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Human Rights and the Orthodox Church

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What is the meaning of the term “human rights”?

The adjective “human” attributes something to all humans in general. “Rights” belong to each human individually, unconditionally and without exceptions. Each individual existence, being human, is a bearer of rights.

The word “right” refers to the claim-demand of an individual, a claim which is made possible by some commonly accepted (and therefore mandatory for all) code of law. The code of law (“social contract”) assures that the right is a *legal*, i.e. mandatory upon all, individual claim.

The legal (by codes of law) safeguarding of the individual rights is a fundamental attribute of Modernity. It is theoretically grounded on the philosophy of the Enlightenment (end of the 18th century). The notion of right has been known in the West since the Middle Ages, even if it is unclear when exactly the term was first used. However, in the Middle Ages, the rights concerned specific individuals or specific social classes. The radical innovation of Modernity lies in the fact that Modernity made rights “human”, i.e. common to all humans, without discriminations.

The protection of human rights became the symbol of modern western civilization. Together with the adoption of advanced technology, the undertaking of the legal commitments (international treaties) for the protection of individual rights is considered in the modern world as the proof of a civilized society. Of course, the countries that have signed these international treaties and have integrated them into their own legal system are not always consistent with the obligations to which they have been committed. Human rights are even less respected in the field of international relations and the strategies of the Great Powers.

This means that the protection of human rights remains a *moral* problem. And morality always and immediately begs the question: who and with what authority defines morality, who commits people to obey to its rules? Is it God and His law, as expressed by the religious institutions? With such a view, the European West lived (in the so-called Middle

Ages) a very negative historical experience. The religious ethics became linked, in the consciousness of people, to situations of social injustice, tortures, arbitrariness, nightmarish punishments, ideological terrorism.

The Medieval experience led Modernity to the polemical rejection of any metaphysical grounding of Morality and Right. The denial of *Metaphysics* encouraged the absolute affirmation of *Nature* (Physics). The idea was that normative principles and rules of Justice should not be deduced out of the hypothetical "Law of God", which was arbitrarily handled by religious institutions, but by the logic of the laws of nature which was objective and controllable.

Man is by nature a logical existence; reason is a natural characteristic of everyone. Consequently, we would be able to deduce non-native moral principles from the logical definition of the common good and interest. Of course, provided that every person would be committed, by his own will, to the common (natural) logic, this person would responsibly accept the conditions of the "social contract".

This is how the notion of "Natural Right" penetrated Modernity with an astonishing growth of domains and sectors. With it came also the idea of a "natural" right for every "natural" person prior to social, class, economic or other differentiations. Religion was rigidly separated from social organization, thus becoming a personal matter; the separation of the "sacred" from the "secular" (Church and State) is nowadays considered as an institutional sine qua non of western societies. Of course, from the end of the 18th century already, in an atmosphere of enthusiastic affirmation of nature and rejection of metaphysics, the marquis De Sade had foretold that the logic of nature was not always benign and that, on the contrary, crime was inherent in man's biostructure. The horror of inhuman behavior, the complete destruction of any sense of individual rights, reached its culmination during the 20th century. Even today, when the global hegemony of the West is hailed as the triumph of the defense of human rights, practices of genocide, ethnic cleansing, slaughter of innocent people, torture, policing and censorship, even slavery, lie on the everyday agenda of the international arena. Suffices to recall the tragedy of the Palestinians, Kurds, Serbs, or northern Cyprus to realize that the West usually decides which people have human rights and to which people these should by definition be denied.

There is a crucial question, which specialists of human rights leave without answer. How and why Ancient Greece, which, in human history, created *politics* (both as "art" and "science"), as well as the so magnificent achievement of *democracy*, how and why Ancient Greece entirely ignored the idea of "human right". The same question could be asked about Roman Justice, which crucially influenced every new form of codification of

Right in Europe and which also ignored the notion of “human rights”. Should one conclude that Classical Antiquity, about which Europe is so proud, was indifferent to the protection of human life, honor and dignity?

I will try to give a short answer concerning Ancient Greece, because this is relevant to my main subject.

Ancient Greece’s radical innovation in human history was that it transformed simple *co-habitation* into the achievement of a *city*, that it transformed the necessary (for utilitarian reasons) collectiveness into an “exercise of truth”. The *city* is the state of social relations which results when the aim and axis of collectiveness is *metaphysical* and not utilitarian. This aim is the imitation of “what truly exists”, of the way of existence “according to the truth”, the way of incorruptibility and immortality. And this way is the “common” (i.e. universal) logic, the logic of harmony and order, which makes the Universe a *cosmos* (ornament).

The imitation of the community of relations “according to the truth” is the art and science of *politics*, of the way of transforming collectiveness into a city. This cannot be an individual effort or an individual aim; it is by definition a social event, a “common exercise”. The people who participate in this exercise are *citizens*: they share the supreme honor of realizing, by their life and their relations, “truth”, the mode of existence of “what truly exists”.

In Modernity, “individual rights” protect an individual from the arbitrary exercise of Power. But in Ancient Greece, the Power meant all citizens together (the *demos*)— the “State” (power) belonged to the *demos* (*democracy*). Every citizen “has reason and power”: from the moment that he is a *citizen*, he or she is by definition capable of holding any political office (this is why citizens were selected *randomly* and not elected).

Because a political function is “sacred” (it serves the truth), a citizen’s body is sacred too. In Ancient Greece, any bodily punishment of harm was unthinkable for a citizen (whipping, hitting, etc.); it was unthinkable to insult a citizen’s body. It was also unthinkable to have an executioner: Socrates, who preferred death to exile, drank hemlock by himself— there was no executioner to kill him.

One can therefore understand that the safeguarding of “individual rights” was entirely useless in the ancient Greek world— the whole idea was incompatible with the Greek version of politics. The honor of being a *citizen* provided much more privileges than those conventionally provided (through the civil code) by the protection of individual rights.

The ancient Greek paradigm helps us to understand the attitude of the Orthodox Church, (if we exclude the ideological “Orthodoxism” of our era and its institutional

representations) *vis-a-vis* the “human rights” issue. It is no accident that the first apostolic (created by the apostles of Christ) Christian communities, in order to express and reveal their identity and their specific difference from any other “religion”, borrowed from the ancient Greek *political* event the term “ecclesia”.

Similar to the ancient Greek “assembly of the people”, Greek citizens did not assemble primarily to discuss, judge and take decisions, but mainly to constitute, concretize and reveal the *city* (the *way* of life “according to the truth”) ; in the same way, Christians would not assemble primarily to pray, worship, and be catechized but mainly to constitute, concretize and reveal, in the Eucharistic dinner, the way of life “according to the truth”, incorruptibility and immortality: not the imitation of the secular “logic”, but of the Trinitarian Society of Persons, the society which constitutes the true existence and life, because “He *is* Life” (1.John 4.16). Participants to this ecclesiastical event, even robbers, publicans, prostitutes, or sinners, do not need to establish individual rights. Being a participant and a member of the body of the Church 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”.

This historical transformation of the ancient Greek political event into a Eucharistic body of the Christian Church has two basic consequences:

First consequence: the Greek political model was the historical flesh which realized and revealed the radical difference between *Church* and *religion*. The Church is an event and a way of communion between persons, a way of *love* i.e. freedom of the existence from nature, freedom from the physical limitations of time, attrition and death. On the contrary, religion is an individual event, subject to the natural need of every man to worship and to appease the unknown and transcendent,— it is an individual effort towards individual faith, individual virtues, individual justification, individual salvation.

In the first case (the Church) the individual identity is realized and revealed through self-transcendence and self-offering. This is the identity of what we call a *person*, i.e. an existence with an active creative otherness, which is the fruit of relations of communion, love, and freedom from the ego. In the second case (the natural religion and the *religionized* versions of Christianity in both West and East), the individual seeks his or her justification and salvation, the safeguarding of his egocentric metaphysical protection, through virtues, good actions etc.

Consequently, the opinion that, in European history, religious individualism preceded the egocentrism of a *religionized* (from Charlemagne and after) Christianity and became the cast of the absolute importance of individual rights in Modernity, is not arbitrary. When the tyranny of metaphysics was rejected, the aim of the individual metaphysical salvation was replaced by the aim of a secularized (legal) protection. And thus was born the

political system of the so-called “representative democracy”, which lies at the antipodes of the ancient Greek democracy (in the same way that the *religionized* individualized Christianity lies at the antipodes of the Orthodox Church).

The second consequence of the transformation of the ancient Greek political event into the eucharistic body of the Christian Church is the preservation and revealing of the difference between *metaphysics* and *ideology*: the various forms of “theocracy” have no relation at all to the ancient Greek politics as an “exercise of truth”, nor with the ecclesiastical realization of the image of the Trinitarian Communion. Theocracy is the use of metaphysics (as a supreme authority) in order to impose normative principles of behavior or aims of power by force upon the collectivity (ex. The Jihad of the Islamic tradition of the phrase “In God we trust” on every American dollar). But any use of metaphysics for secular aims transforms metaphysics into ideology, into a psychological illusions.

In the cases of ancient Greek democracy and of the Orthodox Church, the social event cannot become subject to ideological rules or aims, as its dynamic realization is an aim in itself. Relations that realize the communion of life are in both cases the unique objective of collectiveness, as they constitute the way of “that which truly exists” (even if this way refers to two different models).

Metaphysics are subject to ideology (leading to such phenomena as “theocracy”, “kingship by the grace of God”, papocaesarism, caesaropapism or fundamentalism) when they evacuate their *ontological* content (i.e. the question about existence, about the cause and purpose of being). Metaphysics without ontology serve individual psychology (the priority of individual feelings, sentimental “certainties”, “convictions” which protect the ego). And metaphysics borrow these psychological “certainties” and “convictions” from ideologies.

The well-known Samuel Huntington, in his famous book on the “Clash of Civilizations” (a book with astonishing inaccuracies and monumental interpretative arbitrariness), blames the contemporary societies whose culture has often been developed by the Orthodox tradition for their incapacity to assimilate the principles of the protection of individual rights. In his view, the difficulties of these societies to adapt to the current demands of western ideologies such as “pluralism”, or to the claim for “tolerance of differences”, is a result of this incapacity.

Certainly, the Orthodox ecclesiastical tradition ignores the idea of *collectivity* as *societas*, as a “bending together of individuals in the pursuit of common interests”. It ignores collectiveness as an arithmetic sum total of non-differentiated individuals, it ignores

human co-existence as a simple co-habitation on the basis of rational consensus, it ignores the ideal of societies of unrelated individuals. We have briefly seen the conception of the social and political event that is carried by the orthodox ecclesiastical tradition and the infinite value of the human *person* that this conception entails.

However, in the Orthodox bibliography, the understanding and respect for the principle of the protection of individual rights, which was introduced by Western Modernity, also exists. The *more* (a society or persons, the revealing of the personal uniqueness, otherness and freedom through social relations) does not invalidate or destroy the *less* (the legal, institutional and uniformed protection of every individual from the arbitrariness of Power). We Orthodox people acknowledge that the historical existence of such experiences as the Western Middle Ages prove that the protection of individual rights is a major success and a precious achievement.

Nevertheless, we would be doing violence to the historical memory and critical thought if, simultaneously, we did not recognize that, compared to the ancient Greek *city* or the Byzantine (and meta-Byzantine) *community*, the protection of human rights is a *pre-political* achievement. It is an undisputable achievement, but an achievement which has not yet attained (perhaps not even understood) the primordial and fundamental meaning of politics: politics as a common exercise of life “according to the truth”, politics constituted around the axis of ontology (and not self interested objectives).

The notion of “individual right” is not a mere production of the philosophy of the Enlightenment, a notion that is characteristic of the civilization of Modernity. In the present historical reality, the individual rights are the primary constructive material for the realization of the modern “paradigm”, our contemporary way of life. In the functioning of politics and economy, in “social struggles”, or in individual existential problems (like euthanasia), the notion of “individual rights” is pre-supposed as the self-evident criterion of any action, planning, or logical validity.

Parallel to that, a huge international bibliography points out and analyzes the undeniable crisis of the modern cultural “paradigm”. Scholars generally recognize the “historical end” of many fundamental coordinates of Modernity: the end of ideologies, the end of the parliamentary system, the end of rationalism, etc. And it is not just a theoretical speculation. Every citizen of the so-called “developed” societies has a direct everyday experience of the rapid decline and alienation of the fundamental coordinates of Modernity:

The commercialization of politics, their submission to the laws of publicity and the brainwashing of the masses, have literally abolished the “representative”, parliamentary system. Politicians do not represent citizens and their interests but the economic capitals of the electoral propaganda and the interests of fund providers. In the international

sphere, the networks of economic and political interests lead to a social corruption which increases dramatically through the immorality of the media and their functioning according to the “hype” and “readability”. The commerce of arms sustains wars and conflicts and the commerce of drugs destroys the youth. Faith in the rationalism of the “social contract” has collapsed long ago; only the logic of the antagonism of interests seems to prevail.

Symptoms of such a magnitude are never products of a mere moral decline; they are clear proofs of the end of a cultural “paradigm”. The “paradigm” of Modernity was grounded on the egocentrism of “human rights”. A communion-centered version, based on the protection of the human existential truth and authenticity might bear the arrival of a new cultural “paradigm”.

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Recent papers in Orthodoxy and Human Rights, Eastern/Western Church relations, Law and Religion. Papers. People. The possibility of a strong and similar relationship exists for the USG and the Orthodox Churches. Neither Roman Catholic nor Protestant, the Orthodox Churches are an enigma to the modern American mind as well as the American historical-cultural perspective. American culture is the result of a Protestant, semi-Calvinist, and anti-Catholic ethos that has contributed to a latent hostility to hierarchical religious institutions and a negative view towards history. The Russian Orthodox Church, to whose spiritual and theological tradition I belong, understands the soul in terms of the immortal essence of a human, that which comes from God in the synergetic act of conception of human life. This is a sacrament and a mystery, but we can speak of it in images. For Orthodoxy, specifically in the way that the Russian Church professes it, "personhood" is not essential in declaring value of human life, nor has it received a precise definition. Regardless of how the term "personhood" is being defined or whether a particular human is found to possess all or any of the characteristics of a person, the issue of the value of human life mostly avoids references to this term, and is seen in the context of the value that God places in the descendants of Adam.