Sense. Basic Considerations*. The author recognises the fact that there are multiple approaches or paradigms underlying the notion of human dignity and that the notion itself is ancient. This prompts Autiero to explore and offer an overview of what he considers to be the most relevant paradigms – ontological, ethical, and theological – in order to arrive at an anthropological reading that brings out the value of the concept of human dignity in three dimensions: as individual subject, as holistic being, and as self-transcending being. In this reading the author recognises most clearly the potential of the concept of human dignity to inform a kind of critical thinking that strengthens the practices of recognition and emancipation.

Sigrid Müller's essay, *Dimensions of Human Dignity in Christian Tradition*, picks up on Autiero's claim that the theological paradigm is composed of different aspects, and sets out to investigate what might be pertinent within that long tradition for the contemporary discourse on human dignity and human rights. By identifying four main dimensions of the contemporary notion of human dignity – anthropological, moral, legal, and practical dimensions – Müller sharpens the lenses through which she looks at the Christian tradition and examines how they relate to the two main Christian lines of interpreting human dignity, namely the *imago Dei* paradigm and the dignity of the human soul or person paradigm.

The traditional readings of the notion of *imago Dei* that Müller explores is complemented by an alternative reading of that notion in James F. Keenan's essay, *Linking Human Dignity, Vulnerability and Virtue Ethics*. Keenan's intention is not to deprecate or deny the validity of traditional readings, but to bring out the dimension of vulnerability as a capacity that he believes to be firmly rooted in the notion of *imago Dei*. In the next step, the author shows the foundational importance of vulnerability for virtue ethics that is oriented towards praxis and right responsiveness to contemporary challenges related to human dignity. That praxis, Keenan suggests, can be further strengthened by including the essential virtues of humility, vigilance, mercy, and hospitality.

In her provocative essay, *Human Dignity or Social Contract as Normative Frameworks in Applied Ethics?*, Maureen Junker-Kenny reflects further on Autiero and Müller's anthropological and ethical paradigms that underlie the notion of human dignity. By juxtaposing the transcendental understanding of human dignity, linked to the notion of *imago Dei*, with the empirically verifiable understanding of human dignity, linked to the theory of social contract, Junker-Kenny points out the insufficiency of the latter in terms of going beyond the legal prohibition of instrumentalising others and towards supporting and promoting their well-being. She then sketches how the notion of human dignity is treated in various approaches within theological ethics and rejects the temptation, present in some approaches, to reduce theological anthropology to ecclesiology. Instead, she urges theological ethics "to argue with reasons that can be understood also by fellow-humans without a faith commitment" in order to avoid "framing problems in terms of identities in competition."

Precisely this problem of "identities in competition" is what captures the attention of Peter G. Kirchschlaeger in his essay *Human Dignity and Human Rights. Fostering and Protecting Pluralism and Particularity*. The universality of human rights, he argues, demands ethical justification, insofar as it introduces some limitations resulting from duties. He finds this justification in the argument that human rights protect and foster plurality and particularity, allowing each human being to be unique and autonomous. Nevertheless, there is a tension and a potential for conflict or competition between the universality of human rights and particularity of religious traditions and worldviews. That tension, the author argues, ought not to be ignored or seen as negative, but can instead contribute to the development of thicker accounts of human dignity and human rights within particular traditions through a process of adaptation.

Finally, the *Part One* concludes with Richard Amesbury's essay, *Beyond "Christian Human Rights": Simone Weil on Dignity and the Impersonal*, which expresses some reservations concerning the dominating role that the discourse on human rights has in contemporary society. It can even be seen as

a critique of KIRCHSCHLAEGER's notion of adaptation as a model of structuring the relation between human rights discourse and various worldviews and religious traditions. AMESBURY takes issue with the claim that the human rights project offers something altogether different in kind from other religious and political projects and that it ought to, therefore, receive a different treatment than these other projects or have a privileged role in relation to them. AMESBURY also picks up on JUNKER-KENNY's observation of the danger of a purely procedural notion of human rights, but instead of following the latter in proposing a thicker account of human dignity, he draws attention to the work of Simone Weil and her provocative idea that the defence of the person lies finally in the impersonal.

Turning to applied issues, the *Part Two* opens with TODD A. SALZMAN and MICHAEL G. LAWLER's essay, *Human Dignity and Homosexuality in Catholic Teaching: An Anthropological Disconnect between Truth and Love?* Their essay raises and addresses the question: what does it mean to respect the human dignity of homosexual persons within Catholic teaching? Although the Church affirms the dignity of each human being, including homosexual persons, the authors demonstrate that this affirmation can sound hollow or even promote blatant discrimination when it is not implemented in various aspects of the Church's moral teaching or policy platforms. These aspects include Church teaching on the meaning of human sexuality – homosexual orientation is considered objectively disordered – and the Church lobbying for legislation preventing same-sex civil unions and adoption by homosexual parents, and promoting employment discrimination based on sexual orientation and gender identity.

A similar problem on the Church's approach to human dignity is detected in TINA BEATTIE's essay, *Human Dignity and Rights in the Context of Gender and the Sacramental Priesthood*, but this time in the area of the Catholic Church's gendered ontology and its teaching on women's inadmissibility to the Sacrament of Holy Orders. BEATTIE does not argue, of course, that universal human dignity ought to somehow underlie women's right to ordination within the Catholic Church, but she draws attention to an analogous concept of baptismal dignity and its pertinence for the issue of ordination. In light of baptismal dignity, the author argues that the refusal to allow women to be ordained is based on the form of essentialised sexual difference that is inconsistent with its baptismal sacramental theology.

While these two essays reflect on human dignity and human rights as they pertain to internal issues the Catholic Church struggles with and where it regularly takes a more conservative stance, KRISTIN HEYER's essay, *Migrants Feared and Forsaken: A Catholic Ethic of Social Responsibility*, addresses one

of the many issues within Catholic social teaching, generally characterised by a more open and socially transformative stance. The issue of migration, as Heyer demonstrates, is a case in point and allows her to draw on the significant resources of Catholic social teaching to criticize standard paradigms for analysing migration and a related neglect of structural injustices, with the potential to significantly restructure the way migrants are perceived and treated.

Finally, Richard Miller's essay, *Climate Change, Catholic Social Teaching, and Human Rights*, provides an excellent overview of a topic that is, unfortunately, still either situated on the fringe of the human rights discourse or completely neglected. Miller traces some of the reasons that underlie this disturbing state of the discourse, given the potential implications of climate change on a wide spectrum of human rights, and argues for including a stable climate system on the list of basic human rights.

In sum, *Part One* of this collection provides a solid foundation for defining human dignity and promoting human rights. *Part Two* demonstrates how this foundation can be applied to current and pressing ethical, legal, and theological issues confronting humanity. Combined, these essays point a way forward for the ongoing development of a comprehensive, comprehensible, consistent, and credible definition of human dignity and human rights and their interrelationship to address ongoing ethical, legal, and theological issues.

Bibliography

International Committee of the Red Cross: "The Geneva Conventions of 12 August 1949", https://www.icrc.org/en/doc/war-and-law/treaties-customary-law/geneva-conventions/overview-geneva-conventions.htm (date of last access: 03.04.2020).

Rosen, Michael: *Human Dignity: Its History and Meaning*. Cambridge, MA: Harvard University Press, 2012.

United Nations General Assembly: "International Covenant on Civil and Political Rights", https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx (date of last access: 03.04.2020).

United Nations General Assembly: "Universal Declaration of Human Rights", https://www.un.org/en/universal-declaration-human-rights (date of last access: 03.04.2020).