Is there a God of Human Rights?

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Is there a God of Human Rights?

The Complex Relationship between Human Rights and Religion: A South African Case

by

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PREFACE

While the interim constitution, which contained a bill of rights, was being negotiated at Kempton Park in South Africa in 1993, on the eve of the crucial year of 1994 when South Africa's first democratic government under president Nelson Mandela took power, we conceived of a plan to research the relation between human rights and religion. Our motive was that what was happening in South Africa could be seen as a kind of experiment for global society: the dismantling of a racially qualified constitutional order during three hundred years of colonialism, segregation and apartheid and the establishment of a democratic constitutional order in a country characterised by a multi-ethnic, multicultural and multilingual population structure where the Western and African civilisations meet. More specifically the study was motivated by the revolutionary effect of the interim constitution, which replaced the principle of parliamentary sovereignty with the principle of constitutionalism based on a bill of rights on the one hand, and on the other by the powerful influence of religion that continues to permeate South African society. We decided to undertake an extensive historical and systematic study of the relation between human rights and religion generally, and of that relationship in South Africa in particular, by conducting an empirical case study of two large groups of grade 11 students at multicultural, Anglican and Catholic private schools and predominantly monocultural Afrikaans medium public schools.

The tasks and activities of such a multifaceted, historical, systematic and empirical research project were beyond the capacity of three authors, all of whom had a host of other tasks to perform in the areas of university teaching, research and administration. Hence we are grateful to many people who were there to advise us and offer practical assistance.

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Epiphany, 6 January 2004
The authors

INTRODUCTION

Human rights would appear to be an obvious principle for the political structure of relations within countries, as well as for the political structure of relations between countries, but they are not. Instead they are a contested issue. They not only serve as an ideological tool for groups pursuing conflicting interests. Often they are themselves a direct source of conflict, as may be seen from debates on the rights to non-discrimination, freedom of expression, privacy, religious freedom and cultural identity.

Human rights: individualism and collectivism, particularism and universalism

When one examines human rights on a global scale, one finds that these phenomena not only occur in all countries, but that the problems go far deeper and assume mammoth proportions. It boils down to two problems. The first is the following. Are human rights not characterised by a Western type of individualism which has eroded the traditional collectivism that prevailed in the premodern West and is currently threatening to erode, and is actually eroding collectivism in (large parts of) non-Western civilisations? To be sure, 'eroding' may be putting it too strongly, for this individualism – inasmuch as there is a polarity between individualism and collectivism – is not really a product of human rights. It is a result of economic and political processes, whereas human rights are the judicial translation and ideological legitimation of these processes. But in view of this one might ask whether they do not *contribute* to the erosion of the polarity between individualism and collectivism and hence to the erosion of various forms of solidarity in groups and communities.

The second problem is as follows: are human rights not characterised by a Western type of particularism with its own interests, values and norms, which under economic and political pressure are being disseminated all over the world as though it were the only politico-judicial system worth introducing universally? Are human rights not a perpetuation of Western hegemony by different means? If one pays any heed to representatives of other civilisations, one

cannot fail to discern noises of this nature. The Islamic world is resisting this (alleged) Western pressure, expressing it in religious terms by calling for re-Islamisation and insisting, as in the Cairo Declaration on Human Rights in Islam of 1990, that human rights should be interpreted "in accordance with Islamic Shari'a". This could lead to a different kind of exegesis than one is accustomed to in non-Islamic countries. African countries react to the (alleged) Western hegemony in secular terms and call their populations to join in an African renaissance. Again one might ask whether human rights are not assigned too much weight, since they do not themselves give rise to Western hegemony – at least not inasmuch as it amounts to a universalisation of Western particularism – but are actually the judicial translation and justification of processes that actually derived and derive from the economic and political spheres. And again one might ask whether human rights do not *contribute* to the erosion of the polarity between particularism and universalism, and hence to Western supremacy that results from it.

HUMAN RIGHTS AND RELIGION

But this book is not about these two problems per se. It deals with these two problems *insofar as* they relate to religion, more particularly the Christian religion. This compounds the problem, for the relation between human rights and the Christian religion is a contested issue in itself. One need merely dip into the history of both the Christian religion and human rights to discover that the relation between the two is fraught with great ambivalence. One could argue that the values of the Christian religion – following those of Judaism – constitute the moral basis of human rights, but the manner in which Christian churches actually dealt and (at least in some cases) still deal with human rights leaves little or no scope for an unqualified, wholly positive evaluation. Instead the churches display a mix of sometimes positive influence on human rights, sometimes – in some churches almost exclusively – negative influence, so that the overall outcome is suspended in a haze of ambivalence. Obviously this assessment is far too general and desperately in need of differentiation – which we attempt to provide in this study.

But if we take another look at the relation between human rights and religion in terms of the two problems we have outlined – erosion

of the polarities between individualism and collectivism and between particularism and universalism – one cannot but conclude that this is an area full of pitfalls that are difficult to avoid and in which one can easily be trapped. Indeed, the question that leaps into one's mind is whether the Christian religion has contributed – and if so, to what extent – to the imbalance in the polarities between individualism and collectivism and between particularism and universalism. Defining these problems is easier than solving them. A lot of historical and empirical research is still needed to unravel their complexity and to clarify their implications for different continents and countries and for different periods, right up to the present.

It would be sheer arrogance to attempt even a bash at resolving these problems in this study. We simply do not have the necessary historical and empirical data to do so. What we can do, however, is to interpret the two problems in such a way that they can serve as some fort of framework for the empirical research we conduct on a modest scale among a specific population in a specific country: a specific student population comprising grade 11 students, in South Africa, more specifically in the Johannesburg/Pretoria region. Our questions are the following: what effect does the Christian religion have on human rights in this student population and, more particularly, what effect do these students' religious attitudes have on their human rights attitudes? Can one discern a trend towards individualism rather than collectivism in this effect, and a trend towards Western particularistic universalism rather than complex, polycentric universalism?

Human rights and religion: a South African case

Why did we decide on grade 11 students and on South Africa? To start with the second question, the social revolution in South Africa since the release of Nelson Mandela in 1990 prompted this study, from several perspectives. From a global perspective the South African revolution put an end to the dominion of a white minority, analogous to the decolonisation process that had been taking place all over the world since the end of World War II. From a national perspective the revolution has brought a fundamental realignment of relations between South Africa's population groups, aimed at demolishing the almost symbiotic link between ethnicity and the economy,

so that white no longer inevitably goes with wealth, nor black with poverty. From a democratic perspective the revolution marks the start of a learning process in which the sovereignty of the people must find adequate expression in the principle of constitutionalism, the rule of law, the separate institutions of legislative, executive and judicial power, and other democratic institutions such as the franchise and a multiparty system. Finally, from a human rights perspective, the interim constitution of 1993 and its bill of rights, in the wake of which we started the preliminaries to our study, and the new South African constitution of 1996, especially the Bill of Rights in chapter 2, attest a new basis for South African society, in which the dignity of the human person is focal and the striving for freedom and equality is paramount.

Against this background it is easy to see why we settled for grade 11 students. These youths are the future of the new South Africa, its future leaders who have to take the actualisation of democracy and human rights further. They epitomise the generational chain: they are being prepared and moulded for their social function. If they do not display the required human rights attitudes and the necessary positive effects of their religion on these attitudes, then the future society will be the poorer and will end up in trouble in all the domains affected by human rights: the civil, political and judicial domain, the socio-economic domain and the domain of collective needs and interests. But if they have sufficiently positive attitudes towards human rights and their religion has a positive effect on these attitudes, this is bound to have an impact on the future development and well-being of South Africa.

The reason for investigating the effects of grade 11 students' religious attitudes on their human rights attitudes specifically in South Africa is that this country is still intensely religious. A study of this nature in a country where religion is a distinctly minority phenomenon would be pointless. True, the South African constitution observes a separation between church and state, evidenced by religious freedom, but this does not extend to separating religion from society. On the contrary, census data from both 1996 and 2001 indicate that the country is broadly influenced by religious aspirations (People of South Africa Census 1996, 1998; Hendriks 2000). Firstly, in 1996 74.1%, and in 2001 79.8%, of the South African population defined themselves as Christian. Not that those who define themselves as Christian necessarily see themselves as members of a Christian church,

certainly not of a mainline church. All mainline churches experienced a major rise in membership between 1910 and 1960 and a major drop between 1960 and 1991, while 'other Christian churches' – notably African Independent and Pentecostal churches – experienced marked growth in the 1980s (Goodhew 2000). Furthermore, in 1996 7.7%, and in 2001 3.8%, of the population belonged to other religions, especially Islam (in the southern provinces) and Hinduism (along the east coast). Lastly, in 1996 18.3%, and in 2001 16.5%, refused to answer the relevant question or were nonreligious. Refusal to answer the question could imply uncertainty about which church or religion to choose. It could also be that the information was considered too private – partly on account of (experienced or anticipated) reactions from the environment – and that was why these respondents refused to declare their belief. The fact that a fairly large group of the aforementioned 18.3% in 1996 and 16.5% in 2001 may have considered themselves nonreligious or refused to answer the question is not surprising. Some of them would be members of the secularised, westernised, agnostic and religiously indifferent elite; others would belong to those traditional communities (individuals and even whole tribes) who have ceased to believe in their own traditional myths and ritual practices (Metogo 1997).

This book, then, is about the effects of grade 11 students' religious attitudes on their human rights attitudes. But that is not all. We are also interested in possible difference in these effects between various groups of grade 11 students. Initially we wanted to conduct our research among four different groups: grade 11 students at Anglican private schools, Catholic private schools, English medium public schools and Afrikaans medium public schools. In the first phase of our survey project, the 1995/1996 period, we managed to do so, but in the second phase, the 2000/2001 period, we could not as a result of a change of policicy by the Gauteng ministry of education, as will be explained in chapter 7. We were able to maintain the comparative structure of our research, but it had to be confined to determining similarities and differences between two student populations: grade 11 students at multicultural, Anglican and Catholic private schools (abbreviated to multicultural schools) and grade 11 students at predominantly monocultural, Afrikaans medium public schools that have always maintained close ties with the Afrikaans Reformed churches (abbreviated to: monocultural schools). Here our

question was whether there were discernible difference in the effects of religious attitudes on human rights attitudes among students at multicultural schools and those at monocultural schools. Are the positive effects greater among the former group (multicultural Anglican and Catholic schools) or in fact less than among the latter group (monocultural schools, related to the Afrikaans Reformed churches)?

Naturally two of the three authors of this book, Jaco S. Dreyer and Hendrik J.C. Pieterse, are directly concerned about how South African students regard human rights and religion and what the relation is between them: they are South Africans born and bred, they live and work there; their lives are bound up with South Africa's lot, and they are concerned about South Africa's destiny and that of its children and grandchildren. But the third – in fact the primary – author, Johannes A. van der Ven, is no less concerned, albeit indirectly. As a distant descendant of the mid-17th century Dutch, who – after the arrival of Jan van Riebeeck and his *burghers* at the Cape in 1652 – permitted the Dutch East India Company, a multinational before the event, to go its colonising way, he is bound up with one of the country's languages and cultures and shares their historical responsibility.[1]

STRUCTURE OF THE BOOK

The book comprises three parts. Part I and II explore the frame of reference we referred to earlier: the polarities between individualism and collectivism and between particularism and universalism. Part I deals with the tension in human rights between individualism and

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[1] The official name of the Dutch East India company, which existed alongside other East India companies in other countries, like the British and the Swedish East India Companies, was *Generale Vereenichde Geoctroyeerde Oostindische Compagnie* (abbr.: VOC). It originated from a merger between similar companies in two states of the then Dutch Republic (*Republiek der Verenigde Nederlanden*), Holland and Zeeland, and was chartered by the government (*Staten-Generaal*) in 1602 so as to wield a monopoly in the trade of spices, tea and materials like cotton and silk, as well as certain powers in the commercial, military and political fields. Although a private company financed by share issue, it could enter into trade contracts in the name of the *Staten-Generaal*, build forts, buy and sell slaves, declare war and sign peace treaties, especially with indigenous peoples: sovereign rights that are normally the prerogative of the state (Van Gelder 2003, 163–164). The territories the VOC conquered from the indigenous peoples in South Africa, the Khoi and the San, where the Dutch *burghers* were to live, were not a Dutch colony but the colony of a trading company (Terreblanche 2003, 153–156).

collectivism in the overall context of a deliberative democracy, including opinion formation and will formation for the sake of the development of a human rights culture. Part II deals with the tension in human rights between particularism and universalism, with special reference to the influence of the Christian religion on this tension, both historically and systematically. We shall see that the two polarities are distinct but not separable, since they constantly overlap. The difference is one of emphasis rather than of two strictly separate areas. In this frame of reference Part III focuses on the empirical study of the effects of the grade 11 students' religious attitudes on their human rights attitudes. There it will be evident that the effects could be either positive, negative or ambivalent, while it could also be that the two sets of attitudes have nothing to do with each other, resulting in zero effect.

As we have said, in Part I the is accent on the antinomy between individualism and collectivism. We do not dismiss the charge of Western individualism, for even though Marx may have been exaggerating when he claimed that human rights were inspired purely by bourgeois self-interest, he certainly hit on an important aspect. Instead of offering a direct defence of human rights against this charge, we delve a little more deeply by showing that human rights in themselves are not individualistic but relate to the social constitution of the human being. This is explained with reference to the concepts of reciprocity, mutual recognition and perspective exchange (chapter 1). At the same time we want to show that human rights are not a kind of bludgeon citizens' can use to get even with society with a few well-directed swipes. They are far rather a fragile social instrument, not only to promote the freedom of individual human beings by liberating them from foreign domination and oppression, but also to promote equality between people in order to enhance their solidarity. Human rights are a fragile entity because they function in the framework of a deliberative democracy and provide its basis, while deliberative democracy itself is under constant fire from the systems of the economy and state bureaucracy (chapter 2). So fragile an entity is human rights that it requires ongoing, punctilious nurture. That is why we often refer to the need for an adequate human rights culture and why we conduct concrete empirical research into our grade 11 students' human rights attitudes as a necessary condition for such a culture (chapter 3).

In Part II the accent is on the antinomy between particularism and universalism. Again, we do not dismiss the charge of Western imperialism but examine it in the framework of the following question: how can the universalistic claim inherent in human rights be harmonised with the fact that different peoples in the their different contexts have diverse needs and interests and want their (human) rights developed in terms of these? Western countries have tended to ignore this, as witness the hegemonic way in which they have sought to impose their interpretation of human rights on non-Western countries in the recent past, in the process hypocritically turning a blind eye to certain dictatorships out of economic and/or political self-interest. Such imperialistic behaviour by Western countries turns human rights law into hegemonic law (*hegemoniales Recht*), and hence into corrupt law (*korruptes Recht*); it also remains a particular form of colonial law (*Kolonialrecht*), albeit using different means (Brunkhorst 2001, 614–626). But it is equally apparent that non-Western countries increasingly tend not to yield to Western pressure, and are busily engaged, in a coalition context or otherwise, in following a course of their own. Thus, following the Vienna Declaration on Human Rights of 1993, an Asian critic of the West commented: "For the first time since the Universal Declaration was adopted in 1948, countries not thoroughly steeped in the Judaeo-Christian and natural law tradition are in the first rank" (quoted in Huntington 2002, 196–197).

Because the universalism proclaimed by the West often conceals Western hegemony and this political hegemony often went (and probably still goes) hand in hand with religious hegemony, we devote necessary attention to the problem of religious, and more specifically Christian, hegemony. It is a complex issue with many exegetical problems in regard to the biblical sources of the moral tradition on which the human rights movement partly draws. The question is whether or not the biblical sources contribute to religious imperialism, or should we differentiate more subtly between biblical texts (chapter 4)? But the problem also entails historical complexities, such as the natural law tradition referred to in the quotation from the Asian critic: we argue that the natural law tradition had (and still has) an ambivalent effect when it comes to human rights (chapter 5). In addition there are systematic issues, such as basing human rights on the principle of human dignity and whether or not this principle is linked with the Judaeo-Christian theme of the creation of

human beings in the image of God. Is this link rightly considered a necessary basis of human rights, and if so, does that not make it a sign of religious imperialism? To our mind this is one reason for severing the link, at any rate in public debate where one is dealing with a plurality of religions and world-views, but without detracting one iota from its importance as an abiding feature of the Christian religion (chapter 6).

This permits us in Part III to conduct our empirical research unshackled. It is not a question of what religion, in this case Christianity, should contribute to a human rights culture and human rights attitudes, but of what actual effect religious attitudes have on human rights attitudes, on the premise that these effects could be positive, negative or zero (chapter 7). Just as we classify attitudes towards human rights into civil and political rights, socio-economic rights and collective rights, so we make a distinction in the area of religious beliefs on the basis of certain fundamental themes in the Christian religion. These are taken from the fundamental symbolism that readers encounter in every myth and story in the Bible, which has formed the basis of the Christian religion through the ages, which permeates it through and through, and which has acted as a formative power in Christian civilisation, both in the West and, later, in sub-Saharan Africa: the symbolism of creation, alienation and salvation. We break down this symbolism into four themes: God, the alienation of evil, Jesus, and salvation. Thus we deal with them in sequence. First we study the effects of the students' belief in God on their human rights attitudes (chapter 8). Then we investigate the students' attitudes towards the evil of violence and examine whether they function as a trigger for human rights (chapter 9). Next we deal with the imitation of Jesus and research its consequences in the perspective of human rights (chapter 10). Lastly we turn to the theme of salvation and study its relevance as a source of human rights (chapter 11). To these we add two other themes: Christian communities and interreligious interaction. We want to know to what extent Christian communities, comprising both transformation-oriented and conservative Christians, have a positive, negative or zero effect in the field of human rights, for Christian communities could be influential when it comes to the values and norms underlying human rights (chapter 12). Because of the hegemonic impact that Christianity had and may still have, we include the theme of interreligious interaction

in our empirical study: does Christianity still adopt an imperialistic stance, that is, do our students adopt an imperialistic stance vis-à-vis other religions, or are they open to taking an impartial perspective and engaging in dialogue? That is why we include the theme of interreligious interaction as a contribution to human rights (chapter 13). The book concludes with a chapter based on its title, *Is there a God of human rights?* The conclusion elaborates on this title by asking the more specific question: *which God, of which religious attitudes and whose human rights?* This question allows adequate scope for a differentiated answer (chapter 14).

GOALS OF THIS STUDY

The goals of this study can readily be inferred from the foregoing. They can be categorised as direct and ultimate goals. The direct goal has to do with the scientific relevance of the study, the ultimate goals with its social and ecclesiastic relevance.

Direct goal
I. To acquire scientific knowledge about the effects of religious attitudes on human rights attitudes;

Ultimate goals
II. To contribute to a human rights culture in society at large within a deliberative democracy;
III. To contribute to a human rights culture in religious communities, with a view to the diaconal service they have to render in society at large;
IV. To contribute to a human rights culture in religious communities with a view to promoting human rights within these communities.

The Authors
The first author, Johannes A. van der Ven, wrote the text of part one, part two and part three. Part three is based on empirical research by the three authors, and is a substantial reworking of earlier articles by the authors. Together the three authors critically discussed the text of the whole book.

PART ONE

HUMAN RIGHTS

INTRODUCTION TO PART ONE

Anyone who reads the text of the South African constitution for the first time, starting with the preamble, is immediately struck by the dramatic character of the events under the apartheid regime that it describes. The carefully honed text reads as follows:

> We, the people of South Africa,
> Recognise the injustices of our past;
> Honour those who suffered for justice and freedom in our land;
> Respect those who have worked to build and develop our country; and
> Believe that South Africa belongs to all who live in it, united in our diversity.
> We therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic, so as to –
> Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
> Lay the foundations for a democratic and open society in which government is based on the will of the people and every citizen is equally protected by law;
> Improve the quality of life of all citizens and free the potential of each person; and
> Build a united and democratic South Africa able to take its rightful place as a sovereign state in the family of nations.
> May God protect our people.
> *Nkosi Sikelel' iAfrika. Morena boloka setjhaba sa heso.*
> *God seën Suid-Afrika. God bless South Africa.*
> *Mudzimu fhatutshedza Afrika. Hosi katekisa Afrika.*

Who can fail to notice the anger, pain and sorrow at oppression and humiliation underlying these words? Who can fail to be emotionally moved by the cry for justice and freedom expressed here, and by the faith in democratic values, social justice and fundamental rights? Who can fail to be struck by the firm, fixed resolution it expresses to free the potential of each person, to undertake effective nation-building and give the Republic an entrenched position in the family of nations?

After these dramatic but restrained words of the preamble comes the actual text of the constitution. As an expression of the principles of both a libertarian and an egalitarian state, it is one of the finest, most progressive constitutions in the world. It is lauded, nationally

and internationally for consciously and explicitly drawing on the best that international human rights law has to offer, and for being a product of meticulous analyses of comparative law. It is also acclaimed for the fact that its creation contributed substantially to the peaceful transition from a white apartheid regime to a democratic state since 1994. This political fact has been called the zenith of the human rights movement.

The constitution entails a total break with South Africans' constitutional experiences since 1909 (Union Constitution), 1961 (Republic Constitution) and 1983 (Tricameral Constitution), as it establishes an entirely new constitutional dispensation. Parliament is no longer sovereign, modelled as it was on an adaptation of the Westminster paradigm, distorted by discrimination and racism, in terms of which the imperial parliament surrendered all but dictatorial powers to the executive and the de facto exercise of the legislative function by the cabinet. Now the executive is bound by the new constitution, as this is the definitive and founding charter of the South African nation and the expression of the nation's contract with itself: the nation has agreed to be bound by it.

The constitution rests on a moral belief, which is ultimately based on the principles of human dignity, freedom and equality. This moral belief is nourished by a centuries old Christian tradition, its political translation and critical application in political thought and its implications for the secular order. While the principles of human dignity, freedom and equality – primarily that of human dignity – form the moral basis of the constitution, it is sustained by certain other values as well, as indicated in section 1. These are human rights, non-racism and non-sexism, the twin concepts of the supremacy of the constitution and the rule of law, and lastly universal adult suffrage, a common national voters' roll, regular elections and a multiparty system of democratic government. While these values have universal meaning and can be encountered in the constitutions and laws of all modern states all over the world, they are also articulated in specific forms such as indigenous narrations, concepts, rituals and behaviour, especially the idea of *ubuntu*, which the epilogue to the interim constitution of 1993 refers to. *Ubuntu*, which can be translated with 'humaneness', is described by J. Mokgoro as follows: "While it envelops the key values of group solidarity, compassion, respect, human dignity, conformity to basic norms and collective unity, in its fundamental sense it denotes humanity and morality. Its

spirit emphasizes respect for human dignity, marking a shift from confrontation to conciliation" (Devenish 1999, 12). All these values are aimed at ensuring human dignity, freedom and equality in a political system in which accountability, responsiveness and transparency are focal. These values are so crucial that section 1 of the constitution, where they are recorded, can be amended only by a special majority of 75% of the members of the National Assembly and at least six of the nine provinces in the Council of Provinces.

Human rights, first mentioned in section 1 of the constitution and referred to in section 7 as the cornerstone of democracy in South Africa, are further amplified in the Bill of Rights in chapter 2 of the constitution – another sign of the epoch-making break with the apartheid constitution, which never had such a bill of rights. The factual, sober phraseology conceals the tragic mistake made by the apartheid regime when it paid no heed to worldwide developments in the field of human rights at the time. Human rights started at a rudimentary level way back in the Magna Carta in 1215. It certainly was not a charter of the rights of English citizens, since it addressed only the baronial class in order to provide legal remedies for specific grievances. Still, it contained a stipulation that no free person shall be arrested, imprisoned, expropriated, exiled or in any way ruined except by the lawful judgment of his peers or by the law of the land. A few centuries later, in 1589, came the Treaty of Utrecht (*Unie van Utrecht*), in which the predominantly Protestant Netherlands joined forces against the rule of Catholic Spain and claimed the rights to freedom, freedom of conscience, freedom of religion and resistance; two years later, in 1591, a declaration of independence from the Spanish king (*Plakkaat van Verlatinge*) was proclaimed, on the basis of the same rights, of which one of the founding fathers of the USA, John Adams, later said that their spirit made the two republics so much alike that they seemed like replicas of each other (Witte 2000, 18). A century later, in 1689, came the English Bill of Rights, which did not enjoy the status of fundamental law but was an ordinary act of the 'convention' parliament of Westminster. Another century later, in 1776, after a ferocious and bloody revolutionary war, the American Bill of Rights was issued, and in 1789 the French Declaration of the Rights of Man and of the Citizen. In 1948, with the birth of the United Nations in the wake of World War II, the General Assembly adopted the Universal Declaration of Human Rights. And in 1966 the historic rise of both

African and Asian nationalism and the decolonisation process it entailed led to the creation of two international covenants: the international Covenant on Civil and Political Rights and the international Covenant of Economic, Social and Cultural Rights. Meanwhile Europe united in a European Convention for the Protection of Human Rights and Fundamental Freedoms in 1950 and, after the two international conventions, the Americas issued a combined American Convention for Human Rights in 1969, which the African countries endorsed in the African Charter of Human Rights and Peoples' Rights in 1981.

But the South African apartheid regime remained tragically blind, deaf, even antagonistic to all these developments, the outcome of a globally supported expression of the political philosophy of human rights in a concrete bill of rights. The new constitution says nothing about this tragic mistake and even the preamble makes no issue about it, probably so as not to cause unnecessary division and disrupt the process of reconciliation, of which the constitution is a sign and an instrument. The writers of the constitution had had enough of the suffering, oppression and injustice caused by the apartheid regime, evidenced by the dramatic but restrained wording of the preamble.

The text of the bill of rights is couched in general terms, which is a feature of all bills of rights in constitutions all over the world. This is necessary, for two reasons. The first is that the constitutionalism implicit in the whole text of the constitution and especially in the bill of rights should be seen as a dynamic concept and practice, which historically has proved amenable to diverse interpretations and applications and to this day is approached from different angles. It is a composite principle, deriving from various historical philosophies and practices in different countries like England, the Netherlands, America and France, from where they spread all over the world to different contexts and civilisations with their diverse cultures and religions. In certain eras and contexts some ideas were dominant and others remained marginal; in other eras and contexts the position was reversed. Hence it is wise to reject "any strict definition of constitutionalism", as "constitutional history is usually the record of a series of oscillations" (Devenish 1999, 17). The second reason is that the constitution, including the bill of rights, is the founding charter of the South African nation, which has to be worked out in many laws or in the spirit of which existing laws should be assessed, eval-

uated, reviewed or repealed. It provides a broad framework, in which existing and new laws have to be assigned their rightful place. In fact, the terms are so general because they have to permit flexible application in the many and varied situations in which people find themselves in changing times.

This gives the text of the constitution, and especially that of the bill of rights, a rhetorical and hence variously interpretable character. Some say that this condemns it to vacuity, which representatives of the black population accepted as a compromise in the constitutional talks so as to exploit it to their advantage at a later stage. Thus it is said that the whites (the erstwhile National Party or NP) got a constitution that enshrined all the (Western) rights and liberties they needed to preserve the economic and political status quo, while the blacks (the African National Congress or ANC) successfully demanded the Constitutional Court, which was duly authorised to interpret the constitution and expound it with a view to transformation (Mutua 2002, 126–153). True or false, the fact is that the text of any constitution anywhere in the world is general and hence more or less rhetorical: this is an intrinsic feature of all constitutions and bills of rights, for the reasons we have given.

But that does not answer the question that concerns us in this Part I: do the generalisations and rhetoric not conceal a form of Western individualism that conflicts with the African communitarian thinking mentioned in the Introduction? Or could it be that the actual text of the bill of rights is free from Western individualism, but because of the generalisations and rhetoric it is open to interpretations and applications that play into the hands of Western individualism and thus promotes the Western market economy and capitalism? Is it not remarkable, one might wonder, that the theme of property (section 25) takes up three times as much space as that allocated to the two themes of housing (section 26) and health care, food, water and social security (section 27)? Do Western liberalism and individualism with their property claims not dominate, one might add, at the expense of (democratic) socialism with its focus on primary goods for the poor and the needy? In the constitution the rights to housing and health care, food, water and social security are rightly subject to 'progressive realisation': they cannot be accomplished all at once, but only step by step. And certainly any strategy other than that of gradualism is not realistic, wise or opportune. But the meaning of 'progressive realisation' remains vague, whereas the

stipulations about the right to property are much more concrete and detailed, as this section contains the rules for land reform, more particularly in relation to expropriation and compensation. Certainly this is one of the most contentious topics in South Africa at the moment, but the needs and interests of the people who live on the margins of society and lack the minimum core conditions of decent housing, food, water, sanitation, literacy, employment, education and health care are no less formidable a challenge. Do freedom and equality really go together in the bill of rights? Are libertarianism and egalitarianism truly balanced? Should there not be greater scope for affirmative action so as to realign the social relations that have been knocked out of kilter, without leading to a diametrical inversion of relations of power?

One even hears the view that countries, including South Africa, do not need either a constitution or a bill of rights at all. All the debates and conflicts about such texts are a waste of time, it is said, for it all boils down to symbol politics and the debates and conflicts are purely symbolic: texts are no more than texts, just pieces of paper. A bill of rights, the argument continues, does nothing to change the social status quo and may even militate against change. Besides, some constitutional sceptics and agnostics add, it may actually undermine other essential values like trust, care, love and sacrifice that unquestionably transcend any system of rights and obligations (cf. Sachs 1999; Ewing 1999; Kingston 1999; Smith 1999; Tushnet 1999; Mutua 2002).

In Part I of this book we look into these questions, directly and indirectly, from the perspective outlined in the Introduction. Our perspective does not entail building up a defence for the contested interpretation and application of human rights in terms of Western individualism. What we propose doing is to delve more deeply to see whether human rights must necessarily be understood in an individualistic manner – whether they can only be interpreted and applied individualistically. We shall argue that this is not so: our thesis is that on closer scrutiny human rights prove to embody the social constitution of human beings (chapter 1).

In addition, when human rights are viewed not only in terms of the tension between individual and community but are located in society as a whole, one finds that they in no way function as a weapon to serve the interests of individual, possessive Western citi-

zens and secure their rights. In a democratic society human rights are a fragile instrument to protect people in their life world against the striving for profit on the part of the economic system and the striving for power on the part of the bureaucratic government system. They are a set of fundamental values which, in a deliberative democracy whose foundation and orientation they are, must in a sense always be rescued from the jaws of money and power so as to respect human dignity and promote the freedom and equality they enshrine: equal freedom and free equality. That happens only if the players in the deliberative democracy – citizens in the sphere of opinion formation and parliamentarians in the sphere of will formation – are fully persuaded of the significance of human rights and go all out to cultivate them (chapter 2).

Developing such a human rights culture does not mean conserving a secure, safe global asset but requires an ongoing learning process, centring on critical appraisal of the way in which human rights come about and are codified, interpreted and applied. The appraisal conducted in the sphere of public opinion formation should lead to critically analytical, evaluative, synthetic and attestatory opinion formation. Synthetic implies that opinion formation always proceeds by way of argumentation, in which the reason or reasons advanced for a view are logically and substantively appropriate to the argument, and attestatory means that the view adopted remains valid only until such time as new information or insight is presented. An important point is that such a human rights culture cannot get off the ground unless human rights attitudes are entrenched in its proponents: these are a necessary condition for such a culture. That is why we research the human rights attitudes of our grade 11 students, whom we identified in the Introduction as the future leaders of South Africa (chapter 3).

THE SOCIAL CONSTITUTION OF HUMAN BEINGS AND HUMAN RIGHTS

One cannot and need not deny that human rights are of Western origin. It cannot be denied, because they are morally based on the Judaeo-Christian tradition and Graeco-Roman philosophy; they were codified in the West over many centuries; they have secured an established position in the national declarations of Western democracies; and they have been enshrined in the constitutions of these democracies. The fact that the Universal Declaration of Human Rights of 1948 was endorsed by virtually all countries in the world, including non-Western countries, does not detract from this reality, since the initiative for the Universal Declaration was mainly Western. Nor need the Western origin of human rights be denied, since the origin of institutions – in this case human rights – says nothing about their validity: the context of discovery should be separate from the context of justification to avoid the logical fallacy of a categorical error (Kao 2003).

It is interesting to note that the South African constitution of 1996 is also based on principles deriving from Western notions of democracy since the Enlightenment, such as constitutionalism; the rule of law, democracy and accountability; separation of powers and checks and balances; cooperative government between the national, provincial and local spheres of government; and devolution of power (De Waal et al. 2002, 6–25). The bill of rights can be traced to the Freedom Charter of 1955, which was compiled by the African National Congress (ANC, founded in 1912) and is permeated with the spirit of Western Enlightenment, as witness the many parallels with the American Declaration of Independence, the French Declaration of the Rights of Man and of the Citizen, and the Communist Manifesto – which does not mean that the charter is either capitalist or socialist in tenor, as Nelson Mandela explains in his autobiography *Long Walk to Freedom* (Mandela 1994, 203–296). More immediately the bill of rights in this constitution is inspired by the Universal Declaration of Human Rights of 1948, the European Convention

for the Protection of Human Rights and Fundamental Freedoms of
1950 and the African Charter on Human Rights and Peoples' Rights
of 1981. The application of the South African constitution, includ-
ing the bill of rights, was and is strongly influenced by Western
notions such as the so-called contextual approach, which conceives
of the history of South Africa as a 'grand narrative'. In this it was
inspired by the Canadian Supreme Court, whatever one may think
of the detailed (subjective, intersubjective, impartial, objective?) inter-
pretation of this 'grand narrative' (De Vos 2001).

   It is another matter, however, whether human rights, because of
their Western origin, are not so impregnated with Western individ-
ualism that they cannot rightly be called universal but in fact are
far more expressive of Western particularism. We have pointed out
that Western individualism in the interpretation and application of
human rights cannot be denied. In (possibly) demagogic fashion Karl
Marx argued that the freedom ushered in by the French revolution
and embodied in the French Declaration of the Rights of Man and
of the Citizen of 1789 was no more than the right of individuals to
pursue their own interests and increase their property; the equality
no more than the right accorded to all individuals to enjoy their
property egotistically; and the security no more than a guarantee
given by the police to protect these individual rights: "None of these
so-called human rights go beyond the egotistic individual" (Marx
1971, 194; our translation).

   Marx was not alone in condemning Western individualism in (the
application of) human rights. The debate on the Universal Declaration
of Human Rights of 1948 also contributed its share. On the one
hand the universal character of the declaration is focal, evidenced
by the fact that in its preamble it lays claim to universality by recog-
nising "the inherent dignity and the equal and inalienable rights of
all members of the human family". It posits that "the advent of a
world in which human beings shall enjoy freedom of speech and
belief and freedom from fear and want has been proclaimed as the
highest aspiration of the *common* people" and it proclaims this
Declaration "a *common* standard of achievement for *all* peoples and
all nations" [all italics in the original]. The Declaration is universal
not only because it was adopted by the General Assembly of the
United Nations on 10 December 1948 – two years later 10 December
was proclaimed Human Rights Day – but more especially because
its basic principles derive from (customary) international law, which

it in turn inseminated, as witness the International Covenant on Civil and Political Rights of 1966 and the International Covenant on Economic, Social, and Cultural Rights of 1966 (Dugard 2001, 240–242).

On the other hand, those who are familiar with the creation of the text of the Declaration know that most sections pertain to civil, political and judicial rights (so-called 'blue' rights) and that economic and social rights (so-called 'red' rights) were only appended at a later stage of the compilation process. And those who know the history of the two international covenants of 1966, both of which are legally binding – at least on states that ratified them – know that the initial plan was to compile just one covenant combining the two categories of human rights, but that as a result of 'Western opposition' it turned into two separate documents, so that states would have the option of ratifying each covenant separately and at different times, or of abstaining from ratification. That the West does not constitute a monolithic bloc is evident in the fact that the United States has always paid less attention to, and has been less interested in, socio-economic rights than West European countries (Scoble & Wiseberg 1981, 148). The United States defends this by claiming that only civil, political and judicial rights are genuine human rights and that socio-economic rights must be excluded, since they do not in themselves represent enforceable human rights (Van Genughten 1992, 7).

Even though one cannot deny a Western individualistic trend in human rights thinking, it does not mean that human rights are necessarily characterised by individualism and can only be interpreted and applied individualistically. In this chapter we shall posit and substantiate the view that human rights derive from the social constitution of human beings and seek to promote the social structure of human life.

In other words, in this chapter we try to reconstruct the universal orientation of communalism and collectivism in human rights from the perspective of the social constitution of human beings. If this orientation exists, we argue, cross-cultural research must reveal signs of it, for it would be false to assert the universal orientation of communalism in human rights when whole nations exist who prove the contrary. Hence cross-cultural research in this field may be regarded as a test. If the findings are negative, it puts paid to the alleged universality. As we shall see, cross-cultural research provides no 'proof' of this universal orientation, but it does point to an important mechanism residing and operating in human rights: the

mechanism of retribution. Retribution, we shall argue, may be regarded as the negative side of the more abstract mechanism of reciprocity, which itself has two sides: negative reciprocity and positive reciprocity (1.1). This mechanism in its turn is based on the principle of mutual recognition from which people derive their identity and difference both in interpersonal dealings at the micro level and in their relations in society at large, the macro level. Without such mutual recognition the development and actualisation of human identity and difference – which, as Hegel puts it, are dialectically interdependent – are in jeopardy (1.2). Mutual recognition, we shall argue, is protected and promoted by the law, on which modern democracy depends and of which human rights are the foundation (1.3).

1.1. RETRIBUTION AND RECIPROCITY

How do people consort with one another, what mechanisms play a role in their interaction, and do these mechanisms imply an individualistic or communal orientation? These questions were raised by some cultural anthropologists in the debate on how human rights may be reconstructed from interaction mechanisms. Because the tone of this debate was often highly speculative, ideological and even polemical, cultural anthropologists proposed tackling the problem on empirical lines. They advocated collecting empirical data to find out whether a universal, in the sense of cross-cultural, principle or principles of interpersonal and communal interaction could be found as a basis for reconstructing the very nature of human rights, or whether – as was argued – no such principle could be established empirically. It was not a matter of linguistic research, aimed primarily at determining whether different cultures in different contexts have words corresponding with what we call human rights. That would lead to a dead end. We cite an example from a different area: in their daily lives all human beings may be said to be able to operate from the perspective of the length, breadth and height of objects and to use different words and differently verbalised measures for these dimensions. This merely demonstrates linguistic diversity in this regard, but it leaves unquestioned the very fact that they unconsciously possess a common operational concept of three-dimensionality underlying the diversity. To pursue the analogy: the cultural-anthropologists did not look for human rights in terms of length, breadth and height,

but for the mechanism underlying people's unconscious interaction in daily life.

A cross-cultural approach: the mechanism of retribution

As our point of departure we take the cultural-anthropological work of Alison Dundes Renteln. Instead of a linguistic approach she opted for a morphological approach based on the following question: are there homeomorphic equivalents for human rights in other cultures (Renteln 1990, 11, 88)?

   In a systematic analysis of the extensive body of anthropological material that Renteln gathered in her research, which she explicitly presents merely as a case study, she identified the cross-cultural principle of retribution. It occurs among all sorts of early and contemporary population groups in Asia, Africa, North America, Latin America and Europe, albeit with different aspects. It also occurs in pre-biblical cultures, for instance in the code of Hammurabi, and particularly in the texts of the Abrahamite religions: Judaism, Christianity and Islam. The principle is based on the *lex talionis*: an eye for an eye, a tooth for a tooth. In applying the principle of restitution and compensation the rule of proportionality is commonly used, albeit not in all instances – Renteln cites three counter-examples in which that rule is lacking. The rule of proportionality stipulates that the damage inflicted on someone should be proportionate to the damage that party had done in the first place. The aim is to temper blood-thirstiness and revenge, to channel anger: only one life for a life – no more. It is meant to limit arbitrary killing and violence. The underlying idea is often that when retribution is effected between individuals and/or groups the imbalance is cancelled out, relations are restored, equilibrium is re-established, and the parties can once more deal with each other in a manner conforming to the situation before the offence was committed. Even the idea of possible forgiveness is mooted. From all this it may be inferred that the principle of retribution is fundamentally about respect for life and the preservation of life. Note that at this stage the anthropological research data do not permit us to consider the principle of retribution a universal principle, but only an extremely widespread cross-cultural phenomenon (Renteln 1990, 88–137).

   At the end of her project Renteln poses the question whether there is a connection between the principle of retribution and the

rule of proportionality on the one hand and human rights on the other. Her answer is that human rights can be reconstructed from this principle and this rule. But before attempting such a reconstruction, we need to broaden our scope from retribution to reciprocity.

A cognitive scientific approach: the principle of reciprocity

An important point for such a reconstruction is Renteln's use of the term 'negative reciprocity' in her interpretation of her empirical findings regarding retribution: one party inflicts damage because the other did so first. But by introducing the term 'negative reciprocity' one is implicitly invoking its opposite, 'positive reciprocity', which implies that good is requited with good and good deeds are rewarded – a theme that crops up in many cultures and religions. The two concepts, 'negative reciprocity' and 'positive reciprocity', in their turn refer to the generic concept of reciprocity, which takes us into an area of startling insights produced by recent developments in the cognitive neurosciences.

In studying interpersonal relations cognitive neuroscientists like Steven Pinker and sociobiologists like William Hamilton came across two empirical phenomena which they indicate with the terms 'kin altruism' and 'reciprocal altruism'. Kin altruism refers to the love, solicitude, empathy, sympathy and compassion that parents have for their children, children for their parents and siblings for each other, with a diminishing degree of self-sacrificing love. Parents are more self-sacrificing in their love for their children than children are towards their parents, and siblings are even less so in their love for each other. But each of the three groups is more self-sacrificing in their relations with each other than with people unrelated to them by kinship ties: friends, neighbours, colleagues, acquaintances, not to mention people who do not belong to their own group, community or nation: aliens. On this descending line self-sacrificing attitudes decline and the principle of reciprocity takes over – which does not mean that such reciprocity is totally absent from kinship relations (Pinker 1999, 425–520).[1]

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[1] The apparent self-sacrificing attitude is said to be merely on the surface, for underneath it the so-called genetically determined mechanism of kin selection operates. This might mean that the degree of self-sacrifice increases in accordance with

Be that as it may, relations with people who are not kin are manifestly marked by reciprocal altruism. Here the key factor is not love, which always entails some degree of self-sacrifice; it is not dominated by solicitude, which always transcends self-interest; and it is not ruled by empathy, sympathy and compassion, which always surpass one's own personal suffering and tragedy. What is focal is the reciprocity of giving and giving in return; inviting and inviting in return; believing the other's promise and insisting that the person keeps it; signing a contract and holding the other party to it. The overriding factor is the reciprocity of service and counter-service, favour and counter-favour, laughter and counter-laughter, claim and counter-claim, retaliation and counter-retaliation. The overriding factor, symbolically, is the reciprocity of voice and answering voice, word and response, sound and echo.

Emotions, too, are based on such reciprocity. Liking and joy are emotions one feels when one receives from the other what one gave them in the first place. Gratitude is felt when one sees that someone has made an effort on one's behalf that cost that person a great deal and greatly benefited oneself, without having rendered the other any prior service. Anger and indignation arise when one feels that one has been used, conned, humiliated, exploited by someone whom one has befriended. Shame is experienced when you do not do for the other what he or she has done for you and you feel caught out when the omission is exposed. Shame is a 'red emotion' of being seen against your will. Guilt is felt when you catch yourself not doing for the other what that person has done for you, which your own conscience tells you was to his or her detriment and counter to your own values and norms. When your conscience speaks, you withdraw white-faced: guilt is a 'white emotion' of being spoken to from within (Pinker 1999, 363–424; 2002, 241–268; cf. Frijda 1986; 1993).[2]

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the amount of shared genetic material (the greatest amount being in the relation between parents and children), because by helping relatives to survive, promote their fitness and so reproduce, one is passing on one's own genetic material or keeping it in the gene pool. In other words, underlying apparent kin altruism there is said to be 'the selfish gene'.

[2] For the difference between shame and guilt we deviate from Pinker (1999, 404–405) and follow Van der Ven (1998, 318–323).

1.2. Mutual recognition and perspective exchange

Where does reciprocity reside in human beings, what is its basis in human nature? More concretely: what is the basis of the aforementioned emotions that express either reciprocity or the lack of it, such as liking, joy and gratitude on the one hand and anger, shame and guilt on the other? Liking, joy and gratitude result when we feel that our needs and interests – and hence our persons – are recognised. Anger is felt when we realise we have not been recognised, but instead have been used, abused and exploited. Shame and guilt are the result of realising that we have not recognised the other person and are being shown up, either by others or by ourselves.

Mutual recognition

These cognitive-emotional processes of reciprocity operate on the basis of the principle of mutual recognition, which brings us to the crux of the theme in this chapter: the social constitution of the human being. No more classical an answer has ever been given than that of Hegel's analysis of the master and the servant.[3] In effect it says that people only realise their identity as human beings by recognising that identity in interaction with others, who in their turn only realise their identity when it is recognised by the former. In a truly Hegelian formulation: they recognise themselves as mutually recognising themselves (Hegel 1988, 129). But this glib formulation does not do enough justice to the principle underlying mutual recognition, namely the tension between identity and difference. The difference is this: in interactions between two parties each is conscious of his or her difference from the other. And the identity is this: in such mutual recognition of each one's different-ness both constitute their

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[3] Even though Hegel's idiosyncratic, hermetic conceptualisation often obstructs understanding, and even though today his ontological doctrine of the realisation of the objective mind in history and his notion of the state as the acme of that realisation can no longer be supported without serious qualifications, he did produce certain fundamental insights that have come to be regarded as part of our classical philosophical heritage. According to Rawls, Hegel, counter to leftist and rightist Hegelians, should be seen as belonging to – however odd it may sound – 'the Hegelian centre'. In 1820 he was wrongly considered a champion of the Prussian state and he is unjustly associated with German imperialism and the Nazis. He was a moderate liberal and a defender of the modern constitutional state (Rawls 2000, 352–353).

identity (Hegel 1988, 127–132). In other words, the constitution of the human being is not individualistic nor autarkic but social, being based on the dialectic of mutual recognition of identity and difference. To think that this is a kind of ideal image, remote from physical reality, that can only originate in the mind of a speculative philosopher is a mistake. To add cogency to his idea Hegel gives an incisive analysis of the master-servant relationship, which, in its asymmetry, appears to be a negation of his insight into the meaning of mutual recognition. The relationship is indeed asymmetrical, but only in the reverse direction, as Hegel's analysis shows. This means that the master suffers more from the asymmetry than the servant does.

To start with the master: he rules the servant, subjugates him, disregards his humanity, regards him as an object and uses him. But this entails a twofold negativity on the master's side. In the first place, by disregarding the servant, the master forgoes the possibility of authentic, free recognition by the servant, for enforced recognition prompted by obedience rather than freedom is worthless. Secondly, the master cannot disregard the servant absolutely and destroy him, for that would be the end of his mastery and enjoyment. In other words, the master needs the servant and is dependent on him, albeit only as a kind of tool, an object. Whereas the servant withholds his free recognition of the master, the latter owes the servant recognition of his existence, however one-sided and unequal that recognition may be. That the relationship between master and servant has a reverse side (*Verkehrung*) is evident in the situation of the servant, who experiences three things in his relationship with the master. The first is that he has withstood the fear of being killed in the war he participated in – he has been through a struggle of life and death, but has survived and that gives him self-consciousness and self-confidence, although he now lives the life of a servant.[4] Secondly, in his relationship with the master the servant experiences what it means to be free, conjuring up visions of freedom as a goal worth pursuing. Finally, the work he does in his relationship with the master reflects who he is and shapes his identity. The analysis of the master-servant relationship demonstrates the inversion, in this case

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[4] To grasp this analysis of the master-servant relationship one has to realise that Hegel is alluding to classical natural law from Aristotle to Grotius, according to which it was permissible to enslave those conquered in a just war and use them as servants.

perversion, of mutual recognition of identity and difference, although in this instance the asymmetry is less painful for the servant than for the master (Hegel 1988, 132–136).[5]

Mutual recognition at macro level Insight into mutual recognition of identity and difference powerfully influenced ideas on the social constitution of the human being. It can be seen as the core of what is known as the moral grammar of social conflicts. This grammar can be developed by transferring the principle of mutual recognition from intersubjective relationships to the social processes in society at large, thus linking the micro level to the macro level. Of course, such a transition from micro to macro level cannot be made as a matter of course, since at the latter level all sorts of macro-societal factors play a role, factors that do not feature at the micro level or merely influence it indirectly. Here, however, we are concerned only with the analogous operation of the principle of mutual recognition at both levels.[6] Like the processes at micro level, societal process are determined by the dialectic of mutual recognition and its inversion or perversion, hence by the dialectic of the emotions of esteem and self-esteem, such as joy and happiness, and those of humiliation and contempt, such as anger and revenge. Whereas the first set of emotions relates to satisfaction with the social status quo and its continuation, the latter set sparks a will to change society and leads to a struggle for recognition, as is convincingly demonstrated by the Frankfurt philosopher Alex Honneth (1994; 2000; 2001; 2003) and the Jewish philosopher Avishai Margalit (1999).

This struggle is primarily for cultural recognition, for the struggle for esteem and self-esteem is in the first place symbolic and therefore cultural, as is evident, for instance, in the struggle for recognition of cultural identity and diversity among social categories such as women, children and homosexuals, and social groups such as indigenous communities and other cultural minorities. This struggle

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[5] We do not go into the question of Fichte's influence on Hegel, nor whether Hegel stuck to his insight into the importance of mutual recognition, which stems from his Jena period, sufficiently in his later *Phänomenologie des Geistes*, from which the master-servant analysis derives, or whether this latter work should be seen as an abandonment (*Abfall*) of his work in Jena (Siep 1979; 1998; Wildt 1982; Honneth 1994).

[6] In forging this link one can invoke the fact that processes of mutual recognition at micro level, too, are always co-determined by macro factors (see the master-servant relationship in the framework of the just war).

is normative: the lack of recognition is considered wrong, unjustified and unjust; people demand the right to recognition. One might object that this leaves out of account a whole range of problems that society has to contend with in a globalising world, namely socio-economic problems. They manifest themselves not only in the northern hemisphere but even more acutely in the southern hemisphere. There millions of people have to live below the subsistence minimum of one dollar a day, which makes any differentiation between an objective and a subjective poverty line, as is customary in the North, pale into insignificance. Even more glaring is the fact that every year, leaving aside the aids pandemic, some ten million children between the ages of 0 and 5 die from curable diseases like diarrhoea, pneumonia and malaria, mainly in sub-Saharan Africa and India.

At all events, the core of socio-economic conflicts, too, is normative. Here, too, it is a struggle for recognition, to which the relevant groups claim on good grounds to be entitled but which is withheld from them, considering the degrading conditions under which they live. Extreme poverty, leaking shacks, unhealthy sanitation, illiteracy, child mortality and especially neglect of the aids pandemic: all this means a lack – in South Africa and elsewhere – of so-called minimum socio-economic core conditions, which constitutes a direct assault on their human dignity (Brand & Russell 2002). It almost seems as if the groups that suffer these things are removed from view, live invisibly, are not seen or regarded. Whereas the upper classes are seen, the underclasses vanish from sight even though they struggle to be seen as well (Honneth 2003). They are treated like second rate people or second class citizens, members of an underclass, *Untermenschen.* Once these things are experienced as wrong, unjustified and unjust in the struggle for recognition, the asymmetry can trigger movements for social transformation, protest movements and emancipation movements. What stimulates and provokes these is not just the cognitive insight that there is a perversion of mutual recognition but more particularly a moral conviction that protest and change are imperative (Fraser & Honneth 2003). This moral conviction in its turn stems from the normative ideal of freedom and equality that underlies the principle of mutual recognition. Following Hegel and Rousseau, who strongly influenced Hegel in this regard, one might say: "The struggle for recognition can find only one satisfactory solution, and that is a regime of reciprocal recognition among equals" (Taylor 1994, 50).

Perspective exchange

What psychological mechanism in the human psyche ensures such mutual recognition of identity and difference? What psychological mechanism is at work to make mutual recognition psychologically possible? George Herbert Mead, a representative of philosophic pragmatism in America in the first half of the 20th century, plausibly described this mechanism, indicated with the term 'perspective exchange', whose meaning becomes clear when one analyses human interaction. Let us first clarify the relevance of perspective exchange at micro level.

In interpersonal interaction at micro level various senses play a role, such as sight, smell, touch and taste, but a special role is reserved for the sense of hearing. Why? When a person converses with another, she not only hears him speaking but also hears herself – a reflexive act that is not feasible in the case of the other senses. When one sees, smells, touches or tastes somebody, one does not perceive one's own seeing, smelling, touching and tasting; but this does apply to speech: one hears oneself speaking. What does that signify? It signifies that in hearing oneself speak one makes oneself the object of one's own perception – a possibility which, as we have said, is excluded in the case of the other senses. It implies that 'I' can as it were watch 'me'.

This has major consequences for human communication, which distinguishes itself from the rest of human interaction in this listening to one's own speech as a special form of interaction. By making ourselves an object we are able to take into account how the speech we are uttering comes across to the other party, and what consequences this has or could have for the course of the communication, for we hear ourselves speak as the other hears us speak. In a sense we can put ourselves in the other's shoes or position, or – to use a more abstract term – switch our perspective and adopt the perspective of the other so as to grasp how that person receives the statements we make and what implications he or she associates or might associate with them. By so doing we can attune our speech to the other's wavelength, anticipate misunderstandings, consider and clarify them, amend and correct our statements. We can also explain and summarise the way we understand the other to understand us. We are able to understand, explain, sum up, augment and correct the way we understand ourselves through our understanding of the

other. The extraordinary thing is that the other, too, can make her own speech an object, thus enabling her to understand both us and herself via our understanding.

This represents the acme of what we might call human self-consciousness. It is not a monologic phenomenon, as though people are directly conscious of themselves and are directly present to themselves, as is argued in what is known as idealistic philosophy of consciousness, but a dialogic phenomenon, because being is founded in the social process of human communication: self-consciousness is essentially inter-subjective. Mead goes so far as to say that human communication as a social process logically and temporally precedes the self-conscious individual (Mead 1972, 186–192).[7]

Perspective exchange at macro level The mechanism of perspective exchange makes mutual recognition psychologically possible not only at the micro level but also at macro level. Again, this transition from micro to macro level is not unproblematic, because of the role played by macro-societal factors. Here, however, we are concerned only with the analogous operation of the mechanism of perspective exchange at both levels.

Mead's premise is that human communication does not remain confined to a conversation between 'I' and 'You', in which 'I' watch 'me' as well as the (expected) reactions of 'You' on 'me'. Nor is Human conversation restricted to conversations between 'I' and several separate 'You's': we also conduct innumerable communications with several 'You's' simultaneously – a group of 'You's' or groups of 'You's'. This can be illustrated with reference to Mead's analysis of the difference between play and a game. In play one deals with just one partner, as in an imaginary conversation between two children who play fictional roles, or even a child's conversation with herself, playing with an imaginary companion and acting two different

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[7] It seems more accurate to speak of the co-origination of individual and social process. After all, individuals do not exist without social processes, just as social processes do not exist without individuals; to express it logically, the terms cannot exist without the relations between them, as the relations cannot exist without the terms (Ricoeur 1992a, 200). Empirically two issues are important. Firstly, in child development there is a lot of meaning-generating interaction between parent and child – or, more broadly, between caregiver and child – in which, although the interaction is pre-linguistic, vocal utterances still play an important role. Secondly, empirical research has shown that as the child's linguistic capacities develop, perspective exchange happens and develops progressively (Hoffman 1993; Lazarus 1991).

fictional roles: doctor and patient, teacher and pupil, in which the child switches between her own perspective and that of the fictional other. In a game one deals with several partners simultaneously, as in soccer, which means that one must be ready to take the perspective of everyone else involved in that game: "He must know what everyone else is going to do in order to carry out his own play. He has to take all of these roles" (Mead 1972, 151). Mead calls this 'taking the perspective of the generalised other', that is to say, one takes the perspective of the group as a whole and allows it in anticipatory fashion to influence one's own action and speech. Put differently: 'I' identify 'me' with the group 'I' belong to and react to the group on the basis of the group's (anticipated) reactions to 'me'.

If one expands the horizon further, one gets the phenomenon of the various groups one belongs to. Then taking the perspective of the generalised other means adopting the perspective of all these groups, such as one's family, professional department, sports club, piano quartet, neighbourhood, city. Expanding the horizon yet further, one gets to the whole of society of which these groups are part. If we adopt the perspective of the generalised other in 'the game of society', it means that we take into account, in anticipatory fashion, the social projects or organised cooperative enterprises of our society and allow these to influence our actions. The psychological mechanism of perspective exchange in this case results in identifying with society and its constituent groups and internalising their values, goals and projects. In so doing one not only becomes self-conscious, as was seen at the micro level; by participating in so many groups with their various perspectives, including their mutual criticisms, one also becomes self-critical, since self-criticism is based on social criticism. But not just that, for the 'I' does not merge into its identification with society and its groups, because the 'I' is never identical with 'me' and the 'I' can thus distance itself critically and contribute in unconventional, creative ways to change and renewal of the groups and the society the 'I' belongs to.

1.3. Mutual recognition, law and human rights

So far we have underscored the meaning and importance of the principle of mutual recognition both at micro level and at macro

level, and have shown that the mechanism of perspective exchange operates in such way that it makes such recognition psychologically possible. Our next question is what this has to do with law and human rights. In other words: how can we reconstruct law and human rights in terms of the principle of mutual recognition? The term 'reconstruct' is important, for human rights cannot be logically inferred from a principle, but they can be reconstructed – retro-spectively, as it were – on the basis of a principle.

Mutual recognition

In the analysis of the relationship between master and servant we saw how greatly interpersonal relations can be perverted by asym-metry. And in our discussion of the principle of mutual recognition at micro and macro level we saw how lack of recognition can lead to the exploitation of entire groups and communities. It would seem that at both micro and macro level asymmetry is more common and more acute than symmetry. It also seems that recognition of the difference and identity of individuals (micro level) and groups (macro level) is trampled underfoot more often than their freedom and equal-ity is 'seen', respected and promoted.

Here freedom and equality are fundamental terms. They are not snatched from the air but are intrinsically linked with the principle of mutual recognition and with the dialectical tension that governs human life: that between identity and difference. The poles of identity and difference relate to those of freedom and equality in the fol-lowing manner. Recognition of identity and difference implies recog-nition of both A's freedom to actualise A's identity as different from B's and B's freedom to actualise B's identity as different from A's. That is to say, it is not just a matter of the freedom of both A and B to realise their identity, but also of equal recognition by both A and B of their freedom to be different from one another; if not, symmetry goes by the board. In other words: in such mutual recog-nition both parties have equal freedom to realise their difference and equal freedom to realise their identity.

Law

This descriptive-analytical insight may lead to evaluative insight into a moral obligation. For such identity and difference and such free-dom and equality – the outcome of descriptive analysis – are not

only worthy of recognition because they are rooted in the constitu-
tion of human dignity and in the human condition itself, which is
an evaluative statement. They also have to be recognised, because
human dignity is an end in itself.[8] The obligation this entails is not
imposed on people from the outside, because the duty emanates from
our very existence. People have a duty to recognise each other in
their identity and difference, in their freedom and equality. Even
more pertinently: by fulfilling this duty they do not realise a kind of
formal freedom, but liberate themselves to substantial freedom, as
Hegel (1955, 145) puts it in one of the key propositions in his *Grund-
linien des Philosophie des Rechts*, more specifically the theory of justice.

In his moral theory of law Hegel in one respects concurs with
Locke and Kant, both of whom, in highly divergent ways, may be
regarded as founders of human rights (Van Hoof 1994): he agrees
with both of them that law is based on the protection and promo-
tion of equal freedom for human beings, and of the conditions for
such freedom (Hegel 1955, 45; cf. Rawls 2000, 338). But his inter-
pretation of this freedom is essentially different from theirs.

Whereas Hegel puts the accent on the duty of A (in the first per-
son) and B (in the second person) to recognise each other, Locke is
concerned only with the first person. Whereas Hegel focuses on the
dialogical structure of mutual recognition between people, Locke –
according to Hegel – does not go beyond a monologic structure: he
confines himself to the freedom of the isolated individual and indi-
vidual self-preservation. Whereas Hegel's conception of freedom is
positive (i.e. recognition), Locke's is negative. It is a freedom that
may not be obstructed by any person or institution whatever, espe-
cially not by the state; it is a non-interventionist type of freedom, a
'freedom from' – unless one person's freedom infringes that of another,
in which case there is room for contracts and treaties.

Hegel's conception also differs from Kant's. Hegel, as noted already,
thinks in terms of dialogue between the first and the second person;
Kant, by contrast, sees the moral obligation in terms of the third
person, the impersonal he/she. That is because he is intent on uni-

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[8] The leap from a descriptive-analytical 'is' statement – "mutual recognition
implies identity and difference" – to a moral-ontological 'ought'-statement – "mutual
recognition constitutes a moral obligation" – is conscious and explicit, the evalua-
tive statement, "identity and difference are worthy of recognition" functioning as a
bridge between them.

versalising the neutral moral obligation: it is valid not because it stems from negative first person freedom (Locke), nor because it stems from positive first person freedom in dialogue with the second person (Hegel), but because it applies to each and every human being neutrally, irrespective of the real-life context and contingencies that determine people's day-to-day actions.

Hegel considers both Locke's freedom and Kant's freedom to be empty. Locke's freedom is empty because it is the negative freedom of an individual in the first person singular; Kant's freedom is empty because it is the neutrality of the third person plural and, in that sense, universal and divorced from the concrete life world of actual individuals and groups. These two concepts of freedom explain the pathology of present-day society, Hegel maintains: people are suffering from emptiness, from undefinability – the title given to his analysis in one of Honneth's books ("*Leiden an Unbestimmtheit*"). According to Hegel true freedom lies in a synthesis of the notions of Locke and Kant.

Hegel believes that such a synthesis may be achieved by transcending Locke's individualism in the first person singular and Kant's universalism in the third person plural and combining them at a higher level (Hegel 1955, 32–33). The synthesis is to be found in the equal freedom and free equality realised in the mutual, symmetric recognition of two partners, each speaking in the first person and addressing the other in the second person without introducing anyone else (a third person). In so doing each party recognises its difference from the other and thus they realise their own identities. Freedom consists in constituting the dialectic between the difference and identity of people *in* their mutual recognition. Freedom consists in the mutuality of "in-the-other-being-with-oneself" or "being-with-oneself-in-the-other" (Honneth 2001, 28, 45). Against this background law is more than a system of non-intervention rights in Locke's sense, but it is also more than the universalisable law of neutrality advocated by Kant. In Hegel's view the aim of law is to promote and protect intersubjective or communicative freedom and equality and the conditions for such freedom and equality.

This leads to a moral imperative: to realise their authentic humanity people are entitled to mutual recognition. They also have a duty to recognise each other – a duty that frees them from the "suffering from undefinability". From this perspective the law's function is to safeguard relations of mutual recognition at both the micro and the

macro level. And it applies to everyone: everybody has a right to
the communicative freedom of recognition and is entitled to demand
it and to lay a charge when wrongfully deprived of that right. Such
legal protection is all the more necessary because, as indicated above,
people fight for recognition, not only intersubjectively but also polit-
ically. Society is not a harmonious body of people and groups liv-
ing in loving recognition of each other, but a plurality of opposing
individuals and groups struggling on moral grounds for recognition
to realise their freedom as equals (Honneth 1994; 2001).

Human rights

The relation we have established between the moral imperative
implicit in mutual recognition and law can be explained with the
help of the description of six intermediate steps (cf. O'Manique 2003,
112–185). These steps in a sense indicate the link that may be forged
between Hegel's concept of law and human rights: they refer to the
equal freedom and free equality implied in mutual recognition. The
first is empirical: "I need this"; the second is ethical: "it is good that
I have this"; the third is moral: "I ought to have this"; the fourth
is moral-juridical: "I have a right to this". The other's response,
prompted by recognition of these moral and moral-juridical claims
and representing a fifth logical connection, says: "I owe this to you,
it's my duty". Without this complementary duty all rights would
evaporate into thin air. Because groups and communities are con-
tinually expanding and becoming more complex, a sixth step is nec-
essary to systematise the rights and duties, universalising them at a
higher level of abstraction into a restricted number of fundamental
rights and duties, which a society imposes on itself in what Kant
would call a self-legislating act: "We, the people, bind ourselves by
a system of rights and duties." This corresponds with the funda-
mental notion, also found in African culture and thought, namely
that the community to which one belongs, and one's duties towards
the other and society, imply one another (Gyekye 1998, 328–334).

  Against this background we could say that the law explicates, gen-
eralises, legitimises, positivises, formalises and universalises the moral
imperative contained in the principle of mutual recognition at a
higher level of abstraction, and in this way leads to human rights
(cf. Habermas 1982, I, 352). Explication consists in analysing the
underlying implications of mutual recognition. Generalisation entails

raising the rights and duties to a higher level of abstraction so as to
extricate them from the multiplicity of differences between the indi-
viduals, groups and societies concerned, particularly since it is not
just a matter of plurality but also of competition and conflict. It is
important to have general rules to manage similar conflicts in sim-
ilar real-life situations in order to eliminate or at least counteract
arbitrariness. Legitimation implies that it is no longer a matter of
rights and duties at the level or in the direct vicinity of ethics, such
as customary law and natural law; it is not a matter of intentions,
attitudes, feelings or emotions, but of observable behaviour that is
either prescribed or proscribed. Positivisation pertains to the fact that
the law is no longer considered to be grounded in a transcendent
reality (God) or a supreme law revealed or given to us from a tran-
scendent world (natural law), but derives from the will of a sover-
eign lawgiver who makes, proclaims and enforces the law. Formalisation
implies that anything that is not prohibited is permissible. That means
that the private domain is safeguarded from prescription or pro-
scription as far as at all possible, so that individuals can act as they
wish according to their own insight. Finally, universalisation relates
to two aspects. The first is that the fundamental rights that promote
the conditions for the realisation and protection of equal freedom in
mutual recognition are extended: from civil, political and judicial
rights ('blue' rights) to economic, social and cultural rights ('red'
rights) to collective rights ('third world' rights). The second aspect is
that the fundamental rights are gradually extended to individuals
and groups that have hitherto been excluded from enjoyment of
these rights. Both aspects relate to a growing inclusiveness of human
rights in the direction of universalisation: the first pertains to grow-
ing material inclusion (more rights), the second to growing social
inclusion (more people) (Honneth 1994, 137–138, 186–195).

This last aspect (social inclusion) is actualised in various ways.
Firstly, a growing number of countries are making the transition to
a democratic form of government and incorporating a bill of rights
in their constitutions, and strive, moreover, to implement it within
the limits of feasibility. Secondly, where such countries are unable
to achieve minimum standards of human existence for their citizens,
other countries, on the basis of agreements like the two covenants
of 1966, provide the aid necessary to alleviate, for example, extreme
forms of poverty and disease. Countries that have not ratified these
and similar agreements are subject to the United Nations Charter

of 1945, in the sense of a juridical obligation, and to the Universal
Declaration of Human Rights of 1948, in the sense of at least a
moral obligation: these are so-called *obligationes ad omnes*, obligations
for all (Van Genugten 1992, 16). Thirdly, when the countries con-
cerned ride roughshod over human rights, fail to meet the criterion
of so-called good governance, the funds provided are not spent
efficiently or fail to reach their intended destination as a result of
corruption, the aid-providing countries seek the cooperation of non-
official agencies in aid-receiving countries, especially groups and par-
ties focusing on social transformation such as non-governmental
organisations (NGOs), including churches. These organisations have
concrete local information on the ground and usually enjoy the
confidence of the local population (Honneth 2000, 279–280).

It is anticipated that the importance of this social inclusion aspect
of the universalisation of human rights will increase as the various
countries come to realise their global interdependence, and on that
basis strive to support the United Nations more seriously and develop
it in the direction of a confederation of states. This does not refer
to a kind of world republic, for any such hopes will not only prove
illusory but would also be a vacuous, bloodless notion, since no sin-
gle vital association or community complies with it, either socially
or culturally. In his utopia of 'perpetual peace' ('*Zum ewigen Frieden*') –
a title derived from the signboard of a café in Holland, with a paint-
ing of a cemetery below it! – in which Kant describes the condi-
tions for his *pax kantiana*, he advocates a federation of states as opposed
to a global state, because the latter would culminate in a graveyard
of freedom (Kant 1924; Wood 1996).[9] At the end of his philosophy
of law Hegel rejects Kant's conception of a federation of states, or

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[9] Kant was not the first to advocate a federation of states. The idea has its roots
in the *ius gentium* in the ancient world, and since the Enlightenment was first con-
templated by Hugo Grotius, Samuel Pufendorf and by the young Leibniz in his
Securitas publica interna et externa (1670). Kant's immediate precursor was Charles Irenée
Castel, abbot of Saint-Pierre, with his *Projet pour rendre la paix perpétuelle en Europe*,
published in Cologne in 1712, in Utrecht in 1713 and in London in 1714. In 1715
the older Leibniz reacted to it ironically, even cynically, as follows: "Only a min-
ister, who is on his deathbed, can dare this, especially when family interests do not
obligate him to continue his political function to the grave & life after death" ("*Un
Ministre le pourroit peut-être faire à l'article de la mort, sur-tout si des intérêts de familie ne
l'obligeoient pas de continuer sa Politique jusqu'au Tombeau & au-delà*"; quotation in Patzig
1996, 15). Rousseau himself produced an excerpt from this work (*Extrait du project
de paix perpétuelle. Oeuvres complètes*, Paris: Pleïade, 1964, 3, 561–589).

at least a confederation of peoples, as Rawls (2000, 363) puts it. All that he finds adequate, from the angle of the essence of a sovereign state, is to evolve a system of treaties between sovereign states (Hegel 1955, par. 333; Heyde 1987, 240–251). Meanwhile, however (if the signs are not misleading), certain confederative processes appear to have got under way over a period of many years. What nobody would have thought possible after the bloody religious wars of the 17th century, the all but hereditary enmity between France and Germany in the 18th and 19th centuries, and the two devastating world wars of the 20th century, including the destruction of six million Jews under the Nazi regime, is transpiring after all: the creation of the European Economic Community immediately after World War II, its expansion into the present European Union, and in 2004 the entry of a number of East European countries – a project spanning many decades, almost half a century by now, that will probably take another half century to achieve its final form, but which in some respects may have served and still serves as an example for the launching of confederative processes on other continents, such as the African Union under the authority of the African Charter on Human and People's Rights, the African Commission on Human and Peoples' Rights, and the African Court on Human and Peoples' Rights (Pityana 2003).

SOCIETY, LAW AND HUMAN RIGHTS

In the previous chapter we described the social constitution of human beings with reference to Hegel's theory of mutual recognition, which affords insight into human identity and difference: human identity implies difference, just as human difference implies identity. Such mutual recognition contains the dimensions of freedom and equality, the two basic dimensions of human existence, which means that both human freedom and human equality are social rather than individualistic phenomena. This second insight is important, since the dialectic of freedom and equality provides a perspective from which human rights can be reconstructed. Human rights, as we said, explicate, generalise, legitimise, positivise, formalise and universalise the judicial implications of the claims to freedom and equality.

However inspiring this may sound, one must ask what it effectively means in the context of modern society. Where and how do human rights fulfil these social functions in society? The question is highly pertinent, because in both developed and developing countries one hears doubts about human rights, if not actual objections: are they really effective instruments? And if so, effective for what purpose – for justifying the social status quo or for changing it?

To determine where and how human rights fulfil these social functions we need to analyse modern society. However, there are as many analyses as there are theories of society, which means that we must settle for one of these and justify our choice (2.1). Since our choice inclines towards Habermas's social theory, we briefly consider the three interrelated problems that Habermas raises: rationalisation, equality and inequality, and social integration. In the perspective of social integration we reconstruct the two forms it assumes, namely system integration and communicative integration. These two forms are based on the dichotomy that Habermas discerns in society: system, including system integration, and life world, including communicative integration. Because his critique *of* system and life world, despite the insight it affords into structures and processes in modern society, has provoked serious objections, our critique *on* system

and life world examines some of these (2.2). Next we explore where politics, law and human rights belong – in the system or in the life world? We show that they belong in both spheres, and more particularly in the area where system and life world adjoin (2.3). We clarify the social functions that human rights (can) fulfil in this border area in terms of deliberative democracy, a vulnerable function, since it operates at the intersection of public opinion formation and parliamentary will formation and therefore requires ongoing cultivation: without a human rights culture human rights are in danger of losing all meaning (2.4).

2.1. THE CHOICE OF A THEORY OF SOCIETY

The choice of a theory can make quite a difference. We shall review a number of theories and indicate succinctly what relevance they have for a clarification of the position of human rights in society. We do so on a continuum, whose one pole consists in what are known as 'soft' theories, proceeding gradually from the micro level of interpersonal relations in the life world via the meso level of social institutions to the other pole, comprising fairly 'hard' theories dealing with society as a whole in the sense of a total system at macro level.

We start with phenomenological approaches such as those of Alfred Schütz, Peter Berger and Thomas Luckmann, which enable us to trace the roots of law and human rights in the life world of everyday practice. From such a point of view awareness of rights stems from stories about the violation of rightful needs and interests in people's everyday life. Then there is symbolic interactionism, for example the pragmatic approach of Georg Herbert Mead cited in the previous chapter, which could yield significant insight into how human rights promote the adoption of the perspective of the 'generalised other'. We also have the dramaturgical theory of Erving Goffman, which affords insight into the kind of performance that is put on in the sphere of human rights, what ritual play is implied in officially declaring them, and to what extent the script, stage, props and roles in this ritual are being manipulated for the benefit of which players. Thus it has been said that the amnesty hearings by Desmond Tutu's Truth and Reconciliation Commission, which could be followed on TV, were a kind of dramatisation and theatricalisation of the power the new state needed to show in order to legitimise itself

and its leaders (Wilson 2000, 79–80). Much 'harder' theories would be those of sociobiology and cognitive science, for instance the theory of Hamilton and Pinker mentioned in the previous chapter, which is based on a distinction between kin altruism and reciprocal altruism. Human rights might be said to protect and promote reciprocal altruism.

But society – and human rights – are not just about harmony. From that perspective conflict theory situates human rights in the conflicts of interests between groups, classes, communities, nations and states. Thus one might ask why Western countries try to 'convince' developing countries of the meaning and usefulness of human rights, and why they urge developing countries to apply human rights the way they are applied in Western countries: what economic and/or political interests are at stake? Exchange theory, here rational choice theory, which looks at every act in terms of supply and demand and of costs and benefits, raises this kind of question even more pertinently. What profit does the declaration and protection of human rights entail for which party or country, and at what cost? According to Bourdieu's theory of cultural structuralism human rights imply cultural capital, in which perspective their function can be seen as stabilising the symbolic distinction and symbolic power of a certain class, in this case legal academics, judges and lawyers, over against other classes, as well as stabilising the symbolic distinction and symbolic power of certain countries over against other countries. Giddens's structuration theory goes even further, since it permits the inference that human rights are the outcome of the struggle for survival by the judicial collectivity as a societal institution in its competition with other institutions in society, in the same way as they are the outcome of the struggle for survival by certain countries in their competition with other countries on a global scale. The last theory to be mentioned here, Luhmann's system theory, regards law and human rights as a system within the overall social system, in which this system interacts with other systems by way of interpenetration without losing their own autonomous codes, rules and norms.

The problem is that one cannot adopt all these perspectives simultaneously, even if it were desirable. Instead one has to choose the perspective that fits the level one wants to explore: the macro, meso or micro level. It concerns aspects such as the way the legislative, executive and judicial powers deal with human rights (macro level); the institutions pressing for the application of human rights and

striving to achieve this, like schools, universities and religious communities (meso level); and the extent to which human rights are violated in real-life situations in the life world and how people experience such violations (micro level).

Our choice in this chapter has to fit the macro level at which we propose dealing with human rights. This macro level is not confined to society in a particular nation state but includes the societal formation found in many states, which is gradually evolving in countries in both the northern and the southern hemisphere. The macro level societal theory we have in mind is that of Habermas. It has the advantage of incorporating several of the perspectives reviewed above, even those situated at the extreme poles of the continuum such as Schütz's life world phenomenology and Luhmann's systems theory, even though Habermas is highly critical of these approaches in some respects, and even though his own theory has been the object of heated controversy, as will be seen below.

But that is not all. Habermas's theory has the advantage of accommodating the normative viewpoint of Hegel's basic principle of mutual recognition that we dealt with in the previous chapter (Habermas 1985, 39–43, 54). He sees the law, and especially human rights, as a universalisation of the rights of freedom and equality implicit in mutual recognition (Habermas 1993a, 112–123, 492–493, 513–514, 527–528). He also focuses on the fact that in interpersonal and societal life mutual recognition is more frequently marked by asymmetry than otherwise, so that people have to struggle for recognition – a point also emphasised by Honneth (see chapter 1), to whom he explicitly refers (Habermas 1993a, 382, 638). Here he distinguishes between three forms of mutual recognition between people: as human beings in the sense of unique individuals; as members of particular (ethnic and cultural) groups; and as citizens of a political community, who are entitled to equal protection of their freedom and equality (Habermas 1993a, 638).

2.2. SYSTEM AND LIFE WORLD

Having opted for Habermas's societal theory, we shall proceed to reconstruct it – rather than just describe it – inasmuch as this is necessary and relevant for our purpose, which is to locate law and human rights in society as a whole. This implies selecting only a

few fundamental concepts from the innumerable insights contained
in his theory, namely those concepts associated with system and life
world that will enable us to analyse present-day society from a crit-
ical perspective (critique *of* system and life world). To this we append
certain objections to Habermas' critical theory (critique *on* system
and life world).

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Critique of system and life world

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Where do we start if we want to reconstruct the meaning of the
concepts of system and life world? Habermas offers any number of
access points, situated in the many and various disciplines on which
his critical theory draws.

Three themes in any societal theory Any societal theory – at any rate any
adequately developed one – always deals with three themes, seeking
to define the problems they entail as precisely as possible and, where
possible, solving these. The three themes are: rationalisation, equal-
ity and inequality, and social integration (Ultee et al. 1992, 294–298).
The problem of rationalisation relates to an ongoing process that
enables human beings increasingly to define their relations with their
surroundings in rational terms. In this process they distinguish between
three dimensions: their physical surroundings, including the human
body and the human brain inasmuch as these are part of nature;
their social surroundings, including human relations in the life world,
in institutions and in society at large; and their psychic surround-
ings, including perception, consciousness, knowledge, thoughts, feel-
ings, attitudes and behaviour. In part rationalisation has advanced
human civilisation, but it has also given rise to some fundamental
problems, such as depletion and pollution of nature, reification of
social relations, and control over human intuition and spontaneity,
as a result of which these tend to turn into cold calculations.

   One of the fundamental problems resulting from, or at any rate
exacerbated by, rationalisation is the asymmetry between people in
terms of equality and inequality – the second theme. Because of eco-
nomic and political rationalisation, money and power have progres-
sively accumulated in the hands of a minority on both a national
and a global scale, and the gap between the wealth and power of
this minority and the majority has steadily widened. The questions
this raises are whether inequality is and has always been equally

great everywhere, what causes the discrepancies, and whether and how they can be reduced without making society disintegrate.

Social integration – the third theme – is in jeopardy not only when the inequalities assume excessive proportions but also when total egalitarianism leads to a complete eclipse of disparities in talent and responsibility. Social integration is not self-evident. On the contrary, it raises more questions than it provides answers, for example: what makes societies cohere, what holds them together, what unifies them? The question is important, because the counter question is: why do societies not crumble or disintegrate, why do they not collapse in the struggle between individuals and groups, why do they not fall apart into factions and contending groups? In other words, 'chaos' is self-evident but 'cosmos' is not. Certainly 'chaos' is problematic, but what is amazing is 'cosmos'. Whereas the question about the limits of egalitarianism is for now purely academic and something of a luxury theme, the really burning issue is how much inequality on the part of how many people society can tolerate for how long if 'cosmos' is not to collapse into factionalism, apartheid or even civil war and revert to 'chaos'.

The interrelations between rationalisation, equality/inequality and social integration can be illustrated with reference to law and human rights. In the previous chapter we saw in what sense law and human rights can be considered to explicate, generalise, legitimise, positivise, formalise and universalise the moral imperative contained in the principle of mutual recognition: all of this is implied in the process of judicial rationalisation. At the same time judicial rationalisation is influenced by the problem of equality/inequality. This happens insofar as the law legitimises inequality judicially, but also the other way round: insofar as the law helps to reduce forms of unjust inequality on the principle of justice, that is, of freedom and equality, for instance through the addition of 'collective' rights to 'red' rights and of 'red' rights to the earlier 'blue' rights. Lastly, law and human rights are relevant to the problem of social integration in that they may influence it negatively insofar as they stabilise and legitimise structures of inequality, but may also promote it insofar as legislative measures and court decisions help to reduce racism and other forms of discrimination, thus fostering a sense of social belonging among people.

In Habermas's societal theory the three cardinal themes of rationalisation, equality/inequality, and social integration are focal. He

devotes special attention to rationalisation – technological, economic and political, particularly inasmuch as it has fundamentally influenced and continues to influence the rationalisation of law, morality, world-view and religion (cf. Schluchter 1979). With regard to religion his thesis is that religious rationalisation started in indigenous religions with the refinement of the magical approach to the surrounding world into differentiated sets of myths and rituals. These developed into metaphysical categories relating to God as the supreme being and, since the Enlightenment (which he considers a post-metaphysical period), has led to the symbolisation and ritualisation of the very conditions of human existence.

The theme of equality/inequality is dealt with in detail in a historical, empirical and normative perspective. Habermas acknowledges the phenomenon of inequality as a historical and an empirical fact, but is mainly concerned with freedom and equality as normative principles implicit in the phenomenon of mutual recognition, not only in terms of intersubjectivity but also in society as a whole. To Habermas these normative principles – which imply that in freedom all people are equal – are the condition for the historical evolution of social integration; that is his main emphasis (cf. Fraser & Honneth 2003, 186).

In his opinion social integration is no longer based on a common ethnic heritage, since this is a postulate in the sphere of national ideology rather than a concept based on historical and empirical facts: there is no such thing as 'pure ethnicity'; a 'pure race' is a fiction, an ideological fiction concealing a host of inhuman aberrations, as we know from the history of Nazi Germany and South African apartheid. Societies always comprise various population groups of diverse origin and as a result of miscegenation of these population groups: to a greater or lesser extent all countries have a multicultural society. What makes present-day societies cohere is not ethnicity but a political culture and, within that, predominantly a judicial and a human rights culture, whatever vigilance, care and nurture these may require if they are to promote social integration (Habermas 1993, passim; 1999, 185–191).

Systemic integration and communicative integration After Adorno, leader of the first generation of the so-called critical theory of the Frankfurt School (*Frankfurter Schule*), Habermas heads the second generation; the third generation is headed by Honneth, to whom we referred in the

previous chapter. Whereas Adorno evolved a critical theory of social suppression mechanisms in entertainment among the bourgeois population group, Honneth tries to reconstruct these mechanisms from the perspective of the struggle for recognition and hence the struggle for identity. Habermas, again, seeks to locate these phenomena in the broader context of his critical theory of modern society, which is characterised by a dichotomy of two social integration mechanisms: systemic integration and communicative integration, a dichotomy that leads to all manner of social suppression, social alienation and social pathology. This dichotomy can be traced to the more fundamental dichotomy of system and life world (*Lebenswelt*).

The question is what these terms, 'system' and 'life world', mean and which of them should be assigned historical and systematic priority. From a historical point of view our clarification of his conceptual framework should start with the life world as a basis for tracing the development of the system, that is the systems of the economy and the state bureaucracy (Habermas 1982). After this critique *of* system and life world we proceed to a critique *on* system and life world, which emerges from critical reflections on Habermas's work by representatives of all sorts of academic disciplines. We shall confine ourselves to comments that are pertinent to our argument.

In premodern times economic activity and public administration, which have grown into systems in modern times, were still integral to the life world. They were intertwined with other functions that played an equally important role in the life world of those days: love, sex and children's upbringing in the family; home industries, again in a family context (hence the term 'economy', '*oikonomia*'); education inasmuch as it was formalised outside the family context, mostly in church affiliated schools; morality and religion in the context of the church; art, often associated with the church; and law, which consisted partly in customary law and partly in codified, church-related canon law.

People's interaction in this common life world was characterised by a sense of unity deriving from a shared religious world-view, common norms and values that were taken for granted as an unquestioned background and rarely if ever proved problematic, except in cases of radical individual experience such as suffering and death or collective calamities like epidemics and war. Behaviour was not instrumental or strategic, as if aimed at effects outside human beings rather

than *in* people and *in* their interrelationships. If behaviour was at all deliberate and goal-directed, that goal was to cultivate, achieve and optimalise mutual understanding and communicative integration.

But in a process of institutional differentiation over many centuries, triggered by the growth of cities, the emergence of the bourgeoisie as a separate class and a flourishing economy as a result of ever greater economic rationalisation, the various social functions – hitherto performed in a unified, common life world – split further and further apart and non-economic functions, too, were increasingly influenced by rationalisation. We shall briefly describe the processes of institutional differentiation and rationalisation in regard to economics, politics, societal life, science and technology, and religion. Then we shall examine the disjunction of the economy and public administration from the life world and their development into separate systems.

A typical feature of the economy after the rise of cities, in contrast to earlier times, was trade, which by its very nature entailed some important economic values: the freedom of citizens who engaged in it; the equality of all citizens who, as parties to such trade, dealt with each other on an equal footing; universality, implying that the parties' personal attributes became abstractions and trade was conducted purely according to the rules of the market, which applied to everybody; and finally, the necessary tolerance to be able to trade with anybody, irrespective of the person's private life or world-view (Goldman 1968).

This economic change and the values it entailed necessitated political change. The economic values of freedom and equality led to the abolition of the monarchy, which, because of its alleged divine basis, was experienced as a source of patronage, tutelage and oppression (Israel 2001, 176). This led to the replacement of the sovereignty of the monarch by that of the people, and to the establishment of a republic with separation of powers and elected leaders to head government for a predetermined term of office. It also presupposed the separation of church and state, the introduction of the principle of tolerance and non-discrimination, the codification and sanctioning of the first human rights, and their incorporation in a constitution (Israel 2001, 176–180). In cases where it proved impossible to do away with the monarchy, it took the form of a 'crowned republic' or constitutional monarchy headed by a royal figurehead, such

as a prince, who simply executed the will of the people, as happened in the Dutch Republic at the time (Spinoza 1997, par. 18.9; cf. Israel 2001, 262).

These economic and political changes were accompanied by social change. People rejected the society that had hitherto been governed by tradition, convention and authority. Thus Shaftesbury advocated social freedom, to be expressed in freedom of ideas, free discussion, critical debate, cultural exchange and unlimited interpersonal interaction, in which persuasion, manipulation and indoctrination would make way for convincing dissidents through argumentation. All this was based on freedom of thought and expression, especially – according to Spinoza – *libertas philosophandi* and freedom of the press. Free personal interaction should also apply to relations between men and women, it was said in Parisian salons, which would lead to free intellectual, emotional and sexual relations between them, aimed at sexual pleasure not only within but also before marriage (Israel 2001, 95). The state, moreover, had to protect these rights, for its ultimate purpose was freedom (Spinoza 1997, par. 20.6; Israel 2001, 268). In a democratic state, said Spinoza (1997, par. 20.14), the majority decisions taken would not inhibit freedom of thought, argumentation and speech, but only of action.

Along with economic, political and social changes came a blossoming of the sciences and technology. Empirical rationalism, the driving force of this renewal, as well as insight into the importance of mathematics for translating scientific ideas into abstract formulas and arguments, brought an unprecedented confidence in human reason. This led to steady expansion of the boundaries of knowledge and control over the physical, social and psychological environment of human beings through description, analysis and explanation of rules and patterns, and even laying them down as laws. Did knowledge in fact have limits? Were there any inexplicable mysteries? In this whole process the ideal was cherished that knowledge should not remain the exclusive preserve of a cultural elite but should be disseminated among the populace so that the people would learn to dare use their own brains, as Kant advocated in his booklet on the Enlightenment, *Was ist Aufklärung?* But to achieve this scientists would have to learn to express themselves in intelligible everyday language (Israel 2001, 176–178).

Naturally all this had enormous repercussions for religion. The economic values of freedom, equality, universality and tolerance were

an assault on all Christian-inspired values of the past. The con-comitant political revolution led to the dissolution of the alliance between altar and throne, the separation of church and state and the establishment of religious freedom, along with the other human rights. The social climate of free dialogue and argumentative debate put an end to the question of the place of reason in religion and in fact inverted it: what place does religion have in reason? But the scientific and technological revolution was what really shook religion to its foundations, especially the belief in God. Since this belief no longer served any purpose in economic, political and social processes, was experienced as redundant and eventually came to be considered dysfunctional, it was pushed to the periphery and eventually ended up in the private sphere of human life (Groethuysen 1927).

Over the centuries of this process of institutional differentiation and rationalisation, Habermas maintains, two functions differentiated themselves in a special way, first within the life world and subse-quently outside it. These were an ever more powerful, capitalist industrial sector and the bureaucratic administration. They eventu-ally divorced themselves completely from the life world and devel-oped into systems, governed, in a system-immanent way according to their own rules and codes, by two things over which people could exercise no intentional control: money and power. Their dominance is virtually total: the effects pursued by the economic and political systems are the acquisition of money and the acquisition of power; the behaviour of functionaries in these systems is conditioned by instrumental and strategic procedures of money and power to achieve the effects of money and power; the manner in which people deal with each other in these systems is expressed in terms of money and power; the cohesion that binds people together in these systems stems from a systemic integration based on money and power; and their driving motives are not values but interests – again, interests of money and power.

Dichotomy of system and life world The dichotomy between system and life world results in a split existence inasmuch as people live and work both in the systems of the economy and the state bureaucracy and in the institutions of the life world, each entailing a very different set of values, goals and norms. In these systems people are function-aries, in the life world they are human persons; in the systems they are directed to money and power, in the life world to self-actualisation,

mutual understanding and solidarity; in the systems the aim is sys-
temic integration, in the life world it is communicative integration.
One could put it even more radically: people's lives are torn apart
by the different roles they are expected to play: those of a unique
human being versus an employee on a pay roll, an author versus
an addressee, a subject versus an object, a person versus a number,
a *homo faber* versus a *homo fabricatus*.

Colonisation It does not end there. The systems of money and power
became so dominant that they came to affect other functions in the
once communal life world, which they colonised. As a result life
world values had to yield, at least partially, to the interests of money
and power. It means that institutions in the life world have become
more and more steeped in the influence of money – leading to
commodification of the life world – and the influence of power –
leading to infiltration of the life world by administrative bureaucra-
tisation. The latter in its turn leads to loss of freedom and oppression
in areas previously characterised by relations of mutual understand-
ing and communicative integration, such as marriage, the family,
child raising, education, science, art and culture, morality and reli-
gion. The state intervenes, directly or indirectly, in these institutions,
for instance by creating judicial frameworks, setting criteria for sub-
sidisation and/or standards of validity. But the state is not the only
factor to influence these areas. The influence of the economy can-
not be disregarded, not only because of joint ventures by public and
private institutions, but also because of direct colonisation of these
areas by mechanisms of supply and demand, benefits and costs, as
is evident in commodification processes within the family, child rais-
ing, education and science.

   If one digests all this, Habermas maintains, one realises that it
poses some fundamental problems: to what extent are freedom and
meaning, the core of communicative integration in the life world,
jeopardised by the colonisation of the life world by the economy and
administrative bureaucratisation? The answer is simple: freedom and
meaning cannot be bought, nor can they be achieved by dominance,
the exercise of power or violence. This raises a diagnostic issue: the
increasing monetarisation and bureaucratisation of the life world
give rise to social pathologies as a result of the loss of freedom and
meaning, as a result of the loss of communicative integration, as a

result of the dominance of systemic integration (Habermas 1982, II, 447–593).[1]

Critical readers of this description cannot but notice Habermas's keen awareness of the commodification and bureaucratisation of the life world and its institutions. If they also note Habermas's concern to understand the social pathologies of our day, they can hardly deny the aptness of the description. Put differently: if Habermas's diagnosis shows us how systemic integration in the economic and political systems is encroaching on the life world, which is itself intent on communicative integration, we may see it as an abstract mirror image of people's day-to-day experience as they endure their functioning in an increasingly systemic society.

Critique on system and life world

Or is this exaggerated? The principal criticism of Habermas' theory of system and life world relates not so much to his description of the social pathologies in modern society but to the conceptual scheme underlying the theory: the dichotomy of system and life world and the system's dominance over the life world. By putting this scheme up for discussion, and by noting not only the separation between system and life world but also the links between them, the gravity of the social pathologies is obviously tempered.

Communicative integration A first criticism pertains to the question whether there is in fact a clear-cut antithesis between system and life world and whether the dominance of system over life world is so extreme that one can justifiably speak of colonisation of the life world. The objection boils down to this: tactical, instrumental, strategic actions aimed at effectiveness and efficiency are not confined to the economic and bureaucratic systems but also occur – frequently, indeed necessarily – in life world institutions, which thus have aspects of systemic integration as well; conversely, communicative actions also occur in the systems, which are therefore similarly characterised by

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[1] Habermas's theory may be regarded as an extension of the way Weber's notion of the sovereignty of instrumental rationality was received by the *Frankfurter Schule*, which saw it as the cause of the social pathology of reification (*Verdinglichung*). For the use of the terms 'diagnosis' and 'social pathology' in social philosophy, see Honneth (2000, 11–69).

communicative integration (McCarthy 1986). In the ensuing debate Habermas more or less conceded these points (Habermas 1986, 377–396). Let us examine some aspects more closely.[2]

People's actions in the institutions of the life world always display a combination of communicative action and instrumental, strategic behaviour. Maybe it is a case of communicative activities being actualised in instrumental, strategic operations, and vice versa: instrumental and strategic goals requiring communicative action. The two may presuppose each other. After all, mutual understanding and actions aimed at effectiveness and efficiency are not contradictory, as are black versus non-black and white versus non-white, but are contrasts, as are black and white. A life world institution like the family would be short-lived if it did not find convenient solutions – rather like compromises – and reach certain agreements – rather like contracts – on the division of roles between husband and wife, the organisation of domestic chores, the planning of social and recre-

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[2] A serious flaw of Habermas's theory on this score is the ambiguous use of the terms 'system' and 'life world'. First he uses both terms in a sociological sense to refer to sociologically demonstrable (hence empirically falsifiable) facts, such as the economy and the state as systems and the institutions in the life world. We have adhered to this usage so far and will continue to do so. But then Habermas uses the same terms in an epistemic sense to refer to something quite different, namely two perspectives from which society can be viewed. From an epistemic perspective of the system, particular sectors, no matter which, are scrutinised inasmuch as they are characterised by instrumental and strategic actions, by system-integrating mechanisms of effectiveness and efficiency, and by the codes of money and power. From a life world perspective the same sectors are scrutinised, but now inasmuch as they are characterised by different forms of action, namely discourse and mutual understanding; other forms of integration, namely communicative integration and solidarity; and other codes, namely empathic sharing of each other's life stories. In other words, the sociological systems of the economy and the state can both be viewed from two different epistemic perspectives – 'system' and 'life world' – just as life world institutions may be viewed from the same two epistemic perspectives. The confusion is compounded by the fact that Habermas has linked two epistemological theories to two respective epistemic perspectives: observer perspective theories and participant perspective theories, and has moreover linked these with two research traditions: that of empirical-analytic research and that of hermeneutic interpretation. Finally he links each tradition to a particular research methodology, namely quantitative and qualitative research. This has led (wrongly, but understandably) to a widespread notion that, in Habermas's opinion, the study of systems must (!) by definition be observer related, empirical-analytic and quantitative, whereas research into the life world should be participant related, hermeneutic-interpretive and qualitative. Because different distinctions are applied, research into systems can be both observer and participant related, both empirical-analytic and hermeneutic, both quantitative and qualitative; the same applies to research into the life world (Habermas 1986, 377–396).

ational activities and, last but not least, the division of money and power – agreements that have to be honoured and whose effectiveness is periodically checked and evaluated. Examples of this nature can easily be found in other life world institutions such as schools, universities, churches, sports associations, amateur string quartets and the like.

Of course, one could regard these as instances of colonisation of the life world by the systems, which are characterised by exactly such management and planning, measurement and assessment of gains. But one can look at it differently. Families, schools, religious communities have to think in terms of management and planning for their very survival as life world institutions: without these mechanisms they would disintegrate. The use of these instruments per se does not imply systemic intrusion into the life world or lead to colonisation of the life world, since they are necessary to maintain it. To illustrate the point: even in premodern times, when systems in Habermas's sense were unheard of and there was only the life world, the farmer in his extended family still had to keep track of the changing seasons, the times to sow and harvest crops; plan the management of the cattle; harmonise agricultural and animal husbandry tasks; harmonise these with household tasks; and allocate household tasks. In short, instrumental and strategic action has always been and remains part of the life world.

The converse applies to the system. Many commentators have pointed out that the system is characterised by communicative actions no less than the life world is characterised by instrumental and strategic actions. Habermas is said to pay too little attention to this and to be guilty of 'systems-theory objectivism'. Let us look at communicative actions in both the political and the economic system.

Even if we were to confine politics in society as a whole to the system of the executive state, it is clear that communicative processes of mutual understanding and consensus formation occur at all levels of that machine. Typical features are the obligation felt by all members of this bureaucracy to form their own opinion and judgment about proposed programmes; their gradual identification with, or amendment of, the goals of these as collective goals for the good of society; their dialogue with colleagues, both horizontal and vertical, to discuss grounds and reasons that legitimise the programmes and refine them; and, finally, their personal and collective endeavour to implement and evaluate them. Compiling and implementing

programmes is simply not feasible without such collective processes of conceptualisation, exchange, correction and understanding, in which the intentions and motivations of participating staff are no less important than the impersonal effects of the programmes themselves. This is partly because such programmes – with or without regard to the political participation of citizens – ultimately are, or ought to be, rooted in the life world of citizens (which members of the state bureaucracy also are), and these programmes should be acceptable to (the majority of) them in order to be legitimate.

Ultimately politics is probably more dependent on processes of social legitimation and integration, both internally and in its external relations, than the economy. But these processes also operate in the business world, not just internally but also externally, when it comes to the acceptability and legitimacy of the economy. Maintaining the economy is not just a matter of keeping it functioning as a system, keeping its codes intact, maintaining the dialectic between an open and a closed system, and keeping the instrumental and strategic processes operating effectively. The survival of the business world also depends on communicative processes of understanding that occur in it. These are important to reproduce the system, inasmuch as they keep it lubricated (or obstruct it), rectify (or exacerbate) interferences in system processes, facilitate and expedite (or prevent) changes that need to be introduced, and make targets attainable (or thwart their attainment). An image will illustrate the point: the borderline between instrumental and strategic action and communicative action, or between system integration and communicative integration, is as porous as the boundary between North and South Vietnam imposed by the US army during the war in that country, as McCarthy (1986, 185) puts it.

All this may be clarified in terms of conflict. Since the system is marked by socio-economic and bureaucratic conflicts that may be regarded, from the angle of the life world, as a struggle for recognition with a normative core because people justifiably feel insulted, humiliated and oppressed, these conflicts represent points where the normative struggle irrupts into the system. This struggle is characterised not only by system-immanent processes but also by communicative processes aimed at explicating and clarifying values and norms that the oppressed feel are being trampled underfoot, of which they seek to convince the representatives of the system with all the rhetorical and symbolic means at their disposal, from protest demon-

strations to passive resistance. What motivates them is the moral conviction that they have a right to esteem, honour and respect, and to equal opportunity for self-actualisation (in an ethical sense) and self-determination (in a moral sense). To the extent that people manage to persuade their opponents within the systems of these norms and values, the life world may be said to have a culturalising influence on the system. In other words, not just the political system but even the economic system is anything but value-free and norm-free (Fraser & Honneth 2003).

From this perspective we need to consider whether it is only a question of colonisation of the life world by the system, as Habermas would have it, or whether the life world also exercises a culturalising influence on the system. Having demonstrated that communicative acts and social integration processes occur in both the executive state and the business world, and influence them, we have in fact revealed the conditions for the (possible) occurrence of such culturalisation. If these conditions do not exist, such influencing of the system by the life world would be impossible (cf. Kunneman 1996, 261–280).

Substantial communication A second point of criticism *on* system and life world follows from the previous one: it has to do with the kind of communication that occurs in the life world and, because of the culturalisation of the system by the life world, in the system as well. Habermas maintains that this communication is and perforce has to be procedural. This is because there is not just one world-view in the life world – and, we would add, in the system as well – but many world-views; not just one conception of the good life but many; not just one system of norms and values but many such systems. It would show lack of insight into the transition from premodern civilisation – in which, we assume, a single symbolic universe spanned the whole of society like a kind of sacred canopy – to modern civilisation if we close our eyes to the plurality of world-views, values and norms that characterise society today. It could also indicate imperialist tendencies if we try and put an end to such pluralism by imposing our own world-view and set of values and norms (e.g. those of the Christian religion) on all people, including adherents of other religions, agnostics and atheists. Since Habermas rightly does not take this option, he is left, in his view, with the principle of procedural communication. According to this principle one can only lay

down a procedure for communication and must regard the choice
of norms and values as an outcome of that communication, what-
ever the outcome looks like and whatever norms and values it may
give rise to.

   What is communication procedure about? Habermas gives a rather
complex description in his famous 'Universal rule of argumentation',
in which he allows for the interests of the parties and the effects
and side-effects that the relevant values and norms have for them.
The 'U-rule' is expressed as follows by Habermas's disciple Klaus
Günther: "A norm is valid if the consequences and side effects of
its general observance for the interests of each individual *under unal-
tered circumstances* can be accepted by all" (Habermas 1993, 37). The
italicised '*under unaltered circumstances*' indicates that this communica-
tion never ends, because the dynamics of the ongoing history of new
events and the ongoing discovery of new knowledge and insight into
history, both objective and subjective (as experienced by the partic-
ipants as the 'authors' of their history), continually shed new light
on the meaning and content of every value or norm.[3]

   Clearly the aforementioned concept of a struggle for recognition
conflicts with that of procedural communication, for this struggle is
not about the smooth conduct of communicative procedures but, as
noted already, about the desire to realise certain substantial values
such as esteem, honour and respect, and about equal opportunity
for self-actualisation (in an ethical sense) and self-determination (in
a moral sense). Here, then, Habermas's notion of the necessity of
procedural communication contradicts the necessity of substantial
communication, which is communication stemming from ethical val-
ues and moral obligations. But that is not all. Habermas's idea of
procedural communication is itself not purely procedural in struc-
ture but is based on substantial principles, which he himself specifies,
for instance: (1) everybody is allowed to take part in the communi-
cation; (2) anyone is allowed to question any claim, to introduce any
claim whatsoever, to express their attitudes, desires, and needs; and
(3) nobody may be prevented from realising these rights by coercion,
exercised from either within or outside the discourse. These principles
include the right to freedom of access, an equal right to participate,
the right to take a position free from coercion, and the right to

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[3] For Günther's modification of an earlier version of the 'U-rule' written by
Habermas himself, see Van der Ven (1998, 276; cf. Habermas 1983, 75–76; 1993, 32).

truthful communication (Habermas 1993, 31; cf. Habermas 1983, 97–103).[4] In other words, an analysis of the relationship between procedural and substantial communication appears to lead to the insight that substantial communication is simply unavoidable: communication is always based on substantial principles, values and norms.

But, we would add, participants in the communication must be prepared to advance good reasons for their interpretation of the principles, values and norms, some of which we cited above, when asked to do so and to put these reasons up for debate, if necessary on an ongoing basis. Naturally this only applies inasmuch such a (in principle never-ending) debate is pragmatically legitimate: any debate must always at some point end (at least provisionally) so as to take practical decisions, and it must always be possible to resume it if the decisions prove to be impracticable (Habermas 1999a, 230–270). Especially in multicultural societies this point is crucial, for there the plurality of world-views, values and norms is so (overwhelmingly) evident that one has to check anew each time which outcomes of the communication are advantageous to one group and disadvantageous to another.

In short, in both life world and system communication (in principle) represents a never-ending pragmatic process, in which, in the case of (multicultural) conflicts between ethical values, the criterion of moral impartiality based on human rights is decisive, while the process may only be interrupted temporarily when required by day-to-day practicalities.[5]

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[4] Here we have what is called a 'thin' morality underlying Habermas' moral philosophy, as opposed to the 'thick' morality (Walzer 1994) characteristic of teleological, especially Aristotelian, moral philosophy, like that of Nussbaum, who grounds human rights in a (virtually a-theoretical list) of so-called universal, transhistorical, cross-cultural, basic human capabilities, which she logically purifies step by step and finally legitimises in terms of Aristotle's ethics of virtues (cf. Nussbaum 2000, 70–86 with Nussbaum 1993, 242–269; cf. Nussbaum 1995; Crocker 1995; O'Neil 1995).

[5] Whenever there is a collision, moral norms 'trump' ethical values and ethical values 'trump' pragmatic considerations (Habermas 1993, 206–207; 1998a, 432, 438). The reason is that ethics is always associated with the convictions of individuals and groups in the first person singular or plural and that a conflict of values – as opposed to a conflict of interests, which permits bargaining and compromise – can, according to Habermas, only be resolved by adopting a more abstract position, that of the third person plural, thus transcending the 'we' perspective and adopting that of 'everybody' (Habermas 1998, 386–388; cf. Habermas 1993, 175; for the relation between values and norms in Habermas's work, see Putnam 2001 and Forst 2001). But Habermas is not referring to a 'he/she' perspective that could function as a neutral observer perspective, normatively neutralising the 'I/we' perspective,

Advocatory communication The third and last criticism follows from this. It relates to the fact that the various population groups in society at large represent not just multifarious but also antagonistic world-views, values and norms, expressed in both system and life world. In such situations of antagonism, where the majority can readily disregard the needs and interests of minorities and the latter, because of poor command of the language and lack of education, are no match for the adroitness and tricks of the majority, the communication Habermas advocates would appear to reach its limits from the minorities' point of view. Does communication – in both system and life world – not reach its limits when the very people who are marginalised in society or have already been pushed beyond the margins have no chance of raising their voices and being heard, of participating in the discourse to raise their values and interests? Is the desire to include them in the communication in society at large not contradicted by their actual exclusion from that same society? Should another principle not be implemented – one which, paradoxically, abrogates the

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as he claimed earlier following empirical research into perspective exchange by Selman (Habermas 1983, 152–160). He is explicitly referring to a perspective of 'everybody', in which regard he observes elsewhere that such a perspective can be adopted "only by extending the individual participant perspective in a *universal fashion*", in which context he refers to the perspective of the 'generalised other' that we discussed in the previous chapter (Habermas 1993, 48–49, 180, n. 39). Whereas MacIntyre maintains that the so-called neutral observer perspective of the third person singular or plural in fact is the 'I/we' perspective of the world-view of the liberal community and the liberal tradition (MacIntyre 1988, 326–248), it is important to make a distinction between neutrality and impartiality (for the various aspects of impartiality, see Lohmann 2001). With regard to the relationship between ethical values and moral norms Ricoeur is of the same opinion, because according to him the only ethical values pragmatically applicable to concrete situations are those that have passed through the filter of moral norms, and whether or not these norms are pragmatically applicable should be dealth with from a perspective of impartiality, not neutrality (Ricoeur 1992a, 169–296; 2000; Van der Ven 1998, 154–176; Vermeer & Van der Ven 2003). It has been debated for many years, right up to the supreme and/or constitutional courts of some countries, whether human rights embody ethical values or moral norms, the latter being classified into principles and rules, and whether human rights should be treated – at least by those who regard them as norms – as principles (cf. Alexy 1985, 71–157, 458–465). Both Habermas (1993a, 309–324) and Ricoeur (1992a, 203–239) regard human rights as moral norms in the Kantian sense. According to both of them human rights embody an abstract, third person plural, 'everybody' perspective. This perspective is particularly important in a multicultural society, where the difference between ethics and morality makes a real difference (cf. Habermas 1998, 388–389). Of course, adopting such a 'higher' perspective (always) comes at a socio-psychological price, *as if* one were relinquishing one's own cultural, ethical and religious identity (Habermas 1998, 398).

principle of communication? According to his critics Habermas disregards the fierce struggle for recognition in countless socio-economic conflicts on a national scale between the majority and minorities, on a continental scale between peoples in the North and peoples in the South, and on a global scale between Western countries and developing countries (Fraser 2003). Honneth takes cognisance of them (Renault and Sintomer 2003, 22–23), albeit not sufficiently, because he is said to reduce socio-economic conflicts to moral ones (Fraser & Honneth 2003). Be that as it may, Habermas's response is to call for advocacy: there must be others who will take up the cause of the marginalised in a discourse that has to be conducted anyway (Habermas 1993a, 224–225). Here the morality of discourse and communication has to be augmented with another kind of morality altogether: a morality of witnesses (Cusset 2003).

But the problem cuts even deeper: is universal understanding and communication, in which each and everyone can participate, possible? Is ultimate universal inclusion, ultimate reconciliation (Hegel's *Versöhnung*) not a delusion? Is society not by definition based on exclusion because of the irreducible disparity in genetic propensity, actual cultivated capacity, function and title, despite the political elite's much vaunted egalitarianism? Is there not an intrinsic polarity between empirical social realities and political declarations? Is there not an intrinsic gap in the ontology of social life? In view of this, is absolute immanence, while excluding any transcendence, indeed the answer, as Honneth for one believes (Deranty 2003)? We leave the question open for the moment, but will return to it in Parts II and III.

At all events, the communicative action and communicative integration that Habermas regards as characteristic of the life world and which, as we have shown, occur in the system as well, cannot apply as universal principles that will bring about full integration of society as a whole. It reaches its limits when people are unable to join in the argumentative discourse on account of poor education. The integration of society as a whole requires, in addition to systemic integration and communicative integration in both life world and systems, yet another instrument: the moral and political instrument of advocay. Of course such advocacy can only be expressed through the communicative actions of advocates, but the people concerned – the marginalised minorities – keep silent. Others speak for them, on their behalf. Does this not lead to the conclusion that the integration of society as a whole transcends the limits of both systemic integration

and communicative integration – however important and necessary these may be – and is fundamentally a moral integration, in which human rights play a cardinal role?

2.3. POLITICS, LAW AND HUMAN RIGHTS

The dichotomy Habermas posits *between* system and life world, including the interaction we have shown to exist between the two, is as it were reproduced *within* certain other social formations in society as a whole, namely politics, law and human rights. This reproduction means that politics, law and human rights do not belong exclusively to either system or life world but to some extent form part of both, or at all events share in the sphere of influence of both. Maybe it would be more accurate to say that they are situated in the area between system and life world, at the point where they intersect or adjoin. This makes them, as Habermas frequently points out, Janus-faced. Let us clarify this in the case of politics, law and human rights in turn.

Politics

In the case of politics we have argued that the state bureaucracy forms part of the system of power inasmuch as it seeks to stabilise and expand the power it wields over citizens. But there is more to politics than that, for in addition to its executive branch, which functions via the state bureaucracy, Montesquieu's separation of powers entails a judicial branch and a legislative branch as well. Ideally the distinction between the executive and legislative branches can be interpreted in terms of the distinction between power-over or domination and power-in-common, proposed by Hanna Arendt, who clearly influenced Habermas (Habermas 1993, 182–187).

Power-in-common refers to the power shared by all members of a community, arising from "the human ability not just to act, but to act in concert, because power is never the property of an individual; it belongs to a group and remains in existence only so long as the group keeps together" (Arendt 1972, 153). Power-in-common is power that arose, and continually arises, communicatively, in accordance with the definition of Roman authority (*auctoritas*): power in the people, authority in the senate (*potestas in populo, auctoritas in senatu*). Power-over refers to the system of the executive state's administra-

tively enacted power, which, viewed in isolation, exists by virtue of enforceable rules and coercion; as a result the power-in-common it is meant to execute readily converts into dominance and violence (cf. Ricoeur 1991). Whereas power-in-common has no duration in the sense of institutional permanence and is not aimed at survival, the state and the machinery of state are aimed at controlling time, and particularly the future, which leads to the conclusion that this is how "power receives . . . [its] temporal dimension" (Ricoeur 1992, 195).

Whereas the code used in power-in-common, which can be called communicatively generated power, is aimed at rational acceptability of the formulation and interpretation of legislative regulations, the code used in power-over, which can be called called administratively employed power, relates to implementation of the input by the power-in-common in terms of effectiveness and efficiency. From this perspective a normative claim can be formulated, to the effect that the executive state should translate the input deriving from the communicative discourse between citizens into its own language and convert it into appropriate programmes and measures (Habermas 1997, 55–56). The question of how this can and should be done, is dealt with in the next section in the framework of deliberative democracy (2.4).

Law

Dichotomy In the area of law the dichotomy between system and life world, as well as their interaction, is again reproduced because of Habermas's distinction between law as a medium and law as an institution in his *Theorie des kommunikativen Handelns* (Habermas 1982, II, 528–547). By law as a medium he means that in economic and bureaucratic state systems the problem of the rightness of the law is solved exclusively with reference to the legality of the relevant judicial measures or the procedure followed in regard to them. Legality implies that the measures are instituted by the proper authority. The reference to procedure implies that if it can be shown that certain prescribed steps have been duly followed, the rightness of the judicial measures at issue is demonstrated. In other words, law as a medium is part of the system in the sense that it serves to organise and direct it.

According to Habermas, then, the reference to legality and right procedure is sufficient to validate judicial rules regarding property and contract in the economic system on the basis of economic law,

mercantile law and company law. The same reference also appears
to be adequate in the system of the bureaucratised welfare state to
validate judicial measures relating to compensation for social inequal-
ity on the basis of administrative law. From the perspective of the
economic and bureaucratic systems law is so firmly linked with money
and power that it becomes both a medium to direct these systems
and a function of the systems. Thus Marx regarded law mainly as
an ideological instrument to stabilise and expand the capitalist eco-
nomic system, while Weber saw it as part of the political system to
reinforce the power of state authority. A feature of both these views
is that they assume that there is (no longer) any vestige of morality
to be found in law.

But reference to legality and right procedure only seems to be
adequate, Habermas maintains, for there are rules and measures that
prompt further probing, namely those in which not just legality and
right procedure but the very legitimacy of the measures is in ques-
tion. When this happens, says Habermas, law as an institution is at
issue. This institution is defined in the national constitution, in human
rights, in the fundamental principles of democracy, of criminal law
and the law of criminal procedure, et cetera. In contrast to law as
a medium, law as an institution clearly has a moral component, but
it does not and should not dominate. In this view law as a medium
belongs to the system of money and power, whereas law as an insti-
tution has its proper place alongside (or in) the institutions of the
life world.

In the same way the process of increasing 'judicialisation', which
characterises modern society, can be viewed from two different angles:
proliferation and expansion. Proliferation refers to increasing differen-
tiation of the law into ever more detailed rules, whereas expansion
relates to inclusion in the law of all sorts of areas that were not reg-
ulated in the past. Proliferation of law occurs in the system, as is
evident in the ever more elaborate structure and contents of its law
books. Expansion of the law occurs in the life world, evidenced by
the fact that institutions like the family, child raising and education
are increasingly regulated by law, the cause of which is to be found
in processes of increasing pluralisation and individualisation that are
putting ever greater pressure on the communicative integration in
the life world. This integration that is so essential for the existence
and survival of life world institutions demands some form of regulation
when upheavals and conflicts arise. Because religion and morality –

institutions of the first level of the life world, in Habermas's terms – are becoming less and less effective, law is needed as a kind of second level institution (Habermas 1993, 99, 387).

By making a distinction between law as a medium and as an institution Habermas tries on the one hand to accommodate Marx and Weber by regarding it as an instrumental and strategic function of the systems of money and power, and on the other to distance himself from them by regarding law as an institution with a moral component as well. Conversely he tries to accommodate approaches such as Rousseau's by relating law to the social institutions of the life world and by emphasising the link between law and morality, but at the same time distances himself from this view by regarding it as a medium of the system as well. As the distinction between law as a medium and as an institution reproduces the dichotomy between system and life world, law as a medium that exists and develops in the system is and remains largely impervious to law as an institution in the life world (Habermas 1982, II, 535–537).

Interaction In his *Faktizität und Geltung* Habermas (1993a, 502, n. 42) corrects himself, observing that he no longer considers the distinction between law as a medium and law as an institution adequate. Why not? We cite two examples, the first referring to the influence of system to life world and the second of lifeworld to system. The first example is this. We have seen that Habermas concedes that probing the rightness of judicial rules in the system when reference to legality and right procedure proves insufficient implies questioning their legitimacy, which takes us into the field of law as an institution. Weber (1969) already indicated that in the 17th century regulation in the economic system could not be legitimised by the system itself, but needed justification from 'elsewhere', in this case from the 'spirit of capitalism', deriving from contemporary Calvinist ethics. The second example is this. Habermas modifies his dichotomy of law as a medium and as an institution by conceding that changes in law as an institution (e.g. the extension of human rights from 'blue' rights to 'red' rights) have an influence by providing a stimulus and impetus for legal change in the prevailing law in the system (Habermas 1982, II, 537). Social law in particular, which stems from discourse in the life world and offers compensation in emergencies (e.g. unemployment, disability, illness, old age) whose impact is felt in the life world, exemplifies the influence of law as an institution

on law as a medium in the system, implying that social discourse has gradually penetrated the systems of money and power and is being converted into systemically manageable measures (Habermas 1982, II, 539).

If one takes this to its logical conclusion, it seems obvious that the dichotomy of law *as* a medium and *as* an institution should be abandoned in favour of a firm link between law *in* the system and law *in* the life world. The link consists in the fact that law mediates between system and life world. On the one hand law mediates the influencing of the life world by the system, as is evident in the increasing 'judicialisation' of the life world through its extension to such areas as the family, child raising and education, thus giving the political system, the bureaucratised social welfare state, an increasing hold on the life world. On the other hand law mediates the influencing of the system by the life world, inasmuch as law in the system, as we have seen, cannot rely merely on a reference to legality and right procedure but is intrinsically dependent on discourse concerning its legitimacy in the life world. In other words, law should be seen as the link between system and life world: it acts as a catalyst in the metabolism of system and life world (Habermas 1993a, 108). Put differently, because of its catalytic function law is a major factor in social integration: it mediates between the system integration of the economy and the state on the one hand and the communicative integration of the life world on the other. It mediates the colonisation of the life world by the system, as it also mediates the culturalisation of the system by the life world. To put it yet differently: law promotes systemic integration because it can impose and sanction coercive judicial norms (it is a coercive instrument), whereas it also promotes communicative integration, as it depends for its legitimacy on the understanding of those to whom it is applied, to the extent that it is rationally acceptable to them and has their assent, if only provisionally. The tension this expresses between the facticity of law and the legitimacy of law is guaranteed by both the certainty and the rightness of law (cf. Habermas 1997, 55; Rasmussen 1996, 28–32). At the same time it reveals an intrinsic paradox in law or, to put it more radically, "modern law presents a Janus-face" (Habermas 1996, 135) and requires "at least a provisional separation of roles between authors who make (and apply) valid law and addressees who are subject to law" (Habermas 1996, 139).

We cite some examples to show how law contributes to the cul-

turalisation of the system by the life world in the areas of business, asylum policy and law itself. Here it is important to distinguish between two systems, those of the executive state and the economy, because the relation between the life world and the political system is more substantial and concrete than that between the life world and the economic system, which exists more independently and autonomously (cf. McCarthy 1986). After all, the state is far more reliant than the business world on legitimation by the life world, partly on account of the fact that in the republican tradition sovereign power resides in the people, not in the state. The republican framework is characterised by sovereignty of the people, separation of powers, the multiparty system, and passive and active franchise, which means that in principle everybody has access to all political offices; another characteristic is fixed terms of office and possible dismissal of officials in mid-term, all of which is expressive of the ultimate, albeit indirect, dependence of the state – via parliament – on the life world (Habermas 1993a, 324–333). This in no way applies to the economic system.

Business ethics Our first example refers to an interesting process going on in the business world today insofar as it is subject to influence by public discourse in the life world. This is the emergence of business ethics as a scientific discipline, which the business world itself welcomes as a renewal of relations between the economy and society in the sense that it embodies the 'social responsibility' of business. Thus business ethics seeks to clarify the significance of human rights for 'socially responsible business' and developing codes of conduct (Jeurissen 2002). A basis is provided by the Declaration of the International Labour Organisation (1998), which requires members to respect, promote and actualise the following rights: freedom of association and effective recognition of the right to collective bargaining; elimination of all forms of forced or compulsory labour; effective abolition of child labour; and elimination of discrimination in respect of employment and occupation (Amnesty & Pax Christi 1998, 40). One could comment cynically that the business world is interested in this kind of social legitimation in business ethics simply to save its own skin. But, as Kant observed, moral behaviour is usually characterised by two motives that operate simultaneously: acting *from* duty and acting *in accordance with* duty, the latter implying acting out of self-interest, albeit camouflaged as acting in accordance

with duty. In terms of his moral theory Kant demands that the first motive should preponderate over the second (Rawls 2000, 177–180).

Asylum policy A second example refers to an important process which is going on in present-day politics insofar as the state is influenced by public discourse on the right to asylum. This relates to the concern many people feel that asylum seekers, who flee their countries of origin for political reasons, should have a humane reception in the host country and be given proper protection. This is stipulated in the Universal Declaration of Human Rights of 1948, which states that they have "the right to seek and enjoy in other countries asylum from persecution", and amplified in the United Nations Geneva Convention on the Status of Refugees of 1951 and the Protocol of 1967. Public opinion demands that these asylum seekers should enjoy the same rights to housing, education, employment, recreation, freedom of movement and access to travel documents as the citizens of their country of residence. The state is blamed for the effective lack of rights of this large group of *Untermenschen* and is under pressure to observe proper standards of human dignity with regard to the lives of refugees, who are often kept in camps in a virtual no man's land on the peripheries of cities where they may spend years of idleness and boredom, awaiting the outcome of an endless series of procedures (Tugendhat 1987).

Undetermined rights and obligations in law A last example refers to the fact that not only the state and the economy but law itself is influenced by public discourse in the life world. In the liberal tradition classical private law is characterised by the focal position assigned to property rights and the law of contract. Together they express the autonomy of individual citizens. In the Napoleonic *Code Civil*, for example, the social order is interpreted in terms of the model of the market, in which individuals deal with one another as contracting proprietors. Personal and social factors play no role in this; it is abstracted from individual motives and considerations, as is evident in the actual contractual relationship: it is regarded as a fortuitous, purely functional relationship that lasts only for the duration of the contract. The underlying – tacit – assumption is that the contracting parties mistrust each other and want nothing to do with each other once the contract terminates. But here some changes are in the offing. Thus it is said that the principle of mutual recognition, which was dealt

with at some length in the previous chapter, is having certain effects on law and the application of law in the sense that there is growing scope for personal and social factors. The absolute functionality of autonomy and contract law is moderated by the following judicial tenets: good faith, reasonableness and fairness, undue influence, induced trust, altered circumstances, unfair transfer, the duty of restitution as a result of (unjustified) enrichment, and protection of the weaker party. These are collectively considered undetermined rights and obligations of current law of contract and are seen as part of the contract *de iure*. It modifies the contractual model based on a relation between contracting parties to become a relation between citizens, the contractual relation is modified to become a legal relation, and a process of contractual formation is qualified to become a process of right formation, as is the case, for example, in labour law (Pessers 1999, 201–211).

Human rights

Just as the dichotomy between system and life world, including the interaction between them, is reproduced in the political and legal areas, so it is reproduced in the area of human rights. What does that imply? Those who regard human rights exclusively as a privilege of modern people, because they are assured of the freedom articulated in civil and political rights and of the equality embodied in socio-economic rights, find it strange, if not amazing when they are told that human rights represent not just the needs and interests of people in the life world but also the claims made by the economic and political system.

It is accepted, however, that civil and political rights derive from the striving for freedom of ownership and enterprise by the industrial aristocracy and the middle classes since the Enlightenment. The fact that this freedom has led to great inequality and inhuman abuses is likewise well known, implying that the economic system may be named as one of the midwives of first generation human rights.

But we also need to consider the second generation, the socio-economic rights, for they, too, are not free from the influence of the two systems, especially the system of state bureaucracy. It is not just a matter of the system of the bureaucratised welfare state penetrating the private life of citizens and thus encroaching on their freedom, as Habermas points out more than once, but more particularly

of the political origin of this second generation of human rights. Thus one observes that the state, notably the German state of Bismarck in the last quarter of the 19th century, passed a number of laws safeguarding citizens against loss of income due to illness, industrial accidents, disability and old age, not (only) out of solidarity with people thus afflicted but (also and especially) to thwart the socialist revolutionary movement, which was intent on fomenting social upheaval and revolution. Hence the aim was to combat revolutionary socialism, hedge it in, concede some of its fundamental claims and thus save the social status quo, which was invariably (also) the social quo of the ruling political elite, from collapse and preserve it, albeit in a modified form – in which regard the state could rely on the assent of the economic elite.

In addition it has been pointed out that the second generation of human rights owes its existence partly to the way in which the state, more particularly the secular French state (*laïcité*), went into competition with the church at about the same time. By meeting the socio-economic claims the state prevented the church from seizing the gap that the socialist movement had created in the social order and from undermining the state's position through charitable and pastoral work. Here we are dealing with another midwife, that of socio-economic rights: the state became embroiled in combat with the church and socialism – a paradoxical partnership between church ans socialism, existing only because of the state's resistance to the potential sphere of influence of the two parties. The upshot was that government, which in premodern times resided in the landed aristocracy and approached its subjects in absolutist fashion (unshackled by any constitution) with an attitude of sympathetic paternalism, changed into a non-absolutist (a constitution was in place) but nonetheless totalitarian government – at least a benevolent totalitarian government, threatening to infiltrate all individual and social life with its all-pervading care (Malan 2003).

Naturally there is a side to human rights that certainly benefits people in their life world and helps them to live a life of prosperity and well-being. This was the input of Bentham, whose aim was to promote maximum human happiness for every individual so as to achieve maximum happiness for everybody, or at any rate for a maximum number of people. Clearly the first generation of liberties gave individual citizens immunity against state intervention, while the second generation protected them against contingencies (illness,

unemployment, industrial acceidents, disability, old age) and hence
from an inhuman life. The sociological legal doctrine that evolved
at this time – even in America that has always attached greater value
to freedom than to equality – was aimed not merely at assisting peo-
ple in these contingencies but at maintaining a classified inventory
of social needs, on the basis of which social legislation could be
expanded adequately, and to study the impact of that legislation
empirically so as to enhance its effectiveness. The courts, too, increas-
ingly engaged in so-called contextual examination of the relevant
facts, in which the social consequences of alternative rulings open to
the court were considered and the opposed societal interests or val-
ues involved in a particular case were identified. Thus stringent legal
positivism was replaced by what is called sociological jurisprudence
(Devenish 1999, 47, n. 95).

But the Janus face of human rights emerges just as clearly from
all this. 'Blue' rights, while guaranteeing judicial freedom, disregard
empirical inequalities; 'red' rights, while taking into account and com-
pensating for empirical inequality, jeopardise freedom in that they
start to dominate the 'blue' rights. In other words, the advantages
secured by these socio-economic rights were neutralised by the fact
that the "bureaucratically administered provisions", via large-scale
programmes of execution and control, came to exercise an ever
greater hold on the life world of citizens, thus jeopardising their free-
dom (Habermas 1998, 439). The resultant welfare paternalism leads
to what can be called a zero-sum game: what the state gains in
influence and power the citizen loses (Habermas 1993a, 490; 1998,
17). An analysis of the constitutions and bills of rights of various
countries bears this out: the documents reflect an empirically observ-
able correlation between the expansion of human rights and state
expansion (Boli-Bennett 1981).

Human rights in liberalism and republicanism

Having outlined the significance of human rights, at any rate first
and second generation rights, from the perspective of both the sys-
tems of money and power and the life world, and in terms of the
interaction between them, we come to the question of human rights
in modern society. Do they constitute its basis, including the Janus-
face which, as noted already, they carry with them? Here freedom
goes hand in hand with unfreedom and equality with inequality.

That is an ambivalent basis, on which one cannot erect a safe, solid structure. So if human rights do not fit the bill, where do we find a solid foundation for democratic society? Is there any foundation for democratic society other than democracy itself: the sovereignty of the people? But is that always trustworthy? What is the basis of the sovereignty of the people? What legitimises it? These questions bring us to the classical dispute betwee republicanism and liberalism. In this dispute one finds that in the area of human rights, too, there is no way round the problem of the reproduction of the dichotomy of system and life world, including the interaction between them. It dogs us all the way.

Republicanism has always stood for the sovereignty of the people, curbs on power, division of powers, the parliamentary system, the multiparty system, checks and balances, general elections, access to any public office, et cetera. What the people decide, directly or indirectly via their representatives in the constitutional assembly or parliament, has the force of law, whatever the content of the act. It is no longer a case of the sacredness of either God's or the prince's decision for the people: only the people's decision is sacred. True democracy consists in the sovereignty of the people. The people is the author of its own laws, to which it submits freely. That is true democratic autonomy: the people is a law unto itself. Whatever it decides is valid, and valid only for as long as the people wants it.

In theory that decision can conflict with any human right – and not just in theory but also in practice, as evidenced by the persistence of capital punishment in America and laws that do not regard discrimination against women and homosexuals by religious communities as unfair discrimination and therefore tolerate it, thus endorsing and reinforcing it. This is where the problem of the relation with liberalism starts. From the outset the liberal tradition has stood for human rights as the foundation of society, because the principles of freedom and equality are supreme, as is evident in the – by no means irrefutable – first and second generations of human rights. When freedom (through government restrictions) and equality (by permitting discrimination) are jeopardised or even trampled underfoot, true democracy is in jeopardy. The following questions outline the relation between republicanism and liberalism: do human rights constitute the condition for democracy (liberalism) or the outcome (republicanism)? What comes first, human rights or procedural democracy, constitutionalism or people's sovereignty (Baynes 2002)? What

takes precedence, the horizontal dimension of the community as the author of its own laws or the vertical dimension of human rights (Habermas 1993a, 124–129)?

That this is a fundamental problem becomes clear when one examine the two traditions from different perspectives. First we consider the perspective of freedom. In republicanism the people are free inasmuch as they are governed by themselves; in liberalism they are free inasmuch as they are governed by laws – human rights laws. While these laws guarantee impartiality and trustworthiness, the people are not governed by themselves (Habermas 1993a, 129, n. 27; cf. Habermas 1998, 405–406). The perspective of the relation between ethical values and moral norms also sheds light on the choice one faces regarding the basis and organisation of society. A cardinal aspect of the republican tradition is the particular ethical values that participants in the democratic process encounter in their own community and want to elevate to nationally enforceable norms. In the liberal tradition the accent is not on national norms but on the universal norms of human rights. This ties in with the perspective of self-actualisation versus self-determination. Republicanism assigns priority to ethical self-actualisation of the individual within a particular community that elevates its common ethical values to the status of law (the 'general will' or *volonté générale*, in the republican tradition of Rousseau). In liberalism the aim is moral self-determination of every individual on the basis of human rights in every community anywhere in the world (the 'will of all' in the liberal tradition of Kant). It also ties in with the relation between voluntarism and cognitivism. Republicans espouse the voluntarism of ethical community values, to which they are emotionally committed, whereas liberals are guided by the cognitivism of the universal moral norms of human rights, which they perceive as right and consider mandatory (Habermas 1993a, 129–135). Republicans renounce the alienation resulting from imposed human rights laws by advocating self-organisation, whereas liberals reject the tyranny of the majority because they base society on the universality of human rights.

The two alternatives, republicanism and liberalism, might be seen as co-original (Habermas 1993a,135) and carrying equal weight (Habermas 1993a, 151), because they are mutually inclusive and mutually complementary (Habermas 1993a, 129). Those who feel that Habermas opts for the first alternative accuse him of proceduralism, which boils down to a lack of substantial norms. Those who

feel that he opts for the second alternative accuse him of 'human rights foundationalism' (Michelman 1997, 151–159).[6] After all, how can participants in a procedural democracy determine their rights (republican tradition) unless they are already constituted as citizens (liberal tradition)? As in the case of the priority of the chicken or the egg, the argument is circular: we only have an infinite regression without any demonstrable conclusion.

In the liberal tradition, Habermas says, at any rate in a negative sense, that the legislating community "should not be able to adopt anything that violates human rights" (Habermas 1996, 141; Maus 2000). Negatively or not, here Habermas elevates human rights – whichever way one looks at it – to the criterion for organising a democracy. One might go further by making an outright case for regarding human rights as the moral substance of legal discourse (Ball 1996). Counter to this, however, Habermas explicitly rejects the idea of human rights functioning as pre-given moral facts that are "paternalistically imposed on a sovereign legislator", for that would undermine and destroy the self-legislative capacity of the legislator in a democracy: "The addressees of law would not be able to understand themselves as its authors if the legislator were to discover human rights as pregiven moral facts that merely need to be enacted as positive law" (Habermas 1996, 141).

It seems the paradox implicit in the relationship between republicanism and liberalism can only be resolved by locating it in history and applying it to diverse contexts in which both democracy and human rights were and still are embodied in their interrelationship, in varying forms and with varying emphases. In other words, we do not start from ground zero. We have several centuries of reflection on democracy and human rights behind us, and two centuries of constitutional law with its successes and failures, all of which should enable us to contemplate the conjunction of the two principles as mutually complementary regulators of the present and the future on the basis of a historical reconstruction (Schomberg & Baynes 2002, 6).

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[6] Inasmuch Habermas is said to emphasise the 'blue rights of freedom' as deontologically regulative in this framework, some accuse him of 'deontological liberalism of blue political thought' (Michelman 1997, 151–159).

This leads us to conclude that the contrast between republicanism and liberalism becomes less shrill when one takes into account the historical and contextual variation in human rights law and human rights practice. This variation permits human rights thought to allow for and accommodate the particular striving for freedom, self-actualisation and self-identification that characterises particular peoples with their particular values and norms, which republicanism has consistently espoused.

Human rights and parliament

Yet that does not put an end to the problem. For whichever way one looks at it, and whatever allowances one makes for their contextuality, the universality of human rights remains. In practical terms it means that the government of a country, the executive branch, decides to incorporate certain human rights in its policy and excise others. One could argue that it is in fact the task of parliament to exercise counter pressure. But that, too, is problematic. Who and what is parliament? In parliament, too, one finds a reproduction of the dichotomy of system and life world – the actual topic of this section. It has the same Janus-face as all the other societal formations discussed above. On the one hand it consists of parties, one or more of which are represented in government, while government itself is greatly influenced by the system of state bureaucracy. Obviously the work of parliament is marked by instrumental and strategic actions, the object being to afford a particular party an opportunity to retain or extend its power, and another party to acquire power. To this end temporary and occasional coalitions are formed, agreements are made, compromises are devised, tricks and tactics are cooked up – no form of system integration is automatically exempted from this. But that is not all. The ruling and opposition parties should also exude consistency and reliability if they are to retain the goodwill of their supporters. Ultimately the party structure that characterises a democratic society and fundamentally bolsters the legislative state is embedded and rooted in public opinion in the life world, which in a sense provides the support base of a political culture, and of which the political evaluation and decision making in parliament are the formal crystallisation.

This means that the problem of human rights in modern society, as reflected in the contrast between republicanism and liberalism,

cannot be solved adequately in parliament. Because parliament is
situated in the border area between system and life world, it has to
be nourished and directed by the views and notions prevalent among
people in the life world, in different groups and diverse traditions.
How can such nourishment and direction be provided? The ques-
tion finally brings us to the theme of deliberative democracy and
the place of human rights in it.

2.4. DELIBERATIVE DEMOCRACY AND HUMAN RIGHTS

Within deliberative democracy Habermas distinguishes between polit-
ical opinion formation and political will formation. Political opinion
formation is what citizens do in the framework of public debate and
public opinion, whereas political will formation is what happens in
parliament. The relation between the two is precarious and, accord-
ing to Habermas, cannot be streamlined into fixed channels or con-
solidated in institutions: it has to remain precarious. The reason is
that public opinion formation requires dynamics, imagination and
creativity in order to keep scrutinising all previously achieved notions
and measures critically, study them from every angle, examine them
from unexpected perspectives, think of alternatives, turn the whole
thing inside out and stand it on its head, so as to trigger a constant
stream of changing ideas, conflicting views and divergent notions.
There is something chaotic about it and that is how it must remain:
it should resist being nailed down. Nor does it have to be, for it is
a matter of forming opinions, which can and should happen freely
and without impediment, not of decision making, which always entails
some pressure from temporal, spatial and material constraints.
  Parliament's task consists in selecting the right issues from this
ongoing argumentative communication, putting them on the agenda,
analysing them, making them the object of parliamentary debate,
dealing with them publicly, forming (occasional) coalitions in regard
to them, entering into negotiations and compromises, taking deci-
sions, pressurising the executive state to implement these decisions,
and finally monitoring them (Habermas 1993, 226–229; 1997, 55–63).
One might say that parliament functions both in a context of dis-
covery, inasmuch as it is open to input from public opinion that is
in no way dependent on formal procedures, and in a context of
justification, inasmuch as it formally and procedurally accepts respon-

sibility and accountability for its selection of issues and the way these have been converted into decisions (Habermas 1993, 367–382).[7]

In this two-track ideal of deliberative democracy citizens realise their private autonomy (they can freely make their input) in inter-relationship with their public autonomy (they participate in the delib-eration on an equal footing) (Habermas 1993, 493–506). But the process does not get under way, nor can it possibly be sustained, unless a threefold culture is established and maintained: a political, a legal and a human rights culture. The political culture aims at exchanging ideas on politically relevant issues, dealing with political views adversarially and discussing political attitudes, which leads to political mobilisation. Deliberative democracy also requires a legal culture to channel issues that warrant legislative attention to parlia-ment, promote legislative work on it and, if necessary, enforce this by non-violent means, which leads to legal mobilisation. But above all deliberative democracy requires a human rights culture, because reflection on human rights is needed to keep clarifying their chang-ing meaning; to understand them in terms of the varying contexts in which they originated and have been interpreted in the past; occa-sionally to liberate them in the face of various traditions in these contexts; and to universalise them in the twofold sense that we have identified already: universalisation in the sense of substantive expan-sion, as in the case of collective rights, and in the sense of growing inclusion of previously excluded groups and communities. For human rights are not a product but a process, or rather a project. In this way such a human rights culture acquires human rights mobilising power (Habermas 1993, 472–477, 633–651).

However appealing this two-track picture of deliberative politics may be, especially when it comes to the interpretation and applica-tion of human rights, it raises some serious problems. Here we confine ourselves to three of them: the first refers to the goals of opinion formation in deliberative discourse, the second to space for opinion formation, and the third to the period of time needed to attain them.

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[7] In *Strukturwandel der Öffentlichkeit* (1962, 278–287) Habermas distinguishes between a liberal trend to localise public discourse in civil society and a social democratic trend to have it conducted in parliament. According to Cohen and Arato (1989, 492) Habermas himelf moved from the latter position to the former. Against this view one could argue that even in *Strukturwandel* he already made a distinction between informal and formal public discourse, advocating a conjunction of the two (Habermas 1962, 287–294).

Goals of opinion formation in deliberative democracy

Diverse goals of opinion formation can be discerned in Habermas's work, giving rise to confusion, if only because some of them are (over) ambitious (cf. Bohman & Rehg 1997). The overall aim is to involve citizens in matters that affect all of them in order to get them to participate in deliberations about these. This aim can be divided into three hierarchical goals. The first and highest is to reach the fullest consensus possible with a view to stabilising and enhancing social integration, which implies striving for unanimity or maximum support for the viewpoint of the (ever changing) majority. The enterprise may also be more modest and directed to a lesser goal, namely cultivating cooperation between individuals and groups, or a still lower goal: that of finding a basis for compromise. Some scholars maintain that the goal of consensus is overly ambitious, since it does not allow for possible conflicts between ethical traditions and communities, which may prompt people to opt for lesser goals, such as cooperation and compromise (Rehg & Bohman 2002).

Be that as it may, two criteria are important in opinion formation. The first is the criterion of procedural fairness, which means that the principles governing any communication whatsoever have to be adequately guaranteed. We have already mentioned the right to freedom of access, equal right to participate, the right to take a position free from coercion, and the right to truthful communication. In addition the various requirements of what we called Habermas's procedural 'U-rule' have to be met. This entails inter alia that the effects – both direct and side effects – of the opinions and decisions for the parties involved should be taken into consideration. Apart from the procedural criterion of fairness there is also the epistemic criterion of pragmatic truth. Here truth refers to the question whether the result of opinion formation complies with the moral norm, in this instance the moral norm implicit in the relevant human rights. The adjective 'pragmatic' relates to the question, already raised, whether the decision that forms part of the result actually works in practice. Naturally this is not a matter of fleeting impressions or the experience of a solitary individual, but of the experience of many people and groups of the outcome of the opinion formation in different settings. According to Habermas it is readily apparent in practice whether the 'truth' one believes one has achieved actually works (Habermas 1999, 230–270; cf. Bohman & Rehg 1997).

Fine words, but do they really reflect social reality accurately? After all, various groups in society cherish all sorts of beliefs and values, sometimes embedded in age-old traditions, that are simply not open to consensus, cooperation or compromise. Habermas takes cognisance of pluralism in religious and ethical traditions, but does he pay sufficient attention to the kind of pluralism where views are diametrically opposed, where they conflict head on and their representatives are simply not prepared to enter into free, equal dialogue with others, let alone be persuaded by the arguments of their adversaries to modify their own views even ever so slightly? The pro-life and pro-choice advocates are a perfect example: can they ever be brought together, can they ever be brought to agree wholehearted on a compromise? One could argue that in effect religious and ethical minorities do bow to majority decisions, especially if that decision is at an abstract, procedural level like abortion and euthanasia laws in some countries, so that these people need not feel their own position is materially affected. But that does not mean that they find the decision rationally acceptable – and that, after all, is the ultimate criterion of political and legal discourse in a deliberative democracy, which is aimed at universal consensus. This is a fundamental limitation of deliberative discourse (McCarthy 1998).

On the other hand one could argue that not consensus but majority rule is one of the conditions for the existence of democracy. This means that the decisions taken are those of the (largest possible) majority, whilst showing maximum respect for the views and considerations of the minority. If majority rule is interpreted dynamically, as in Habermas's theory, a majority decision does not represent a definitive view, since the minority cannot be denied the possibility of trying at a later stage to canvass greater support for its position and to submit it, maybe to a differently constituted parliament, for decision making and possible acceptance. Habermas calls the epistemological concept underlying this 'fallibilism', meaning that all decisions must always be considered provisional, since they only approximate truth, goodness and justice, and can at most be seen as an optimal approximation of these values at the time (Habermas 1993, 217–229). Thus human rights and the constitutions in which they are embodied should be regarded as institutions of a fallible learning process, in which a society gradually overcomes its incapacity for normative self-analysis and self-legislation (Habermas 1993, 535–536).

Space for opinion formation in deliberative democracy

In addition to the hierarchy of goals there is social complexity, which
is the object of another reservation about Habermas's proposed opin-
ion formation by the people and will formation by parliament. One
objection that has been raised is that opinion formation concerns a
non-empirical phenomenon, a phantom, or at any rate an abstrac-
tion, for where does opinion formation actually occur? Not in just
one place – where would that be? – but in many places (cf. Browning
& Fiorenza Schüssler 1992, 111ff.). Habermas often mentions news-
papers, radio and television, but he is also wary of the trivialisation
of topics dealt with in the mass media. The mass media tend to
fulfil a consumption function of diversion and entertainment rather
than that of dissemination and exchange of information, also in the
case of public and political affairs, at any rate when one observes
them playing the man rather than the ball, and moreover exposing
his private rather than his public life. So where does public discourse
still take place? While Habermas offers no (clear) answer to this ques-
tion, we could mention the following possibilities: face-to-face inter-
actions in one's private life in the family, at home, with friends and
in one's neighbourhood; face-to-face and group interactions in one's
professional life; group interactions in primary, secondary, tertiary
and adult education; group interactions in other informal and for-
mal associations in civil society (educational, professional, cultural,
world-view related associations and religious communities); issue-
centred social and political movements (feminist and homosexual
movements, Amnesty International, Green Peace); political parties;
governmental preparatory decision-making bodies and agencies; and
lastly, as mentioned already, the mass media (cf. Rehg & Bohman
2002, 37).

The social complexity of all these face-to-face and group interac-
tions is highlighted when one considers how the opinion formation
that takes place there can be coordinated in a way that will provide
relevant input for decision making in parliament. Although Habermas
underscores the necessarily innovative, creative, even anarchic char-
acter of opinion formation, it does not alter the fact that some organ-
isation is required to channel the flow of ideas in the direction of
parliament. It is not just a matter of Max Weber's dilemma: one
puts the accent either on opinion formation among the public at the
expense of parliamentary decision making, or on parliamentary deci-

sion making at the expense of public opinion formation. There is also a dilemma within opinion formation itself: if one allows the flow of opinions to take its course anarchically, there is no input in parliament; but if one coordinates and organises opinion formation for the sake of such input, one diminishes its vitality, creativity and anarchy and it ceases to exist. In other words, is the social complexity of opinion formation not so great and unmanageable that its relevance needs to be seriously questioned?

One might say that Habermas himself modifies the two-track model of opinion formation and will formation when he refers, following Nancy Fraser, to a 'weak public' and a 'strong public': the weak public manifests itself in opinion formation, the strong public is located in parliament. Habermas leaves opinion formation very much up in the air when, instead of a weak and a strong public, he also refers to Bernhard Peters's notion of periphery and centre: opinion formation belongs to the periphery of the network of influential factors, of which parliament forms the centre (Rehg & Bohman 2002). These linguistic references to 'weak' versus 'strong' and 'periphery' versus 'centre' are far removed from the priority of Arendt's and Habermas's 'power-in-common' over 'power-over', for if one examines the operation of parliament critically, one finds that its whole structure depends on both administrative bureaucratisation of the plenary assembly and party discipline bureaucratisation within the parties. This makes the latter more or less closed bastions, which can become perilously reduced to a job-distributing machine designed to appoint party members to the public offices they aspire to. This is in fact one of the causes of the widely recognised crisis of parliamentary democracy, evident in what political scientists describe as "continued declines in participation rates, polls suggesting growing dissatisfaction with traditional legislative devices, and the resurgence of far-right-wing movements pandering to xenophobia and racism" (Scheuerman 2002, 72). From this perspective it has been said that in Habermas's normative theory of law the initial (revisionist) radicalism of his social theory, in which public opinion formation played a pivotal role, has made way for resignation.

Time for opinion formation in deliberative democracy

After the criticisms of goal hierarchy and social complexity, we come, finally, to the issue of time. Habermas's envisaged input from opinion

formation in public discourse into will formation in parliament is
jeopardised by the fact that the discussion of all sorts of themes in
parliament is tied to time constraints, such as the fixing of dates for
debates and the time allocated to them. By the time a theme comes
up for discussion in parliament, public opinion – because of its
dynamic, free-floating character – may well have focused on a different
theme altogether, which does not mean that the earlier theme was
unimportant. A fundamental criticism levelled at the steel cage of
the state bureaucracy (to borrow Max Weber's metaphor), which
applies to parliamentary bureaucracy as well, is lack of transparency
as a function of time: the longer procedures take, the sooner peo-
ple lose track of them, so they end up feeling that they are gov-
erned by forces that they do not and cannot control. Paul Ricoeur
(1992, 195), as we pointed out earlier, was quite right when he
observed that "it is from the institutions, precisely, that power receives
this temporal dimension". In other words, time and bureaucratic
power go hand in hand.

   In addition the time allowed for discourse in parliament is restricted,
at any rate to the extent that even crucial topics are sometimes not
sufficiently explored, different approaches are not given an adequate
hearing, and the exchange of convictions and ideas is cut short. After
all, the legitimacy of the interpretation of human rights as it crys-
tallises in laws is measured not only according to the principle of
moral and rational acceptability but also, as mentioned already,
according to the ethical values that the various parties bring into
play, possible differences and even conflicts between these, and prag-
matic considerations regarding the interests and (envisaged and actual)
gains for the parties. Another important criterion not mentioned so
far is the availability and interpretation of relevant information, the
effectiveness of information processing, the accuracy of interpreta-
tions of concrete situations, and the effectiveness and efficiency with
which coalitions are formed and forged and compromises are reached;
in all this, moreover, election results and hopes for the next election
play a major role (Habermas 1993a, 285–286). In short, time con-
straints limit the activity of political and legal discourse in both
opinion-forming and will-forming institutions.

Give up deliberative democracy?

What's to be done about this? Should we exchange the model of deliberative democracy, including its systematic deliberation on human rights and their interpretation and application in laws and law making, for another? There are two alternatives (Bohman & Rehg 1997). The first is the experts model of democracy, according to which, if it comes to the push, one should allow the political elite, and especially the professional or technocratic elite, to decide what they consider to be in the national interest. This elitist model of democracy that was dominant in the mid-20th century, is highly suspicious of public deliberation and emerges from anti-populist sentiment. The reasons advanced are that the public is ill informed, ignorant, apathetic and manipulable; on the positive side, it stems from concern for national stability and policy. Since polytheism has risen from the grave once more, in that uniformity of religion and metaphysics has made way for the discordant pluralism of divergent world-views and ethical traditions (as Weber put it), the people's sole contribution is to elect political functionaries and dismiss them when their terms of office expire. To put it succinctly: the governing elite (functionaries) are selected from the non-governing elite (professionals), while the same governing elite is directly subject to the circulation of elites caused by the ebb and flow of the fluctuating preferences of the non-elite (the people) (cf. Pareto 1965).

In addition to the elitist model there is the economic model of democracy. It is based on rational choice theory, which hinges on competition between political parties, regarding them as entrepreneurs on the political market of politically calculating citizens and treating the latter as consumers who want to obtain maximum benefit at minimum cost. The aim is to discover the people's preferences in terms of supply and demand mechanisms so as to adjust the various political parties' tactics and strategies accordingly. All this is aimed at maximum success in the next election, without regarding the people as a deliberating whole, as in the republican tradition (Rousseau's *volontée generale*), but as an aggregate of individual preferences, as in the utilitarian liberal tradition. It also means that the people are not regarded as a whole directed to the common good, for there is no good that would be rationally acceptable to the entire citizen body. One targets groups and sub-groups in the population or, in market terms, segments of the market.

Neither of these two models can be regarded as a valid substitute for the model of deliberative democracy advocated by Habermas and others, however many objections there may be against the latter. In the elitist model the people are a phenomenon defined negatively as a non-elite, which fundamentally detracts from their sovereignty and the fact that they are not only addressees but also authors of law. The rational choice model is equally incompatible with the concept of democracy. It regards citizens as passive consumers and the political process as a struggle for power among competing interests of political parties rather than as oriented to the common good and justice for everybody. However many problems and questions the deliberative model of democracy raises, it is still the least bad form of democracy, which in its turn represents, to quote Sir Winston Churchill, the least bad form of government.

HUMAN RIGHTS CULTURE AND
HUMAN RIGHTS ATTITUDES

In this chapter we look more closely into the theme of a human rights culture, which was broached in the previous chapter. There we located it in the framework of a legal culture, which in its turn fits into the broader framework of a political culture and the even broader framework of the dialectic between opinion formation and will formation in a deliberative democracy. Let us briefly consider these various forms of civic culture.

Civic culture is rooted in day-to-day discourse in the communicative praxis of civil society, which is part and parcel of citizens' life world. Here people exchange points of view, discuss their differences, deal with conflicts. Via public opinion and opinion formation scraps of this discourse, whole and partial arguments bandied in it, stances – emotive or otherwise – adopted in it come to constitute the substance of a political culture, in which the state of the community, society and government is a perennial topic of conversation, be it humorous or serious, engaged or despairing, confident, hopeful or ironic. Within this political culture the legal culture – the social basis legitimising laws – and the human rights culture – the social basis legitimising human rights – occupy a crucial position. Legitimising means that laws or human rights, including their creation, codification, interpretation and application, are or should be rationally acceptable to the populace, or at any rate to the majority of the people and hence to the parliamentary majority (majority rule), whilst showing due tolerance and respect to the minority.[1]

In the previous chapter we made a distinction between legality and legitimacy. The former implies that laws are passed, interpreted and applied according to procedures conforming to the rule of law.

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[1] Despite the fact that majority rule overrules the views of the minority and entails infringement of the sovereignty of the (whole) people, even if the majority treats the minority's views with respect, majority rule remains a democratic principle, at any rate in a negative sense: the alternative would be to disregard the view of the majority.

The latter refers to popular acceptance of these laws, or at any rate a willingness to do so. To this we now add that that such acceptance (or willingness to accept) is or ought to be based on rational grounds or grounds that can be rationally explicated, because the alternatives to rational acceptability – tradition and authority – are inappropriate in a democracy, which by definition is deliberative, however fragile and constantly assailed its very existence may be. This does not mean that tradition and authority do not feature in a democracy. They certainly do, as witness the frequent references to judicial, political, cultural and religious traditions in clarifications of judicial issues and the very real influence wielded in such discussions by persons, past and present, who are vested with authority or reputation. But the decisive factor is not whether a particular view accords with some tradition (let alone with Tradition with a capital 'T', for that almost always suggests ideological distortion), nor whether it concurs with some authority (let alone with Authority with a capital 'A', for that almost always suggests ideological power-mongering). The decisive criterion is or ought to be the substance of that tradition and/or authority, that is, its rational acceptability. As Ricoeur puts it, "The idea of an argument . . . [based on] authority is a contradiction in terms" (Reagan 1996, 126) – and, we would add, so is the idea of an argument based on tradition. In other words, such concepts as human rights culture, legal culture, political culture, civil culture and deliberative democracy do not refer to stable phenomena, unalterable products, an invariable status quo, but to an ever changing project, aimed at an every changing process with variable input, throughput and output that will never have final substance, form or results but will always be subject to constantly changing perspectives and critical reflection. Lastly, in a deliberative democracy parliament, which is established with a view to will formation, has the final say, but to this end it needs to be nourished by public opinion and opinion formation, since otherwise it loses touch with the people whose sovereignty it represents and is overruled by the state bureaucracy, thus culminating in hollow formalism, proceduralism and legalism.

Does this not make deliberative democracy as a whole quite fortuitous, ephemeral, precarious? Indeed – even intrinsically fallible. The positions and agreements reached through consensus need to be subject to continual verification. More than that, they should be subject to constant falsification, implying that comments and objec-

tions cease only when the criticism no longer cuts any ice and can be refuted adequately. The situation changes when new criticism is levelled on the basis of fresh information and/or altered circumstances. In principle, then, falsification is a never-ending process. In such a perspective of fallibility every viewpoint, idea, perception is essentially provisional. It cannot be otherwise, for the people, being sovereign, owes obedience only to itself with all the flux of opinion, diversity and conflict this entails. Neither is the people a stable entity that remains unalterably the same through the ages. It is shaped by the changeability of history and in its turn influences history. Just as individuals are both authors and characters in their own biographies, so are peoples: they shape and are shaped by history. And just as individuals commit their inner polyphony to paper in their biographies, so the history written by peoples is recorded on pages of every colour of the rainbow – the people constitutes a rainbow nation, as archbishop Tutu of Cape Town pointed out. There is no Archimedean plateau or point from which to determine neutrally how the people should organise their own society and government.

And the days of *having to* organise it in a particular way are over, unless the people themselves choose to abide by laws they themselves have passed: 'we, the people', as the preamble to several constitutions, including the South African constitution, commences. 'We, the people' are the authors of our own constitution. There is no God whose commandments can be imposed on the plurality of ideological and religious groups, to be unconditionally obeyed. There is no natural law from which to deduce incontrovertible, indisputable guidelines for the organisation of individual and societal life. There are no natural rights embedded in an unshakable fortress of natural law, which, once discovered and deciphered, will inerrantly indicate what principles the state and society should be founded on. All we have is the sovereign people with its culture of reflection; all we have is democracy with its parliament. Anyone looking for its foundations encounters empty space, and those who circumvent it perform an exercise in vacuity, a dance in a void. That is not meant cynically, for such a dance, which has the nature of ritual and characterises all parliamentary debate, keeps the possibility of transforming action and decision open so as to create order out of chaos and safeguard the people against any form of absolutism (cf. Verhoeven 1965, 21). The empty space must remain, particularly in terms of religious messianic awareness, for anyone who occupies it and, so to speak, usurps

the empty chair reserved for the messiah incurs the scandal of mendacious, perverted messianism (Heller 1997, 87).

Nonetheless the image we have outlined is too flimsy, too fluid, too elusive. Democratic constitutional states are not built on quicksand and are not steered by winds that blow where they will. In the previous chapter we argued that the sovereignty of the people and popular participation in the debate on the road they have to travel, their destination and their fate should be regarded as co-original with human rights as enshrined in bills of rights in modern constitutions. Co-original: the people's sovereign participation in deliberations on their fate presupposes the principles of freedom and equality that underlie human rights, for without these principles deliberation would be impossible; conversely, laying down these principles and expanding them into human rights presuppose deliberation and decision making by the sovereign people who, after all, are the authors of the very deliberations and decision making. As we said, in a deliberative democracy republicanism (sovereignty of the people) and liberalism (human rights) go together. In such a deliberative democracy a human rights culture merits a distinctive and, in a sense, primary place.

Against this background the present chapter is structured in three parts. First we explore what a human rights culture implies. That is not easy, since the term is used in the literature, but with hardly any definition or explanation. It seems more like an appellative image than a concept with a properly defined meaning, which should fit and play its role in a deliberative democracy, as we clarified in the previous chapter. We distinguish between four aspects of such a culture: its principle, space, object and aim (3.1). Because our premise is that a human rights culture stands or falls by its support base, which is rooted in human attitudes, we deal with these attitudes, which refer variously to civil, political and judicial rights, socioeconomic rights and collective rights. Here we report on the human rights attitudes of the two grade 11 student populations in the Johannesburg/Pretoria region, which, as indicated in the introduction to this book, we investigated in our study: students at a number of multicultural private (Anglican and Catholic) schools in 1995 and 2000, and some predominantly monocultural, white public schools students in 1996 and 2001. We try to determine whether these students accept or reject human rights, and whether there are differences between the two student populations (3.2). Lastly we look into sup-

port for human rights among the two student populations: who are the supporters and who are the opponents? Which students are indifferent? In other words, what is the social location of human rights attitudes (3.3)?

3.1. HUMAN RIGHTS CULTURE

In a speech entitled 'The right to peace' in 1997 the secretary-general of UNESCO sketched an evocative picture of what we call a human rights culture: "Human rights! At the dawn of the new millennium, our ideal must be to put them into practice, to add to them, to live and breathe them, to relive them, to revive them with every new day! No one nation, institution or person should feel entitled to lay sole claim to human rights, still less to determine others' credentials in this regard. Human rights can neither be owned nor given, but must be won and deserved afresh with every passing day. Nor should they be regarded as an abstraction, but rather as practical guidelines for action which should be part of the lives of all men and women and enshrined in the laws of every country. Let us translate the Declaration into all languages; let it be studied in every classroom and every home, all over the world! Today's ideal may thus become the happy reality of tomorrow! Learning to know, to do, to be and to live together!"

However, such a summons must, in a manner of speaking, be given hands and feet in the sense that states have to create adequate conditions for human rights. After all, the important thing in any society is to cultivate a legal and human rights culture, directed not by coercion and force, nor by indoctrination and manipulation, but where citizens can debate with each other on an equal footing and the strength of the arguments determines the outcome of the debate. The South African government, too, sets great store by cultivating a culture of dialogue, discussion and debate to ensure that constitutional values and human rights are understood, shared, respected and appreciated (Constitutional Values 2002; Axam 2001).

As mentioned already, the literature offers few if any guidelines to help us determine the scope and content of a human rights culture. On the whole it is understood to be the culture of the human rights contained in declarations of human rights, hence the totality of beliefs, principles and values underlying these, and respect for that

culture.[2] On the basis of the universalism inherent in human rights
one hears references to a 'global culture of human rights' and even
a 'transcendent culture of human rights' (Hastrup 2001). In this
study, however, we use a different definition of the term 'human
rights culture', since we locate it in the framework of a deliberative
democracy, more specifically the relationship between opinion for-
mation and will formation. When we analyse the concept we iden-
tify four aspects which we shall deal with in turn: the principle, the
arena, the object and the aim of such a culture. The four aspects
are interrelated in such a way that they can be distinguished but
not separated. Omitting any one or more of them will, in our view,
erode the concept of a human rights culture, at least in the context
of a deliberative democracy.[3]

Principle

First, then, the principle, which is the principle of publicity (French:
publicité; German: *Öffentlichkeit*). It means that the discourse is not hid-
den, isolated, private, but a topic of shared concern, to which all
have access and in which all can participate actively. Who is 'all' –
all human beings, all members of all ethnic groups, all citizens? It
is not an easy question, as becomes apparent when one considers
what rights people like refugees, asylum seekers and illegal migrants
have in a national polity. There are only nation-states; there are no
super-national structures at this stage, equipped to give a voice to

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[2] Habermas (1993) frequently uses the terms 'political culture', 'legal culture' and
'human rights culture', but without analysing them systematically. Rorty (1993), who
speaks of the Western origins of human rights in a strict sense, refers to the pre-
sent-day human rights culture which is characterised by the many stories, articles
and television images about people all over the world who suffer under inequality
and discrimination, whose human rights are not respected (women, children, gays,
strangers, the homeless and the poor); these reports break down biased Western
parochialism and confront us with the sufferings of these marginalised people world-
wide. Eder (1989) does not use the term 'human rights culture' but does analyse
the term 'political culture', pointing out the existence of various political cultures,
depending on the 'market of opinions', economic relations and political power rela-
tions – all of which strikes us as not really relevant to the meaning of the term
'human rights culture' we have in mind.

[3] Rieu & Duprat (1995, 142) offer an explanation of the concept 'public opin-
ion' and refer to the principle, arena and object of public opinion, but without
working it out systematically. We take over their trichotomy, apply it to human
rights and add to it the aim of a human rights culture.

those who have no political voice whatever. So tens of millions of people find themselves in limbo because they are voiceless and nobody speaks out on their behalf (Arendt 1966, 299–300), with the exception – ex officio – of the United Nations High Commissioner for Refugees (UNHCR).

Arena

Secondly, because of the principle of publicity the arena of the human rights culture must perforce be the marketplace, the public sphere, which includes the public that actively participates and the audience that engages in it. More concretely, the marketplace nowadays is to be found in the mass media, especially the press (including opinion or forum pages) and radio and TV programmes (including discussion and interactive programmes). At the same time this poses a problem. Anyone who takes part in or follows such discourses would be wise to bear in mind the so-called hermeneutics of suspicion, so eloquently advocated by Ricoeur, and be alert to ideological processes that may be at work. The ideological rhetoric that may inform them derives from what Ricoeur, following Kant's anthropology, calls the three temptations of evil, the three 'p's': those of possession (*avoir, Habsucht*), power (*pouvoir, Herrschsucht*) and personal reputation (*vouloir, Ehrsucht*); all of them have their source in the passions of human beings (Ricoeur 1992, 110–112; 1998a, 70–86; 2000, 111–125). These passions can be inflamed and used to mislead and manipulate listeners and viewers for the benefit of the economic system (possession), the state system (power) and the social system of career-based honour and shame (reputation), instead of treating those listeners and viewers with the respect due to autonomous human beings and citizens (cf. Habermas 1962). Put differently: the danger of populist influencing of public opinion is always lurking. That is also the reason for the dialectic tension between public opinion, parliament and the judiciary: parliament has its responsibility, and so have the courts. This means that the officials of these institutions – who are, moreover, independent of each other (separation of powers!) – have the task of setting aside, rejecting or counteracting a possibly populist-influenced public opinion. This requires courage and daring on the part of parliamentary and judicial office holders (Du Plessis 2002).

Object: problems and conflicts

Having considered the principle and the arena of a human rights culture, we come to the third aspect: its object. The object of a human rights culture in principle comprises all topics raised by any individual, group or community for which a public, however small, can be found. Let us look more closely at two kinds of topics: problems and conflicts.

Human rights problems refer to concrete situations that call for the application of human rights, to which end their meaning and scope have to be clarified. It could concern the meaning of civil rights, such as the prohibition of discrimination, freedom of expression, freedom of conscience or freedom of the press. Or it could concern the meaning of political rights, for instance the principle of a multiparty system, access to public office for all citizens or active and passive franchise. It could also concern the meaning of judicial rights, for example the independence and impartiality of the judiciary or the right to legal assistance. It could concern the meaning of socio-economic rights, such as the rights to housing, health care, food, water, social security and access to land. Finally it could concern the meaning of the different kinds of collective rights, such as the right to development, protection of the environment or cultural identity.

Usually, however, the object of a human rights culture is not so much a matter of problems arising from the application of human rights to concrete situations but rather of human rights conflicts, that is conflict arising from a clash of human rights, the resolution of which is assessed and regarded differently by individuals and groups. To illustrate the point we cite some recent examples from two areas where human rights conflicts arise that are both topical and cry out for adequate attention and resolution: the right to life and to the freedom of religion.[4]

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[4] The examples cited below all illustrate what is called the horizontal operation of human rights, which arise from and have legal force by virtue of their vertical operation in relations between state and citizens, implying negative obligations of the state towards citizens. The object of legal debate is the horizontal operation, affecting relations between citizens, groups of citizens, associations, businesses, et cetera. However, the least one can say is that the horizontal operation is actually indirect, to be regarded as a private law application of the normative fundamental values underlying the various human rights, which in themselves apply to the public law domain (Besselink 2003, 16).

Conflicts about the right to life
Abortion In the area of the right to life there is an ongoing debate in many countries about the permissibility of what is known as legal abortion. In some countries there are confrontations, sometimes physical, between pro-life and pro-choice protagonists. The pro-life protagonists espouse the unconditional right to protection of the human embryo and foetus on the basis of the right to life that is enshrined in numerous national constitutions, bills of rights and international human rights covenants. Thus the Catholic Church proclaims the view that the embryo should be entitled to the rights of a human person from the moment of conception, hence that abortion is tantamount to murder, although sometimes (tacitly) tolerating abortion in rape cases and to save the mother's life (Gudorf 2003, 68–69). But in claiming this position, this church is forgetting its own history, because since the 17th century the answer to the question of when hominisation takes place (i.e. when a human person is formed), either through transfer by the parents (traducianism) or through the creation of the soul by God (creationism), has ranged between 40 and 80 days. This was why Rome, which taught creationism, explicitly forbade the baptism of un-hominised foetuses in 1713 (Beemer 1970, 281). Sometimes reference is made to the International Covenant on Civil and Political Rights of 1966, which states that 'every human being has the inherent right to life' (article 6). 'Inherent' is taken to mean that this right derives from a moral law or 'natural law', implying that it "precedes their entrenchment in human rights instruments" (Slabbert 1999, 338). But the tenability of this interpretation is questioned. Thus the Pretoria High Court maintained that the word 'everyone' does not include a foetus, in which context it cited the South African constitution's explicit recognition of "the right to bodily and psychological integrity, which includes the right to make decisions concerning reproduction" (section 12; De Waal et al. 2002, 243).

The essential issue is not whether the foetus is a form of life, but whether it is a person: a stillborn child is not treated as a dead person. But perhaps an even more vital issue is whether the foetus can be said to have constitutional rights, as Dworkin argues (Devenish 1999, 104). Pro-choice protagonists advocate the self-determination of women as regards continuation or termination of pregnancy on the basis of the mother's dignity as a human person, her liberty and security, her right to privacy, her right to control of her body, as well as her right to reproductive autonomy. The controversy is not

confined to conflict between these groups, for within the pro-choice
group there are different opinions, notably on the conditions under
which legal abortion may be performed, such as conditions pertain-
ing to medical action and the stage of pregnancy when an abortion
may be performed and beyond which it is no longer permitted (cf.
Devenish 1999, 108–109). As a result of the 19th century discovery
of the ovum and the process of fertilisation, as well as new devel-
opments in the area of genetics, we now know that conception and
fertilisation are an extended process, not an instant occurrence, and
that individuation is not necessarily complete for weeks.

HIV/Aids Another recent example of human rights conflicts in the
area of the right to life relates to the HIV/aids pandemic. Towards
the end of 2003 former South African president Nelson Mandela
said that the pandemic should be regarded as what he called 'a
human rights issue'. This was a provocative statement, since for some
years the government, headed by his successor president Mbeki, had
failed to act and systematically withheld adequate preventive and
therapeutic medicines from (mainly) black people, who are suffering
increasing deaths from the disease. However, former president Nelson
Mandela was assured of the backing of recent declarations by the
UN Commission on Human Rights, which declared at its 49th meet-
ing in April 2002 that it "recognizes that access to medication in
the context of pandemics such as HIV/aids is one fundamental ele-
ment for achieving progressively the full realization of the right of
everyone to the enjoyment of the highest attainable standard of phys-
ical and mental health".[5] Declaring the pandemic a human rights
issue might force even the Vatican to rescind the norm that pro-
hibits the use of condoms. The prohibition, and the grounds for it,
have nothing to do with the pandemic as such, but derives from an
archaic, physicalist interpretation of natural law to the effect that the
semen should reach its 'natural' destination. It supports unrealistic
programmes, as in Kenya where all citizens are called upon to remain
celibate for a two year period, or Swaziland where girls are com-
pelled to participate in a rite of chastity that requires them to abstain
from sex for five years on pain of paying a fine in the form of an
animal such as a cow or about US$160 (Packer 2002, 176–177). It
not merely supports unrealistic programmes, but also reinforces ideas

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[5] E/2002/23–E/CN.4/2002/200.

with a long-term impact on traditional African communities, to the effect that people can do nothing about HIV/aids, because God is the (retaliative) causal agent of the killer disease, or that it is caused by the ancestors or by witches. Sexuality equals pollution and impurity; condoms block the vital flow and hence the 'gift of self', and they prevent the 'ripening of the foetus' (Van Dyk 2001, 112–123).

All this amounts to a violation of the right to reproductive autonomy and the right to health education contained in General Comment 14 on Health by the UN Committee on Economic, Social and Cultural Rights of 2000. There it is stated that it is "important to undertake preventive, promotive and remedial action to shield women from the impact of harmful traditional cultural practices and norms that deny them their full reproductive rights".[6] Moreover, the emphasis on faithful monogamy as the only solution means closing one's mind to the reality that African men are frequently obliged to work in cities and towns far from home. In such cases polygamy – when a man marries several wives under customary law (Bekker et al. 2002, 37ff.; Rautenbach & Goolam 2002, 73–74), valid in South Africa in terms of the Recognition of Customary Marriages Act of 1998 – can help to prevent or reduce adulterous and medically unsafe casual sex and prostitution. Hence "[i]n societies where polygamy is practiced, AIDS educators are wasting their time when they try to advocate monogamy" (Van Dyk 2001, 120).

This statement may be too extreme, for this is clearly a relative issue. After all, polygamy contributes to the oppression of women and prevents them from demanding safe sex from the man, thus increasing the risk of spreading the HIV virus. But that does not detract from the fact that polygamy is less harmful than prostitution (Packer 2002, 36–37). Moral issues often entail a choice between a greater and a lesser evil (*minus malum*) rather than an absolute, hence unrealistic choice between good and evil. In earlier research we found that it is only when churches and their members are open to what is really going on in society and culture that they stop stigmatising

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[6] This comment recognises that "a religion or belief 'shall not result in any impairment of the enjoyment of the rights under the Covenant.' This reinforces Article 5.4 of the 1981 United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief which stipulates that '[p]ractices of a religion or belief in which a child is brought up must not be injurious to his physical or mental health or his full development'" (Packer 2002, 216).

and discriminating against HIV/aids sufferers, isolating them on the margins of society, and instead actively exert themselves to welcome these patients in their midst with genuine compassion (Van der Ven et al. 2003).

Conflicts about the right to the freedom of religion
The second area in which (new) conflicts occur almost daily is that of freedom of religion, including the separation of church and state. These almost invariably centre on two diametrically opposed issues: safeguarding against religion, and freedom to practise one's religion individually and collectively. Here we focus on what we call the freedom of religious expression. Another common feature is the relation between freedom of religion and other human rights.

Freedom of religious expression In the USA it is a contentious issue whether the recitation by public school students of the Pledge of Allegiance, including the phrase 'under God', constitutes a violation of the First Amendment of the constitution, which is about the separation of state and church. Is reciting this pledge, especially the phrase 'under God', not unconstitutional? The affirmative decision by the Ninth Circuit on 26 June 2002 was described by members of Congress as 'crazy', 'outrageous' and 'nuts' and by president Bush as 'ridiculous' (McBride 2003). The crux of the problem is whether 'under God' is a socio-cultural, national phrase or a religious phrase. A similar conflict arose decades ago about the presence of the Bible in the library of a public school, the issue being whether the Bible symbolises the religious and moral values of Christian churches or is a literary work expressing the national culture (Boles 1963).

   In France there has recently been a battle royal on the question whether public schools should be safeguarded against the wearing of veils, yarmulkas or large crucifixes on the chest. An advisory commission, the so-called Stasi commission, instituted by president Chirac in the summer of 2003, distinguished between large and small signs of religiosity. It tolerated the wearing of the star of David and a small crucifix on a chain. Veils, yarmulkas and large crucifixes on the chest were labelled major signs. The obvious question is whether such a prohibition can be considered legitimate in terms of freedom of religion or whether the wearing of religious signs should be tolerated on the basis of that freedom. The commission also objected

to the interruption of schooling by systematic requests to be absent on a particular day of the week or to interrupt lessons and examinations for prayer or fasting. In December 2003 the French president endorsed the commission's decision and expressed his intention to implement the envisaged act as from the beginning of the new school year on 1 September 2004. Since then it has affected the atmosphere on similar lines, not only in French-speaking Belgium but also in German states like Baden Würtenburg and Bavaria, and in countries like Turkey and even South Africa. At the same time it has provoked negative reactions in France itself from the umbrella Muslim organisation (CFCM), the biggest teachers' union (FSU), the federation of parents and the human rights organisation, *Ligue des Droits de l'Homme*. There have been reactions from leaders of political and religious institutions in other countries as well, particularly in Iran, Egypt, Syria and Lebanon, where some religious leaders interpreted the French decision as inciting hatred of Islam and provoking racism.

Religious freedom and other human rights One can cite many conflicts, both past and present, centring on the relation between the right to religious freedom and other human rights. We mention a few. The most harrowing is female circumcision. Its proponents justify it not just on grounds like health, hygiene, and physical and social necessity, but also on religious grounds in order to subject women to compulsory circumcision in over 30 countries in sub-Saharan Africa. In some countries 90% or more of women are said to have been circumcised, thus incurring immediate and long-term physical and psychological health consequences and potential damage to reproductive health. This amounts to a violation of the rights to life, health and reproductive autonomy (Packer 2002, 18–2).

A very different case concerns the right to non-discrimination. It applies to political parties, established on religious principles based on particular biblical texts, which deny women passive franchise for parliamentary seats and leadership positions in the party. This constitutes a violation of the right to non-discrimination (Loenen & De Brouwer 2003).

Other instances pertain to the right to non-discrimination in religious communities, especially Christian communities. There are churches that demand celibacy as a condition for ordination to the

priesthood, thus not only discriminating against non-celibate men, but also depriving their candidates of the fundamental right to marital and family life. There are also churches, including those applying the criterion of celibacy, that proscribe the ordination of women, thus violating the prohibition of discrimination against them. Many churches deny the sacraments to people who cohabit with a partner of the other sex, which amounts to discrimination on grounds of marital status, and/or to those who cohabit with a partner of the same sex, which means discriminating on grounds of sexual orientation.

There are other cases relating to certain classical liberties like freedom of expression and the right to due process. These churches, while not denying their members freedom of expression, nonetheless hedge that freedom with conditions, such as observing the integrity of doctrine regarding faith and morality and showing church leaders due respect. In some cases churches deny their theologians the accusatorial principle, according to which, since pope Gregory I, accuser and accused are tried on an equal footing by a third party when persons are subjected to legal trial for their interpretation of religion and morality (Geringer 1999, 673). There are also churches which impose sanctions for contravention of ecclesiastic doctrine without proper legal process, imposing heavier sanctions than their own law permits and curtailing the fundamental liberties of their members as they see fit (Schoof 1980; Torfs 1985; 1993; Van Iersel 1980; Walf 1990, 40).[7]

The question is whether the discrimination evinced in some of these examples should be regarded as fair or unfair discrimination. That would imply that not all discrimination is unfair, or that there could be such a thing as fair discrimination. The problem is where the onus of proof lies: is the assumption in these examples one of fair discrimination by religions and religiously affiliated organisations, whereupon it has to be demonstrated whether and to what extent the discrimination is unfair, or is the assumption that of unfair discrimination by the religions and religiously affiliated organisations,

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[7] Lederhilger (2000, 25) maintains: "*Es zählt sicherlich zur problematik der Menschenrechtseinforderung seitens der Kirche gegenüber den Staaten, dass sie die Anwendung nach innen stets nur mit einem gewissen Vorbehalt verwirklicht (bzw. verwirklichen kann). Damit setzt sich die Kirche nämlich bei oberflächlicher Betrachtung dem Verdacht aus, 'eine Art doppelter Wahrheit zu vertreten', und muss sich vor allem im Bereich der Forschungsfreiheit an Universitäten der staatskirchenrechtlichen bzw. bildungspolitischen Kritik stellen, insofern im staatlichen Rechtsbereich die Mensenrechtgarantien angemessen zu wahren sind.*"

in which case the contrary has to be proved (Devenish 1999, 49)? The religions' defence is that such discrimination is inherent in their doctrine, so that it is a matter of freedom of religion. This raises the counter question whether a distinction should not be made between ordinary church members and those occupying leadership positions, for instance members of the clergy – which could well raise the further problem of which leadership functions are clerical and which are not, such as the distinction between elders and ministers in Protestant churches and between priests and academically educated, professional lay pastoral workers in the Catholic Church.

It is generally accepted that religious communities must be allowed to appoint only their own members to church positions. But whether there is discrimination on grounds of gender and sexual orientation in the process is not certain: this "will also probably be permissible in so far as it is required by the tenets of the religion" (De Waal et al. 2002, 292). However, it is questionable what the 'tenets of the religion' entail: what is historically and contextually determined and what constitutes the historically invariable core of these tenets? Is there such an invariable core? As a rule that which purports to be historically invariant displays considerable historical variation (Schillebeeckx 1994), especially as regards criteria of membership and access to ecclesiastic office (Schillebeeckx 1985). Finally, there are definitely diverse assessments in religious communities of what belongs to such a core, and the core, too, is interpreted in various ways, ranging from conservative to moderate orthodox to free-thinking, as empirical research keeps showing (Dekker et al. 1997, 54–64; Bernts & Peters 1999, 35–111).

From a legal point of view, at all events, the International Covenant on Civil and Political Rights of 1966 – in the opinion of the Human Rights Committee, as witness its General Comments, par. 5 of 2000 – gives priority to discrimination on grounds of gender over freedom of religion (Loenen & De Brouwer 2003, 23–24).

In some of these cases it is a matter of balancing religious freedom with other human rights on the fundamental principle of equality (cf. De Waal et al. 2002, 197–229, 288–308), with due regard to the fact that such balancing depends on the spirit of the times and the views prevailing in society at large at that time (Van Bijsterveld 2001, 162). Since these views may change – in fact are always changing – the balancing, too, may be subject to change, especially when support for religious institutions in particular is waning as a result

of growing individualisation, pluralisation and secularisation, as is happening in Europe as a whole (Draulans & Halman 2003). In the South African constitution there is already some change in regard to freedom of religion: in times of emergency it no longer has the status of a non-derogable right (Section 37; De Waal et al. 2002, 665; Heyns & Brand 2000, 36). This is counter to the International Covenant on Civil and Political Rights of 1966 (article 4), which states that in times of emergency no derogation may be made from freedom of religion (Van Genugten 2002, 89).[8]

Aim

Finally, from all these considerations regarding the first three aspects of a human rights culture (i.e. its principle, its arena and its object) we can now infer its aim. A human rights culture is not static but dynamic, since it consists in constant reflection on the meaning of human rights in concrete situations that are constantly changing, and on the conflicts arising from their application because of antagonistic views about them in a demographically ever changing population. In other words, a human rights culture is reflective. This implies three aspects: analysis, evaluation and synthesis.[9]

Analysis A human rights culture entails continual analysis of one's own position and arguments as well as those of other individuals and groups, and that goes for both sides. It applies specifically to presuppositions about democracy, the rule of law and the principles of human rights (i.e. freedom, equality and especially human dignity), and above all about the relation between law and religion,

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[8] Since 1994 the Netherlands has had an act on equal treatment, which in article 7 states that whereas discrimination on grounds of religion is obviously permitted in religiously affiliated schools, since otherwise they would forfeit their identity, it is not permissible on grounds of the mere fact of political affiliation, race, gender, nationality, hetero- or homosexual orientation or civic status, which in principle prevents cohabiting heterosexual and homosexual partners from being rejected for appointment as teachers at these schools. In other words, balancing freedom of religion and other human rights is not a fixed, stable exercise, as one might expect (cf. Safran 1981, 199), but is subject to flux in the spirit of the times (*Zeitgeist*) as a result of structural changes in society and culture (cf. Wetenschappelijke Raad 2003, 162).

[9] Ideas relating to the aspects of analysis, evaluation and synthesis derive from the structure-of-intellect model in Guilford (1967) and reflections on the psychology of higher learning processes in De Corte & Van Bouwel (1978).

church and state. In regard to the latter, there are groups and individuals who believe that human rights are subordinate to religion, because the latter transcends everything else, including democracy, the constitution, law and justice. They believe that everything that makes up religion in the broadest sense of the word transcends the foundation of democracy. On the other hand there are those who maintain that religion should be totally subordinate to the democratically created constitution of the country concerned, including its bill of rights, because the constitution is the basic law in terms of which all other laws should be viewed and against which all other laws should be tested. No individual or group may be denied a single human right on the basis of some religious view: the state, whose aim is the protection of its citizens, cannot permit this on pain of forfeiting its purpose and legitimacy. When conflicts arise between human rights and religion and the question emerges whether the religious communities are right in (occasionally) opposing (certain) human rights, there are three options, following Hirschman's triad (1970): loyalty, exit and voice. People are free to choose to join a community (loyalty), they are also free to walk out (exit), and in between there is the option of airing their views (voice), which means asking questions, critically analysing churches' positions, proposing alternative positions, changing perspectives, et cetera – without taking the exit option.

Evaluation The second aspect is that of critical evaluation of views and ideas, both one's own and those of one's group, as well as those of other individuals and groups. This aspect is important, since one cannot remain bogged down in analysis indefinitely. There comes a time when one has to start evaluating, albeit on the basis of prior critical analysis of both sides' views. Here one can apply both internal and external criteria. Internal criteria could relate to the logic in the relations between arguments and conclusion, relations between the arguments themselves, and relations to (tacit) assumptions. External criteria relate to perspectives outside the discourse that are adopted to legitimise our views and ideas. These external criteria may be drawn both from the domain of human rights and from the religious domain. Criteria from the former may be the principles of human rights like freedom and equality; principles of law like contractual freedom and contractual obligation; and finally social principles of law like good faith, fairness, undue influence, legitimate

expectations, altered circumstances and protection of the weaker party
(Pessers 1999, 206). Criteria from the religious domain may be insights
from the Bible, especially Old Testament notions regarding the *per-
sonae miserae* – widows, orphans and strangers – or New Testament
ideas regarding Jesus' preferential option for children, tax collectors,
prostitutes and destitutes (see chapter 4). These criteria may also
come from the Christian tradition, especially certain interpretations
of natural law regarding the human rights of indigenous peoples (see
chapter 5).

An evaluation need not hold true for all time, since, as noted
already, it in intrinsically marked by fallibility. It is and remains
effective only as long as the situation stays unchanged and/or no
fresh information is forthcoming. Fallibility does not detract from
either the value or the necessity of an evaluation here and now.
After all, human rights are not a purely academic issue. They are,
or should be, rooted in the daily lives of real people in real situa-
tions. In daily praxis we cannot wait indefinitely until the academy
has reached consensus; we have to make decisions and act in the
day-to-day contingencies of everyday life.

Synthesis The third aspect entails adopting or maintaining a personal
stance or taking or pursuing a decision, with the requisite arguments,
after completing the necessary analysis and evaluation. Analysis and
evaluation ensure that irrationality is excluded or minimised. After
all, the decision has to be rationally acceptable. Hence this is a type
of synthetic activity: one scrutinises the concrete situation, ascertains
which human right or rights are applicable, and reviews the argu-
ments pertaining to this application so as to meet the criterion of
coherence. Once a sufficiently rational, coherent image emerges, one
can proceed to adopt a point of view or make a decision in which
the various elements are synthesised.

Naturally such decision making is never a clear-cut derivation of
concrete decisions from generally defined human rights or a clear-
cut application of generally defined human rights to concrete situa-
tions. Here it is important to distinguish between the application of
human rights *to* concrete situations and their application *in* concrete
situations. This distinction, which has a broader scope than just
human rights, we owe to Dewey (1986, 105–122). 'Application to'
refers to a way of moral reasoning, which does not take into account
the situation in its singularity, contingency and fragility. 'Application

in' relates to the deliberation process, in which human rights are not applied 'to' the situation in relation to the individuals or groups involved as if this situation was extrinsic or external to them, but 'in' the situation by fully allowing for all the relevant aspects that determine its singularity, uniqueness or tragedy (cf. Gadamer 1960, 290–323; Browning 1991, 38–39).

The term 'synthesis' may create the impression that it entails a stance or decision that holds good for all time. Nothing is further from the truth. Like analysis and evaluation, it is subject to the contingency of time. The same applies to the choice and decision which are based on the synthetic view. Determining one's stance at a given moment does not mean that all earlier questions and doubts have suddenly evaporated and that one's uncertainties have vanished like mist before the sun. Not at all. It simply means that one has weighed arguments for and against, pros and cons, positive and negative effects, long-term positive and negative expectations and through careful deliberation one has decided what course to follow. One cannot remain standing at a crossroads forever. At some point one has to decide on a course of action, but one will only discover whether it is the right course when one either achieves or fails to achieve one's goal. Ricoeur calls the choice that follows evaluation an attestation: a decision implying that a choice has been made and will be honoured – 'here I stand, I can do no other,' as Luther put it – but if subsequently one acquires a new map with new information, or if new guides point out a different, better route, one is not only free but is in fact bound to change one's course (Ricoeur 1992a, passim).

Even then one might ask: how do we know that the decision we made or make is 'true', even if an entire fraternity of scholars or an entire assembly of popular representatives unanimously espouses that particular point of view, which in itself would be utopian? Consensus and truth do not coincide, as the horrendous examples from Nazi Germany taught us. Even more pertinently: suppose the synthesis we made is coherent according to a whole string of adequate arguments, how can we know that the decision in question is true? Coherence and truth do not coincide either. However, in this context truth should not be understood as theoretical or speculative but as practical truth. Just as philosophical tradition has always distinguished between theoretical and practical rationality, so we need to distinguish between theoretical and practical truth. In all the decisions

we take in daily life, day-to-day practice must show whether or not the decision 'works' – works in the sense of promoting the 'good life', of promoting freedom, equality, solidarity. There is no prior guarantee, for there is no supra-temporal infallibility; but the course of history will show whether this decision contributes to the 'good life', whether it in fact promotes freedom, equality and solidarity (cf. Habermas 1999a, 230–270).

3.2. Human rights attitudes

A necessary condition for a reflective human rights culture, whose aspects of analysis, evaluation and synthesis we have indicated and whose principle, arena, object and aim we have described, is the formation of attitudes towards human rights. This is a necessary rather than a sufficient condition, for neither "a long tradition of individual liberties (as in France), nor even a deep public 'internalization' of civil rights expectations (as in Britain), is a sufficient guarantee against the non-enforcement or erosion of civil rights" (Safran 1981, 198). Yet as a necessary condition human rights attitudes are vitally important. If human rights are not rooted in a positive attitude, a positive mind-set, positive engagement on the part of those who have to realise a human rights culture, then the entire culture of critical reflection that forms the core of it is illusory. If a human rights culture is not based on human attitudes rooted in the depths of human personality and there is nothing resonating in the hearts of participants in discourses on human rights, the whole idea of human rights is worth no more than the paper it is written on.

That is why we want to investigate attitudes towards human rights among students at multicultural and monocultural schools in the Johannesburg/Pretoria region, as indicated in the Introduction. We distinguish between first generation civil, political and judicial rights, second generation socio-economic rights and third generation collective (here environmental) rights. We also try to determine whether the two groups differ in these respects. Finally we want to know who are proponents of human rights if we take into account population characteristics like age, gender, home language and political and cultural attitudes.

In this and the next section we try to answer three questions:

(1) To what extent do students accept or reject the first, second and third generations of human rights?
(2) What are the similarities and differences between students at multicultural and monocultural schools as regards rejection or acceptance of the first, second and third generations of human rights?
(3) Where do we look for proponents of human rights among students at the two types of schools if we make a distinction on the basis of population characteristics like age, gender, home language and political and cultural attitudes?

Before one can study human rights attitudes one needs to determine what they are. First there is the term 'attitudes'. For the meaning we attach to this term we refer you to chapter 7, where we explore its scope in the context of religious attitudes. For now it suffices to define an attitude as an affectively governed evaluation of a statement regarding a particular state of affairs. In the case of human rights attitudes, therefore, they are affectively governed evaluations of statements about the state of affairs in the field of human rights. We cite two examples. In the attitude "I feel that every unemployed person should be paid an allowance", the statement deriving from the field of human rights is "every unemployed person should be paid an allowance", and "I feel" is the affectively governed evaluation of that statement. In the attitude "I doubt whether freedom of religion takes priority over the right to non-discrimination" the statement from human rights discussions is "freedom of religion takes priority over the right to non-discrimination" and "I doubt whether" is the affectively governed evaluation of that statement.

As mentioned already, we distinguish between three generations of human rights. The first generation consists of civil, political and judicial rights, known as 'blue' rights; they are Western-oriented rights, originating in liberalism, which are invoked to ensure that the state implements a hands-off policy towards citizens. The second generation of socio-economic rights, known as 'red' rights, originated in socialism, more especially the former socialist Eastern bloc, and are sometimes called rights of credit, since they imply an active role for the state. The third generation of collective rights evolved mainly from the needs and interests of developing countries. Whereas the first generation refers to the first element of the famous slogan of the French revolution, 'Liberty, Equality and Brotherhood' (liberty)

and the second generation to the second element (equality), the third
generation refers to the third element: brotherhood, which implies
collectivity, solidarity. We shall now briefly review these generations
and categories so as to form a clear picture of the diversity of human
rights that are the object of human rights attitudes: attitudes towards
human rights of three generations (cf. Mahoney & Mahoney 1993).
It should also be noted that the various generations and categories
overlap in respect of both substance and time of formation (Marshal
1992).

The term 'generation' may cause confusion in the sense that it
suggests that the next generation supersedes the previous one, whereas
in fact they are conceived of as interdependent and mutually rein-
forcing. The substantive designation could also be misleading, as if
the term 'social' applies only to the second generation and the term
'collective' only to the third generation, whereas the first generation
also has social and collective aspects (Donders 2002, 94–95). In each
case we shall cite examples from the Universal Declaration of Human
Rights (1948), the two major international treaties (the Covenant on
Civil and Political Rights, 1966, and the Covenant on Economic,
Social and Cultural Rights, 1966), the South African constitution
(1996) and in some cases some other international declarations.

First generation

Liberties The first category of first generation civil rights comprises
the liberties, which derive from the 17th and 18th centuries. These
are interrelated according to the following three-term structure: A is
free in relation to B to do or not to do Z. A is the individual, B is
the state, and Z is a given action (e.g. establishing a religious com-
munity), in which B, the state, should not interfere. In other words,
the liberties entail a claim to non-interference by the state (*Abwehrrechte*).
They pertain to non-interference by the state in areas affected by
human rights such as freedom of speech, freedom of the press, free-
dom of lifestyle, freedom of conscience, freedom of religion and the
right to own property (Alexy 1985, 194ff.). They are also called nat-
ural rights, since people are said to have them 'by nature': rights
not to be tampered with by the state, a kind of birthright. Often
they are associated with human rights focusing on some competence
(i.e. power), capacity or legal competence. Action entailing the exer-
cise of such a competence changes reality, here the legal situation.

Thus A has the competence to create legal situation Z (e.g. enter into a marriage, found a society, conclude a valid contract) without any state interference, provided the contract is drawn up according to proper procedure (Alexy 1985, 211ff.).

In the late 18th century these rights were officially proclaimed, thus marking the transition from absolute monarchy, which had been the measure of inequality, to the democratic state. Examples are the American constitution of 1787 and the French declaration of 1789, which were the outcome of innumerable earlier texts in the preceding two centuries, such as the Dutch Republic's *Plakkaat van Verlatinge* (Act of Abjuration) in 1581 in the insurrection against Spain (see chapter 5 below). These rights form the original core of the Universal Declaration of Human Rights of 1948, of which a fundamental article reads: "Everyone has the right to life, liberty and security of person" (article 3). Another article actually pertains to bygone days, though it still has relevance, for instance for the estimated 10 million child slaves in India and the victims of the traffic in women and children for forced and exploitive labour, including sexual exploitation. It reads: "No one shall be held in slavery or servitude; slavery and slave trade shall be prohibited in all their forms" (article 4). These liberties were internationally codified in the International Covenant on Civil and Political Rights in 1966. Here are some examples from this covenant: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life" (article 6). "In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime. . . ." (article 6).

Political Rights The second category of first generation human rights comprises political rights, which took shape in the early 19th century. This was a natural sequel to the formation of civil human rights, since by then the concept of freedom had acquired sufficient substance to allow one to speak of a general status of citizenship. It did not entail the creation of new rights, but the extension of existing rights, especially of the aristocracy in England, to other sections of the population. Thus the Universal Declaration of Human Rights of 1948 states: "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives" (article 21). In the International Covenant on Civil and Political

Rights of 1966 political rights are explicated further, as witness the following: "Every citizen shall have the right and the opportunity . . . to take part in the conduct of public affairs, directly or through freely chosen representatives" (article 25). The South African constitution elaborates on this right as follows: "(1) . . . the right (a) to form a political party; (b) to participate in the activities of, or recruit members for, a political party; (c) to campaign for a political party or cause . . . (2) the right to free and regular elections for any legislative body . . . and to do so in secret, and (3) to stand for public office and, if elected, to hold office" (section 19).

Judicial rights The third category of first generation civil human rights consists of judicial rights, that is the right to justice, here the right to defend and assert all one's rights on terms of equality with others and by due process of law. This pertains not only to vertical relations between government and the citizen but also to horizontal relations between citizens.[10] In both instances it implies, as the Universal Declaration of Human Rights of 1948 puts it, that "no one shall be subjected to arbitrary arrest, detention or exile" (article 9). A corresponding passage in the International Covenant on Civil and Political Rights reads: "All persons shall be equal before the courts and tribunals" (article 14). In the South African constitution some of the judicial rights are defined thus: "Everyone has the right to have any dispute that can be resolved by the application of the law decided in a fair public meeting before a court or, where appropriate, another independent and impartial tribunal or forum" (section 34). Persons arrested, detained and accused have special rights: "(1) Everyone who is arrested for allegedly committing an offence has the right (a) to remain silent; (b) to be informed promptly of the right to remain silent . . .; (c) not to be compelled to make any confession . . .; (d) to be brought before a court as soon as reasonably possible, but not later than 48 hours after the arrest . . . ; (2) Everyone who is detained . . . has the right (a) to be informed promptly of the reason for being detained; (b) to choose, and to consult with, a legal practitioner . . ." (section 35).

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[10] For the horizontal operation of human rights between citizens, see note 4.

Second generation

The second generation of human rights, formulated in the course of the 20th century, are economic, social and cultural. Under the influence of Marxist thought they made history in the course of the 19th century. A milestone was the establishment of the International Labour Organisation in 1919. These rights were first defined formally in the Universal Declaration of Human Rights in 1948, whose preamble already postulates the striving "to promote social progress and better standards of life in larger freedom". This is expanded in subsequent articles into the right to work (article 23), to rest and leisure (article 24), "to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control" (article 25), "the right to education" (article 26), and "the right freely to participate in the cultural life of the community" (article 27).

The International Covenant on Economic, Social and Cultural Rights of 1966 imbedded these rights in international law, evident in the stipulation that everyone has the right "to the enjoyment of just and favourable conditions of work which ensure, in particular: remuneration which provides all workers, as a minimum, with "fair wages . . . [and] a decent living for themselves and their families . . ." (article 7). In the South African Constitution of 1996 these rights are defined more specifically as the right to housing: "Everyone has the right to have access to adequate housing" (section 26) and the right to "health care services", with the rider, "including reproductive health care" (section 27). The right to security is said to include, "if they are unable to support themselves and their dependents, appropriate social assistance" (section 27). One observes that, whereas the Universal Declaration of Human Rights still refers to 'himself and his family', the South African constitution speaks of 'themselves and their dependents': the two documents are separated by 50 intervening years of ideological critique of traditional male/female role divisions and notions of the family.

Third generation

Finally, third generation human rights are collective rights, as they were called by the former director of the Division of Human Rights and Peace of UNESCO, Karl Vasak, who initiated the debate on the subject. He maintained that the individual rights belonging (mainly) to the first (and second) generations needed to be augmented by super-individual, collective rights.[11] He cited the following examples of collective rights: the right to development, the right to a healthy environment, the right to peace, the right to co-ownership of the common heritage of humankind, and the right to communicate.

Since then the various subjects and addressees of collective rights have been clarified (Advisory Committee 1995). Thus humankind or the world community is said to be the subject of the right to peace and the right to co-ownership of the common heritage of humankind (e.g. the sea, the ocean floor); but humankind or the world community is too indeterminate and all-encompassing to denote the holders of collective rights. Besides, subject and addressee would coincide, rendering these rights even less practicable. States, moreover, were said to be the subjects of collective rights such as the right to peace and the right to co-ownership, but again it is not logical, since the addressee of all human rights is the state, in either a negative sense (non-interference in the case of the first generation) or a positive sense (achievement in the case of the second generation). Peoples, indigenous or otherwise, may be holders of collective rights (e.g. the right to development) with the state as the addressee in situations of colonial or racist domination when the people – whatever that may mean – stand in solid opposition to the state. The question is, what is meant by 'people'? Does it comprise all inhabitants of a territory,

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[11] What is the implication of citing collectivities as holders of rights? That is to say, can any entities other than individual persons be holders of rights? Four approaches to this question are current: (1) the holder of a collective right is an aggregate of individuals, as is the case in terms of current international law regarding minorities; (2) collective rights pertain to the collective dimension of the aforementioned first and second generations of human rights, hence they are considered to be rights that can only be realised together with other members of the collectivity, as is the case with minorities in terms of current international law; (3) collectivities are so-called legal or de jure personalities which, being fictitious entities, do not exist in real life outside the legal context, in the same way that states, according to the 'legal fiction view' in current international law, are de jure personalities; and (4) collective rights refer to de facto, pre-legally existing collectivities (Galenkamp 1993, 15–20).

irrespective of – especially ethnic – differences? If one omits the 'irrespective of ethnic differences', one is in fact using a concept of 'people' based on ethnic descent – which, as the history of Nazi Germany, the South African apartheid regime and the recent Balkan war has taught us, leads to ethnic 'cleansing'. In the case of the right to a healthy environment one could speak of a collective right with the 'people' as subject, as in protection against abuses like noise pollution, air pollution, pollution of surface water, dumping of toxic waste – although the meaning of the term 'people' remains problematic. Finally, indigenous peoples and cultural minorities may also be regarded as subjects of collective rights, again with the state as addressee.

There is also controversy in this field between proponents and opponents. The claims made by these communities may be legitimate, it is argued, but that does not mean that they need to be formulated as collective rights. The right to cultural identity can be a valid principle of human rights, but, according to the opponents, claims in this regard are already covered by existing human rights of the first and second generation, such as the right to enjoy culture, language and religion (Donders 2002, 327–345).[12] Others point out that in a democracy, even from a liberal perspective, there can and must be scope for collective rights of cultural minorities, especially on the basis of the principle of equality that requires special measures when unchosen inequalities at a collective level have to be rectified, for instance in the case of language, schooling, culture and religion (Kymlicka 1995; 1995a; cf. Mutua 2002, 92, 204–205, n. 135). They have a right to cultural identity and cultural heterogeneity, in the sense of a right to be different in a multi-ethnic, multicultural society (Gruppelaar & Wils 1998; Struijs 1998; Van Leeuwen 2000).

The Universal Declaration of 1948, however, offers little or no grounds for such an approach. There the emphasis is squarely on the individual person: "everyone has the right . . .", although there is a solitary reference to 'the community', namely that "everyone has duties to the community in which alone the free and full development of his personality is possible" (article 29) – but there is no mention of any right of the community per se.

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[12] In 1995 the Dutch Advisory Committee on Human Rights and Foreign Policy compiled a list of criteria of collective rights (*Adviescommissie* 1995, p. 5), which are not easily met (Donders 2002, 97).

Other official documents, however, do legitimise the notion of collective rights. First of all there are the first articles of both the International Covenant on Civil and Political Rights of 1966 and the International Covenant on Economic, Social and Cultural Rights of 1966, both of which affirm nations' right to self-determination: "All peoples have the right of self-determination" (article 1). A reference to the rights of members of minorities also occurs in the International Covenant of Civil and Political Rights of 1966: "In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion or to use their own language" (article 27). A final example may be found in the UNESCO Declaration on Race and Prejudice of 1978, where it is stated that "all individuals and groups have the right to be different, to consider themselves as different and to be regarded as such" (article 1).

The last two documents simply assume the existence of communities and assign them certain rights such as rights to difference and a culture, religion and language. The South African constitution contains the following statement: "Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of the community, to enjoy their culture, practise their religion and use their language; and to form, join and maintain cultural, religious and linguistic associations and other organs of civil society" (section 31). Commentaries on this statement do dwell on its hybrid character, since it refers to two aspects of the right to cultural, religious and linguistic communities – an individual and a communal aspect – which may or may not converge. An instance of divergence, as indicated in jurisprudence, would be when a community chooses to realise the right to preservation of its identity in such a way that it inhibits individual participation in the life of the community and/or inhibits the freedom of individuals in their actual participation in the community (Habermas 1994, 1301–131; Malik 1999; Donders 2002, 55–56). Hence such a right requires a balancing of its two divergent aspects (De Waal et al. 2002, 471–473). That these issues are highly pertinent is evident in the protest of minorities in Botswana (Bushmen, Yei and Kalanga) who feel that they are marginalised as a result of the dominant position of the eight major Tswana tribes. They are demanding official recognition

of their cultures and languages, in the form of replacement of Tswana school textbooks with equivalents in their own languages.

Rights of citizens or human rights? Rights of refugees?

Here we need to point out a major problem that affects all three generations of human rights: whose rights are they? There are two possible answers, both of them contained in the title of the French Declaration of the Rights of Man and of the Citizen of 1789. The first is: human rights are rights of citizens. The other is: human rights are what the name says – they apply to all human beings. Following from the polarity between republicanism and liberalism described in the previous chapter, republicans who postulate the priority of people's sovereignty limit rights, including human rights, to citizens of a national state; liberals, who proceed from the universality of human rights, maintain that in principle they apply to all human beings. Those who consider this a purely academic issue are mistaken, as become clear when one relates it to the problem of refugees and asylum seekers. Republicans in principle oppose assigning human rights to refugees and asylum seekers, whereas liberals want to assign them these rights. From a republican perspective, then, it is wrong to criticise the often inhuman practices in asylum seekers' quarters: there can be no question of human rights, since we are not dealing with citizens (Habermas 2002, 254–255). That means that asylum seekers, like refugees, are thrown to the dogs and are subject to jungle law and the law of the fittest: they have nobody or nothing to turn to (Arendt 1966).

In this debate Habermas adopts a middle position. In his view human rights, like all rights, are not confined to citizens of a state but belong to everybody residing in its territory, including aliens, displaced foreigners and stateless persons, since otherwise the universality of human rights would be violated. On the other hand they applied only to people within the national territory, not to those beyond it. In terms of Habermas's middle position criticism of the often degrading situation of asylum seekers is justified, since they reside in the territory of the state. But that raises the question whether a state is entitled to pursue a policy, prior to an asylum seeker crossing the border of the national territory and entering the host country, to restrict access as much as possible and even refuse it. Strictly speaking such asylum seekers are not residing in the national territory,

even though dying to do so, so they cannot claim any rights, including human rights. Because this can lead to all kinds of harrowing situations Habermas advocates broadening the horizons towards globalisation of human rights, not just in an international but in a supranational sense, by supporting the United Nations in Immanuel Kant's perspective of 'perpetual peace', which we referred to in chapter 1 (Habermas 1996, 143).

Interrelationship between first and second generation

It is often stressed that the three generations of human rights constitute a whole and cannot and should not be considered in isolation. But this idea has also been criticised, and some of the objections are serious. Let us first examine the link between the first two generations of human rights, and then their link with the third generation.

They are considered to be 'indivisible' and 'interrelated'. Their interrelationship can be viewed from two angles. First, economic, social and cultural rights may be regarded as guaranteeing the exercise of civil and political rights: unless basic needs like food, water, housing and health care are satisfied, the civil liberties are illusory, since satisfaction of these needs is essential for human survival, without which all liberties would be meaningless. At the same time civil rights are a condition for the exercise of socio-economic rights: the liberties are important, for instance, when it comes to the right to work, which entitles people to freely choose to work; or the right to form trade unions and join a trade union of their own choice, as stipulated in the International Covenant on Economic, Social and Cultural Rights of 1966 (articles 6 and 8).

The interrelationship between the two generations of rights is based on the core concept of human dignity. Thus the preamble to the Additional Protocol to the American Convention on Human Rights of 1998 states that "a close relationship . . . exists between economic, social and cultural rights, and civil and political rights"; that "the different categories of rights constitute an indivisible whole based on the recognition of the dignity of the human person, for which reason both require permanent protection and promotion"; that "the violation of some rights in favour of the realization of others can never be justified"; and that "the ideal of free human beings enjoying freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cul-

tural rights and well as his civil and political rights". This 'freedom from fear and want' derives from the American president Roosevelt who, as far back as 1941, spoke of the four freedoms as the four pillars of the post-war international legal order: freedom of speech, freedom of religion, freedom from fear and freedom from want.

Problems With all the fine statements insisting on the intrinsic interrelationship of first and second generation human rights one must not lose sight of the problems attending such an interrelationship. In a country like the USA, for instance, the accent on civil liberties does not promote economic ('redistributive') justice and equality in practice. Conversely, as was seen in the previous chapter, a welfare state does not guarantee the observance of civil liberties, as witness Bismarck's Germany. In foreign politics, too, violations of civil human rights in countries with whom economic ties are maintained are tacitly tolerated so as not to impair economic growth, despite the fact that human rights are considered to be universal and to compel universal respect (Safran 1981, 203–205). In developing countries civil and political rights are sometimes 'suspended' so as to give priority to socio-economic rights (Habermas 1998a, 186).

Apart from these problems we want to point out a difference in the nature of these two generations of human rights that cannot be swept under the carpet. It is as follows. First generation human rights are considered to be judicially enforceable: civil and political rights are clearly and sharply defined and thus qualify for judicial attention in courts of law, at any rate when it can be shown which constitutional and/or legal limitation clauses are involved. They are interpreted dichotomously: either the relevant right is applicable or it is not.

The situation of second generation human rights is different. As noted already, the Universal Declaration of 1948 states: "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care" (article 25). The view that this entails a number of rights has led to the objection that they are not defined sufficiently clearly and sharply to qualify as rights. A human right is a right, which in principle implies a claim that is enforceable. But this enforceability is illusory unless it is clearly stipulated what constitutes a standard of living 'adequate for health'; what 'well-being' is; and what generalities like 'food', 'clothing', 'housing' and 'medical

care' in fact entail. What we have here, critics from various sides
maintain, are values, moral appeals, moral principles, moral rights,
perhaps legal principles rather than legal rights, for they are not
claim rights.[13]

Meanwhile we need not wait for the (no doubt endless) debate on
the demarcation of these concepts is resolved, for the International
Covenant of Economic, Social and Cultural Rights of 1966 uses a
different formulation from the Universal Declaration and adds a fur-
ther statement. The difference in formulation is that the relevant
articles do not start with 'everyone has the right to . . .' or similar
expressions, but with 'the states parties to the present Covenant rec-
ognize the right to . . .'. In other words, the text is not addressed to
individual citizens but to states endorsing the covenant. They declare
themselves responsible for the realisation of human rights. That is
to say, the rights of 'everyone' presuppose prior responsibilities of
the state. It has been noted in passing that the relation between
rights and duties is complex and that they do not absolutely corre-
late: it is doubtful whether duties always imply rights (e.g. the duty
to stop at a red traffic light), whereas one could maintain that rights
imply duties as in the case of this international covenant, although
it does not necessarily say how the duties are to be performed (Veld-
huis 1985, 102–105). The point is, however, that the socio-economic
rights conferred on citizens differ in nature from first generation civil
rights. The latter may be regarded as negative rights or rights to
negative action, that is claims to non-interference by the state (*Abwehr-
rechte*). Socio-economic rights are positive rights indicating that the
state has to deliver something to its citizens: they are rights to pos-

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[13] Obviously this raises a whole gamut of conceptual problems, which we can
only mention in passing in the framework of this chapter, because the demarcation
of such concepts as 'value', 'moral appeal', 'moral principle', 'moral right', 'legal
principle', 'legal right', and 'claim right' is problematic. There is a tradition that
maintains that only claim rights are legal rights, implying that second generation
human rights are not legal rights (Hohfeld 1964; Veldhuis 1985, 90–95). Another
tradition insists that the whole concept of rights calls for fundamental reconsidera-
tion, in which they would be placed in the broader framework of the practice of
rights. A practice of rights should be seen as a pattern of rule-guided actions that
recur over time. In such a pattern, this tradition maintains, there is interaction
between "the holders of rights, the content of the rights they hold, persons with
obligations that correlate with the holders' rights, persons in positions of authority
and their obligations, and other persons who are part of the practice but do not
occupy any of these roles with respect to those rights under consideration at any
given time" (Scarritt 1981, 117).

itive action or achievement rights (*Leistungsrechte*), entailing legal obligations on the part of the state (Alexy 1985, 159–227, 395–472).

Minimum core content and minimum threshold This last comment on the state's obligation to citizens pertains to the statement which the Covenant of Economic, Social and Cultural Rights of 1966 appended to that of the Universal Declaration of 1948. The states commit themselves, the addition reads, "to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures" (article 2). Three expressions in this statement call for comment. The first is: 'to the maximum of its available resources'. Who is to determine, and according to which criteria, what the maximum of its resources is and what constitutes the maximum availability of these resources? The second expression is, 'achieving progressively the full realization of the right'. Who determines, and according to which criteria, what progress means in this context, at what rate it should be achieved and whether that state is in fact progressing at the supposed rate? Finally there is the expression, 'by all appropriate means'. Who determines, and according to what criteria, whether the state has employed all appropriate means towards the progressive realisation of these rights? These questions have led some scholars to the following conclusion: "While the possibility has been discussed of strengthening the legal character of the obligations under this Covenant, they are generally regarded not as legally binding standards with immediate effect but merely as obligations on a state to take steps 'to the maximum of its available resources'" (Klein Goldewijk & De Gaay Fortman 1999, X).

Similar terminology may be found in the South African constitution where it deals with the rights to food, water, health care and social security: "The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights" (section 27). Because of this 'progressive realisation' some authors will not or cannot regard second generation human rights as rights: what is at issue is a process of human rights development and, in this view, the very term 'human rights development' is a contradiction in terms (McCamant 1981, 123). They are principles or obligations rather than rights. The opening

to Part IV of the constitution of India, which contains all sorts of socio-economic principles of state policy relating to matters like nutrition, employment and education, explicitly states: "The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws" (article 37).

This does not detract from the legal obligation imposed on the state by these rights, which is binding and to which it can and should be held. It would betray lack of insight into international relations and into what international law can achieve in this regard if the judicial obligations in these documents were measured purely in terms of legal enforceability (Van Genugten 1992, 7–15). Thus the document 'Limburg Principles on the Implementation of the International Covenant on Economic, Social and Cultural Rights' of 1986 reads: "All States parties have an obligation to begin immediately to take steps towards full realization of the rights contained in the Covenant" (article 16); "'to achieve progressively the full realization of the rights' requires States parties to move as expeditiously as possible towards the realization of the rights. Under no circumstances shall this be interpreted as implying for States the right to defer indefinitely efforts to ensure full realization. On the contrary all States parties have the obligation to begin immediately to take steps to fulfil their obligations under the Covenant" (article 21); "States parties are obligated regardless of the level of economic development, to ensure respect for minimum subsistence rights for all" (article 25).

The Maastricht Guidelines on Violations of Economic, Social and Cultural Rights of 1997 clarify the nature and extent of violations of economic, social and cultural rights, along with appropriate responses and remedies (Brand & Russell 2002). Thus a start was made with the specification of the minimum core content of the rights to health, food, social security, education, protection of children, employment and trade unions. Thus the Maastricht Guidelines define 'minimum core obligations' as follows: "Violations of the Covenant occur when a State fails to satisfy what the Committee on Economic, Social and Cultural Rights has referred to as 'a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights [. . .]. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and hous-

ing, or of the most basic forms of education is, prima facie, violating the Covenant.' Such minimum core obligations apply irrespective of the availability of resources of the country concerned or any other factors and difficulties" (no. 9).

Against this backgrounds a distinction is made between minimum core content and minimum threshold, which clarifies and identifies two aspects of the expression 'minimum core obligation' in the Maastricht Guidelines. The first pertains to the qualitative question of what constitutes the essence of a right, for example the right to free and equal education. The second concerns the quantitative question of realistic and attainable national standards or benchmarks for a state to start and continue the progressive realisation of a right. The first question is best dealt with at the international level, the second at a national level (Arambulo 1999, 141–143). To cite just one example: "It is no longer a question of whether children are going to school, but of whether they are learning to read and write when they are there" (Russell 2002, 20).

Interrelationship between first, second and third generation

All this raises the question whether third generation human rights should not also be regarded as inextricably linked with the other two generations, whether they are not equally based on the concept of human dignity, and whether they do not contribute equally to the enjoyment of freedom from fear and want referred to in the aforementioned preamble to the Additional Protocol to the American Convention on Human Rights of 1998. This question raises even more problems than the relation between first and second generation human rights. In the past, second generation human rights have been regarded as values, moral appeals, moral principles or moral rights rather than legal rights. But, as noted above, some progress has been made in regard to their enforceable character by introducing the concepts 'minimum core content' and 'minimum threshold' in order to operationalise terms like 'to the maximum of its available resources', 'progressive realisation' and 'by all appropriate means'. But what about third generation rights? Some scholars maintain that third generation human rights are not legal but moral rights, whereas others interpret the right to cultural identity, for example, as a legal right, as we have seen. The question is and remains: who knows what 'development', 'a healthy environment', 'peace', 'co-ownership of the

common heritage of mankind', 'preserving one's cultural identity' mean? Often, if not always, it is easier in such instances to define the opposites: 'underdevelopment', 'an unhealthy environment', 'absence of war', et cetera.

Right to development Let us take a closer look at some documents, starting with the Declaration on the Right to Development of 1986. Some of the core concepts in this document, and the context in which they occur, cannot but create the impression that the conceptual boundaries are so indeterminate that readers have to guess what they imply in terms of claims and enforceability. Thus we read: "The right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" (article 1). The right to development is not defined but is expounded in terms of development, specifying four aspects: economic, social, cultural and political development. It is said, moreover, to entail participating in, contributing to and enjoying this development. That does not leave us any the wiser. It goes on to say: "States have the primary responsibility for the creation of national and international conditions favourable to the realization of the right to development" (article 3). To be sure, conditions for development have to be created; and naturally policies have to be implemented: "States have the duty to take steps, individually and collectively, to formulate international development policies with a view to facilitating the full realization of the right to development" (article 4). Are our (mildly) ironic comments unfair on this declaration?

Right to peace We now turn to a document containing an article on the collective right to peace: the African Charter on Human Rights and Peoples' Rights of 1981. It is noteworthy that the title extends the reference to human rights to include 'and peoples' rights'. Thus the document explicitly and consciously devotes attention to collective rights as well. Also noteworthy is the indivisible connection established in the preamble between first and second generation human rights ('cannot be dissociated'). A similar connection is established between collective rights and other human rights: "the reality and respect of peoples' rights should necessarily guarantee human rights". As for peace, the charter pronounces: "All peoples shall have the

right to national and international peace and security" (article 23). More concretely, it adds that those who are granted asylum in another country will be considered not to have engaged in any subversive activities in their country of origin and, more generally, that no country should permit subversive or terrorist activities on its territory against any other state that is party to the charter (article 23).

As in the case of the right to development, irony, however mild, is inappropriate in the case of the right to peace. Why? Anyone watching the violence and chaos between and within states in the world cannot reasonably expect more than the articulation of a broad, general vision. What concrete realisation of the right to peace could we possibly conceive of right now, except, for example, the deployment of peace keeping forces, which meets with varying degrees of success, with the peace keepers sometimes acting as violators rather than protectors of human rights (Malcontent & Duyvesteyn 2003)? This question was further complicated when some Western countries 'invented' the doctrine of a preemptive war. No wonder the secretary-general of UNESCO, in the previously cited speech on the right to peace in 1997, sketched the perspective of peace only in broad outline; or that he merely emphasised the importance of cultivating a peace culture among the youth and, related to that, what we here call a human rights culture. The only way to get beyond such broad perspectives – necessary and useful as they are in themselves – would be to define obstacles to the realisation of these rights and exploring what means should be applied to overcome these; hence a negative approach (cf. Van Genugten 1992).

Right to a healthy environment Finally we take a closer look at a third example: the right to a healthy environment. Here, too, it is being debated whether this is an individual or a collective right. In the African Charter of 1981 it is presented as a peoples' right (article 24), while the Illinois Constitution, for instance, considers it an individual right (article 11). Because this right requires the cooperation of all parts of society, it can and must, according to the protagonists, be seen as a collective right (Douglas-Scott 1999, 430). The reason we devote special attention to this right is that it is an essential condition for all other rights of whatever kind. What is the point of claiming first or second generation rights when the planet is being sullied by increasing air pollution, it's surface water is being polluted, toxic waste is being dumped? Another reason for devoting special

attention to environmental rights is that in our empirical research into attitudes towards collective rights among two student populations we focus explicitly on these rights.[14]

The document we consider in this regard is the Rio Declaration on Environment and Development of 1992. The preamble states movingly that it recognises "the integral and interdependent nature of the Earth, our home." The text then commences: "Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature" (Principle 1). This entitlement does not extend only to the satisfaction of the present generation's needs in this regard but also of those of future generations (Principle 3). That this is not an obligation undertaken by the state alone – one, moreover, that it *cannot* undertake alone – is evident in various places throughout the text. Thus it says that "all States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development" (Principle 5).

Here a clear relationship is established between second generation socio-economic rights and third generation environmental rights, spelled out as an 'indispensable requirement'. It is clearly stated, moreover, that 'all states' and 'all people' should join hands in this endeavour. Subsequently the generalised 'all people' is narrowed down to 'all concerned citizens': "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level" (Principle 10). The indispensability of the cooperation of 'all concerned citizens' is self-evident when one realises that a healthy environment requires not just sustainable patterns of production but also the development of sustainable patterns of consumption (Prin-

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[14] The term 'right to a healthy environment' is more restricted than the term 'environmental right'. The former is unambiguously a right of human beings, the latter in principle leaves scope (in addition) for the rights of the environment. Some people assign these rights meaning, quite apart from (their functionality for) human beings, sometimes even intrinsic meaning, which can only be understood in terms of the total, interdependent planetary biosystem. On that premise they defend the proposition that not only mammals (because they manifestly can suffer pain) and other animals, but also trees, plants, rocks and mountains have rights. Here one should make a distinction between (1) the moral requirement to respect nature, which does not in itself mean assigning it rights; (2) assigning nature rights in the sense of protected interests that nature allegedly has; (3) assigning nature rights on the basis of their supposed intrinsic value, and (4) assigning rights on the basis of the Kantian concept of (human) autonomy, on which human rights thought generally is founded, whereas this does not apply to nature (Douglas-Scott 1999).

ciple 8). This is not possible without the cooperation of 'concerned citizens': they will have to engage with it and make sacrifices for it. Of course, this is not confined to citizens that are already committed; attempts need to be made to expand the circle of concerned citizens, to which end programmes should be undertaken to cultivate "public awareness and participation" (Principle 10). Here three main groups are targeted: women, who "have a vital role in environmental management and development" (Principle 20); the youth, which "should be mobilized to forge a global partnership in order to achieve sustainable development and ensure a better life for all" (Principle 21); and finally it states: "indigenous people and their communities and other local communities have a vital role in environmental management and development" (Principle 22). Here the cooperative character of the right to a healthy environment that we referred to earlier is clearly in evidence.

Differences between human rights

When one surveys the three generations of human rights as a whole one observes an emphasis on the intrinsic interrelationship between them, despite the fact that – according to our analysis of various documents – they clearly differ. The first generation of liberties, political rights and judicial rights can be said to be individual claim rights, and they are actually enforceable, since they are, at least in principle, dichotomous. The second generation consists of legal obligations on the side of the state to do everything in its power to realise the economic, social and cultural rights of the individual, and to do so progressively. These legal obligations are not dichotomous in character, because they imply a kind of continuum ranging from nothing to 'adequate' or 'enough', whereas nobody knows what 'adequate' and 'enough' mean. We have noted, however, that some progress has been made regarding their enforceability by introducing the concepts of minimum core content and minimum threshold.

In the case of the third generation the stringency of a legal right recedes even further into the background – if one can speak of legal rights at all. In contemporary legal theory a distinction is customarily made between 'hard' law and 'soft' law, with international law being rated 'hard' law by some and 'soft' law by others (Hillier 1998, 13). On that basis third generation human rights should probably be considered 'soft' law (Van Genugten 2002, 92). There are also

references to a kind of constitution-based obligatory effort (*Weten-schappelijke Raad* 2003, 159). In the case of environmental rights we are certainly dealing with 'soft law', especially in the Rio Declaration (Dugard 2001, 36, 315–327). This declaration is about moral obligations of the state, individuals and communities: one might call them 'moral obligations in concert'. Their concerted character is implied in the necessary awareness and participation by individuals and their communities, their showing of commitment and concern, as well as their readiness to make sacrifices.

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Human rights attitudes among multicultural and monocultural
school students

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In our study of attitudes among students in the Johannesburg/Pretoria region towards these three different generations of human rights we certainly have to allow for the differences in character described here. This has the following implications for the measuring instruments used in out study: the instrument used to measure the first generation should focus on the strictly legal character of the individual's rights; the instrument for the second generation should concentrate on the legal character of the state's obligation; and in the instrument for the third generation the emphasis should be on moral obligations, especially those of individuals, for instance their awareness, appreciation, action and readiness to make sacrifices for the sake of the environment.

    We now turn to the measurement of human rights attitudes among our two groups of grade 11 students, that is students at multicultural and monocultural schools in the Johannesburg/Pretoria region, as pointed out in the Introduction. With the aid of a questionnaire we investigated the multicultural school students in 1995 and 2000 and the monocultural school students in 1996 and 2001. Our classification of human rights into a first generation (civil, political and judicial rights or 'blue' rights), a second generation (socio-economic or 'red' rights) and a third generation ('collective' rights, in fact 'green' rights) is in part historically based, since these rights were respectively codified in the course of the 18th and 19th, the 20th and the latter half of the 20th century. But our classification also has a theoretical basis, as indicated in our distinction between legal rights, legal obligations and moral obligations above. In addition the classification has an empirical basis, at any rate for the first and sec-

ond generations. This also applies to the three categories in the first generation, as empirically corroborated by Haas (1994) who, following *World human rights guide* by Humana (1987), empirically researched the multidimensional character of human rights, especially these three categories: civil rights, political rights and judicial rights. Empirically they form three separate groups, as do socio-economic rights. What has not been researched empirically is the position of third generation, collective human rights. This is not surprising, since they have not been worked out to any extent and moreover have a distinctive character: they are for a large part moral obligations, although this did not prevent us from including them in our empirical study.

We now turn to our two student populations' attitudes towards civil rights, political rights, judicial rights, socio-economic rights and collective rights.

Attitudes towards civil rights

Our instrument for measuring students' attitudes towards the civil liberties is part of a larger instrument pertaining to civil rights in McClosky and Zaller (1984, table 7.8). The items composing the instrument we used pertained to six liberties known as negative rights or rights to negative actions: claims to non-interference by the state (*Abwehrrechte*). They are: freedom of speech, freedom of the press, freedom of assembly, right to privacy, freedom of lifestyle and freedom of religion. The cells in the following table contain the average values of human rights attitudes among our two student populations on a five-point scale ranging from 1 (total disagreement) to 5 (total agreement).[15] The first and third columns relate to the multicultural school students in 1995 and 2000, the second and fourth columns to the monocultural school students in 1996 and 2001. The last column gives the total average values for both groups of students combined.

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[15] For the sake of the commensurability of data from the McClosky & Zaller instrument with those from other human rights measuring scales we converted the items, which have a dichotomous structure in the McClosky & Zaller instrument and were presented to the students in that form, into five-point scales in our final analysis of the data and scale construction. We interpret these average scores according to the following scheme: 1.00–1.79: total disagreement, 1.80–2.59: disagreement, 2.60–3.39: ambivalence (2.60–2.99: negative ambivalence; 3.00–3.39: positive ambivalence); 3.40–4.19: agreement, 4.20–5.0: full agreement.

Table 3.2.1. *Attitudes towards civil liberties among students at multicultural and monocultural schools*

	multi 1995	mono 1996	multi 2000	mono 2001	total
freedom of speech	3.3	2.9	3.7	2.9	3.2
freedom of the press	2.7	2.5	2.9	2.3	2.6
freedom of assembly	2.9	2.7	2.7	2.4	2.7
right to privacy	2.8	2.4	2.8	2.3	2.6
freedom of lifestyle	3.3	2.9	3.3	2.7	3.1
freedom of religion	1.5	1.4	1.6	1.4	1.5

If we look at the total averages in the last column, we see that the first five liberties (freedom of speech, freedom of the press, freedom of assembly, right to privacy and freedom of lifestyle) persistently hover in the area of ambivalence between 2.60 and 3.39: freedom of speech and freedom of life style verge on positive doubt, the other three on negative doubt: freedom of the press, freedom of assembly, right to privacy. One liberty – freedom of religion – is absolutely rejected (1.5).

How do we interpret this last finding? The two items used to measure students' attitudes towards freedom of religion were the following: "The freedom of atheists to make fun of God and religion (a) should not be allowed, (b) is a legally protected right, (c) I don't know"; and "Prayers in public schools should be (a) permitted, (b) forbidden, (c) I don't know". The context in which our students answered the second item was that of a school setting in which prayers are taken for granted, with the result that the vast majority of students settled for option (a). In this context the first item, too, might have struck them as strange if not abhorrent, with a similar result: the vast majority chose option (a). They might even have seen it as a form of "advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm", which is explicitly excluded from freedom of speech in the South African constitution (section 16).[16] The concept of harm in the con-

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[16] One might ask whether the quoted section is not redundant, since freedom of speech, like the application of all other human rights, in principle falls under the limitation clause in section 36, hence advocacy of hatred can be judged according to the fundamental principles of human dignity and equality (Johannessen 1997).

stitution includes not just physical harm but also emotional and social harm. Such emotional and social harm is considered unconstitutional if it is clearly intended (De Waal et al. 2002, 319–321). In this regard the legal issue is clearly whether 'making fun of God' includes intended harm or whether it is a form of irony or satire. A further question – from developmental psychology – is whether students of this age may be too quick to consider an expression of irony or satire about such a 'holy' issue as religion offensive or even an attack that makes them vulnerable and may wound them.

Does table 3.2.1 reveal any differences in the average scores on civil rights items between multicultural school and monocultural school students? To answer this question we use a difference score of 0.5 or more as our criterion of relevance.[17]

The comparison between multicultural school students in 1995 and monocultural school students in 1996 reveals no differences. A comparison between 2000 and 2001 shows that multicultural and monocultural school students differ in regard to four liberties: the former clearly value freedom of speech (3.7), the press (2.9), privacy (2.8) and lifestyle (3.3) more than the latter (respectively 2.9, 2.3, 2.3, 2.7). This finding calls for explanation.

Rather than look for speculative explanations based on differences that may have arisen in the course of a five year interval (1995/1996–2000/2001) we prefer to examine the table more closely. The differences between multicultural and monocultural school students in 1995 and 1996 are not relevant, at least not in terms of our difference score of relevance (0.5). But three of these civil rights show a difference of 0.4 between 1995 and 1996, which comes very close to the criterion of relevance: freedom of speech, right to privacy and freedom of lifestyle. In 2000 these three liberties exceeded the criterion of relevance, and were joined by a fourth: freedom of the press. In other words, the five year interval saw no startling changes, but overall it seems that students at multicultural schools are more in favour of civil rights than those at monocultural schools. This in itself is a remarkable finding, since civil rights or liberties are documented as 'white' human rights and one would expect white students to subscribe to them more than a multicultural student body. Or are white students, who belong to the white minority, afraid of

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[17] This amounts to a difference of 10% on a five-point scale.

the exercise of these liberties by everybody else who has enjoyed them since the constitution of 1996? Another reason might be indoctrination during the apartheid era when any mention of civil liberties was suspect under, inter alia, the Suppression of Communism Act. The Afrikaans-speaking students were brought up in (the aftermath of) that framework.

Attitudes towards political rights

Having examined our students' attitudes towards civil rights, we now turn to political human rights. Here three rights are focal: rejection of political oppression, which we tested by means of an instrument from cross-cultural research on political action (Barnes et al. 1979; Thomassen 1995, 415); active political participation; and passive political participation. The last two we tested by means of an instrument from the Nijmegen programme, Socio-cultural Developments in the Netherlands (*Sociaal-culturele Ontwikkelingen in Nederland* – SOCON), conducted by Felling et al. (1992). Rejection of political oppression refers to the police using force against demonstrators or government using troops to break up strikes. The right to active political participation relates to working with others to solve political problems or spending time working for a political party. Passive political participation involves watching political programmes on TV or discussing politics with people. Factor analysis of the data of our two student bodies results in the three scales in table 3.2.2.

Table 3.2.2. *Attitudes towards political human rights among students at multicultural and monocultural schools*

	multi 1995	mono 1996	multi 2000	mono 2001	total
rejection oppression	3.2	2.5	3.3	2.5	2.9
active participation	1.6	1.8	1.5	1.8	1.7
passive participation	3.3	2.9	3.1	2.9	3.1

A glance at the total average scores in the last column shows that these human rights, like civil rights, are questioned or even rejected outright. Thus the importance of rejecting political oppression is doubted (2.9), as is that of political interest, even though one discerns a slight positive trend in this case (3.1); the right to political action is manifestly rejected (1.7). The latter finding is not surpris-

ing, since only a tiny minority of students engage in solving political problems or spend time working for a political party – much like the population as a whole. Contrary to the impression created in the press that the youth evinced greater political interest and activity at the time of the first democratic elections in 1994 than at the beginning of the new millennium, which is said to be characterised by what is called a 'massive switch-off from politics', our data indicate that there has been no real change in this regard: they suggest continuity rather than discontinuity.

The only discernible difference in political human rights attitudes between multicultural and monocultural school students relates to rejection of political oppression. In both 1995/1996 and 2000/2001 multicultural school students object more strongly to political oppression than their peers at predominantly white, Afrikaans medium public schools. Again it is not surprising, since not only they themselves, but more particularly their families and other members of their communities suffered greatly under political repression by the apartheid regime prior to 1994.

Attitudes towards judicial rights

Judicial rights occupy a key position among civil and political human rights. They prevent arbitrary arrest, ensure equality before the law and offer adequate legal protection to people suspected of committing an offence. Thus suspects have a right to keep silent and to legal assistance by a lawyer. Here, as we did earlier, we used items from a larger instrument for civil rights constructed by McClosky and Zaller (1984, table 7.8).[18] Factor analysis of the responses of both multicultural and monocultural school students resulted in a single scale: the right to due process.

Table 3.2.3. *Attitudes towards judicial human rights among students at multicultural and monocultural schools*

	multi 1995	mono 1996	multi 2000	mono 2001	total
right to due process	2.2	2.4	2.2	2.1	2.2

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[18] Again we converted the dichotomous scales of the McColsky & Zaller instrument into five-point scales for the sake of the commensurability of data (see note 15).

Again we are struck by the low combined average score in the last column, indicating disagreement (2.2). At leas two explanations come to mind. One is that the students do not grasp the importance of legal protection for a suspect who is brought to court, especially as an effective remedy against violations of human rights by the state, more particularly the police, implying that they fail to see the importance of 'policing the police'. The second is that students living in a country as criminal as South Africa are, like many of their compatriots, so frustrated by the level of crime, and particularly the number of unsolved or unprosecuted crimes, that they favour a tougher approach: a zero tolerance policy, advocated in many countries around the world. But whatever one's view of such a policy, it is not compatible with the establishment of a legal order of which legal protection is one of the pillars (Peters 1999).

Whereas some differences are discernible between the attitudes towards civil and political rights of students at multicultural schools and those at monocultural schools, there are none in the area of judicial human rights. Both groups unanimously reject the significance of due process. Do they feel that the judicial system should devote more attention to safeguarding society and its citizens against criminals than to protecting suspects against the state and the police? Are they representative of the general call for tougher action that has been heard increasingly since the late 1980s (Buruma 1999, 37–38)?

Attitudes towards socio-economic rights

Having reviewed our two groups of students' attitudes towards civil, political and judicial rights, we turn to their attitudes towards socio-economic rights. As mentioned already, these are not legal rights in the sense of legal claims to non-interference by the state (*Abwehrrechte*) but legal obligations of the state to take steps to ensure that citizens' legal rights can be realised (*Leistungsrechte*). We measured our students' attitudes with the aid of an instrument whose items derived from a larger instrument from the International Social Survey Programme (ISSP) of 1985 (Thomassen 1995, 392). They pertain to the state's duty to provide the following things which are essential for a society and its human rights: a job for everyone who wants one; health care for the sick; and a decent standard of living for both the old and the unemployed. Factor analysis of responses to these four items yielded a single scale: socio-economic equality.

Table 3.2.4. *Attitudes towards socio-economic human rights among students at multicultural and monocultural schools*

	multi 1995	mono 1996	multi 2000	mono 2001	total
socio-economic equality	4.1	3.9	4.1	4.0	4.0

The picture is very different from that for civil, political and judicial rights. The combined average of our students' attitudes towards socio-economic rights indicates clear agreement (4.0). Also remarkable is that the differences between students at multicultural schools and those at monocultural schools are irrelevant. One thing is clear: both student bodies have their doubts about 'blue' rights, sometimes amounting to aversion as in the case of judicial rights, sometimes even a strong aversion as in the case of freedom of religion, but when it comes to 'red' rights they show no doubt at all: they are unanimously positive.

Attitudes towards environmental rights

The same picture emerges in the case of environmental rights which, as noted already, feature among collective rights. Again we have to adjust our perspective: whereas first generation civil, political and judicial rights embody a legal claim to non-interference by the state and second generation socio-economic rights constitute legal obligations by the state, the third generation of collective rights, as noted already, reflect the moral obligation of the state and, particularly in the case of environmental rights, that of both the state and the citizen. In selecting items we were guided by the perspective of citizens' moral obligations, since no environmental policy implemented by the state can possibly get off the ground without the commitment and engagement of citizens. We focused on four aspects: environmental action, environmental appreciation, environmental sacrifice, and environmental concern. Items on the first three aspects derive from the Nijmegen SOCON programme (Felling et al. 1992) and those on the fourth from the Cumulative Sourcebook of British Social Attitudes (Brook et al. 1992). Factor analysis of the students' responses resulted in four scales, corresponding with the four aforementioned aspects.

Table 3.2.5. *Attitudes towards environmental human rights among students at multicultural and monocultural schools*

	multi 1995	mono 1996	multi 2000	mono 2001	total
action	3.5	3.4	3.5	3.5	3.5
appreciation	4.1	3.9	4.1	3.9	4.0
sacrifice	3.7	3.6	3.8	3.7	3.7
concern	4.7	4.7	4.8	4.7	4.7

Whereas civil, political and judicial rights met with ambivalence, in some cases negative ambivalence and even rejection by our students, their attitudes towards environmental rights reveal the same picture as their attitudes towards socio-economic rights: the total average scores in the last column all indicate agreement, in the case of 'environmental concern' even absolute agreement (4.7).

As in the case of socio-economic rights, the occasional differences between students at multicultural schools and those at monocultural schools that were noted in regard to civil and political rights have vanished completely. The two groups of students are unanimously geared to environmental action, appreciation, sacrifice and concern.

Fundamental problems

Looking at the overall picture, one observes that the students fully agree with the socio-economic and environmental rights, but are either positively or negatively ambivalent towards civil, political and judicial rights. The latter finding should be a cause of concern to anyone who is committed to democracy. It entails two fundamental problems that not only cause concern, but also raise fears that they will impede the further development and burgeoning of a truly democratic South Africa. These are the rejection of the right to freedom of religion and the right to due process.

Freedom of religion To some extent it is explicable that our students reject the right to freedom of religion. In the first place, South Africa is a religious country and most people take religion for granted on a day-to-day basis, hence the students may have experienced freedom of religion as an irrelevant or even a strange theme. Secondly, as we have said, the items in which this human right was opera-

tionalised may well have been phrased a bit radically from the students' point of view, causing them to give it a negative rating, especially the item "the freedom of atheists to make fun of God and religion is a legally protected right". Although this item admittedly lacks sensitivity for the concerns of religious people, in itself it is an adequate operationalisation of the right to religious freedom, which would apply equally to an item, not included in the questionnaire, which could have read: "making fun of the godlessness of atheists is a legally protected right".

But even allowing for the fact that the students may have found the content of this item shocking, it seems likely that the self-evident importance of religion – particularly as a result of religious socialisation at home and religious education at school – was decisive for their rejection of this human right. This is all the more worrying because freedom of religion, including the separation of church and state, is a cornerstone of constitutional thought. The reason why the extremely negative score on freedom of religion, at least to our mind, should cause concern is that, historically, this human right – whose codification marked the end of the feudal marriage between throne and altar and ushered in democracy – provided the basis for the origin and development of all the other human rights (Bellah 1998). That this is not just a historical fact but remains topical to this day is evident in the fundamental significance of the separation between church and state in the conflicts regarding the freedom of religion referred to at the beginning of this chapter, and especially in the debate on religious fundamentalism – in Judaism and Christianity as well as in Islam – that is raging around the world.

Due process Another civil right that is cause for concern is the right to due process. Students at both types of schools reject it. In a country like South Africa, which by and large has an adequately functioning judicial system that keeps the population together and enables the various population groups to enforce legally required recognition of their dignity and rights, 'faith' and trust in this system is vitally important. The negative scores and the decline among the monocultural school year groups between 1996 and 2001, as may be cautiously inferred from the data, indicate that there is no question of any such 'faith' and trust. Possibly the faith and trust have been eroded – as it was in the past – by a feeling that the state is not

taking adequate measures to safeguard society and citizens against criminals and this attitude is an indirect appeal for tougher action against criminals by the judicial system.

ANSWER TO QUESTION 1 and 2

We are now able to answer two of the research questions formulated at the beginning of this section:

(1) To what extent do students accept or reject the first, second and third generations of human rights?
* They meet some civil rights with positive ambivalence (freedom of speech, freedom of lifestyle), others with negative ambivalence (freedom of the press, freedom of assembly, right to privacy), while they absolutely reject freedom of religion.
* They meet passive political participation with positive ambivalence and the right to rejection of oppression with negative ambivalence, whereas they regard positive political participation negatively.
* They clearly reject the right to due process.
* They clearly accept socio-economic rights.
* They also clearly accept environmental rights.

(2) What are the similarities and differences between students at multicultural and monocultural schools as regards rejection or acceptance of the first, second and third generations of human rights?
* With the exception of freedom of religion students at multicultural schools are less ambivalent and more positive towards civil rights than their peers at monocultural schools; the two groups are unanimous in their absolute rejection of freedom of religion.
* Students at both types of schools are united in their ambivalence about passive political participation and their clear rejection of active political participation. In contrast to the monocultural school students, their peers at multicultural schools clearly reject oppression by police and government troops.
* Students of both types of schools are united in their rejection of the right to due process.
* Students at both types of schools are positively disposed towards socio-economic rights.
* Students at both types of schools are positively disposed towards environmental rights.

As noted already, our students' attitudes towards socio-economic and environmental rights imply robust support for the further development and flowering of a democratic South Africa. Their attitude towards civil and political rights, however, causes concern. Their attitude towards freedom of religion and judicial rights could even constitute an outright barrier to democratic development in South Africa.

3.3. Social location of human rights attitudes

Having examined our students' human rights attitudes, we now want to know who are the holders of these attitudes: where are they to be found? What are their attributes? Are they identifiable by age, gender, home language or certain political and cultural affiliations? In other words we want to determine the social location of these attitudes. Our assumption is that these orientations do not come out of the blue: they do not exist in a social vacuum. They are situated in a given social location and relate to relevant social characteristics, which generally characterise the students' own situation. We want to determine the social location of students who relate to human rights most positively or least negatively.

Social location of attitudes

Questions about the social location of human rights attitudes are rarely raised in academic studies. The reason might be that since attitudes in general, and human rights attitudes specifically, are supposed to emerge from human freedom and personal choice, they transcend and elude the social constraints or, more broadly, the social factors that seem to determine ordinary daily life. From the perspective of some philosophers, as well as that of some psychologists, human freedom contrasts with, even contradicts the social construction of human beings as individuals or as groups.

Let us first look at three different notions – a philosophical, a psychological and a sociological notion – in order to analyse the concept of social location. We refer to a specific philosophical perspective, because we could ask whether attitudes are not so permeated with emotions that their rational dimension, in which freedom exists, disappears. From a psychological perspective one could ask whether attitudes are not so influenced by significant others outside the self that they are prevented from growing and flourishing within the self.

And from the perspective of sociology the question is whether atti-
tudes are not so determined by mechanistic processes in social insti-
tutions that they lose their character of free initiative and choice.

Attitudes and emotions The question whether attitudes are so influenced
by emotions as to contaminate human freedom and choice, which
are the matrix of human rights, can be answered with reference to
a reconstruction by an outstanding representative of philosophical
anthropology: the Nijmegen philosopher Stephan Strasser. If he were
to have dealt with human rights in his famous work, *Das Gemüt*
(1956), he would undoubtedly have presented them as an ultimate
value deserving supra-rational surrender from human beings.[19] But
in addition to the supra-rational he would also have described the
rational and pre-rational aspects of such surrender, as he did in
regard to love and sexuality. There can be no engagement with the
supra-rational, ultimate value of human dignity, he would have
argued, unless it is integrated with human beings' discursive rea-
soning (rational) and rooted in the senses and sensual inclinations
(pre-rational). The triad of the pre-rational, the rational and the
supra-rational constitute surrender to higher values – the true, the
good and the beautiful, which in their turn are interrelated. In other
words, to Strasser the problem of a free choice in favour of human
rights, including human dignity, would depend on how the rational
combines the supra-rational with something that appears to contra-
dict such freedom, namely the pre-rational, in which human beings
are bound by antecedent animal, vital and vegetative forces. Strasser
would have totally disregarded the theme of the social location of
attitudes, specifically human rights attitudes. If any aspect of a free
choice for human rights attitudes were to deserve attention, it would
not be an assortment of social factors but certain major anthropo-
logical factors featuring in the interplay of the supra-rational, the
rational and the pre-rational.

Attitudes and one's inner depth In the field of psychology we refer to a
scholar who epitomises free choice, especially in the area of ideals
and values, maintaining that such free choice arises from inner

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[19] Thus in *De Burger voorbij* (1981, p. 127) Strasser affirmatively cites one of the
formulations from the third version of Kant's categorical imperative, which refers
to treating human beings as ends and not as means only, which is fundamental for
the principle of human dignity (see chapter 6).

processes of human blossoming and flourishing that accompany human beings on their way to the ultimate goal of self-realisation. We are speaking of Carl Rogers (1960). In his therapeutic theory and work he stresses that his clients have to delve into their own person in order to dig up feelings, emotions and attitudes they suppressed in the past because of excessive dependence on their parents' and siblings' desires and wishes for them. Psychological health in fact consists in becoming independent of significant others' opinions by separating and liberating oneself from them, becoming autonomous in relation to customs, traditions and conventions, and cultivating true human freedom from within, from one's own inner depths and resources, one's own inner self. Here it is not a matter of resolving the tension between pre-rational and rational processes in order to prevent the extinction of human freedom and to cultivate it, as Strasser would have it, but between attitudes resulting from outside influences, be they parents, family, school, church or representatives of other social institutions, and attitudes emerging from people's authentic inner selves. To use a metaphor: whereas Strasser stresses the height of supra-rationality as a guarantee of human freedom, Rogers emphasises its depth. Put differently: whereas Strasser would regard emotions as problematic for something as 'high' as a commitment to human rights, Rogers's concern would be that these emotions, which constitute the core of the inner self, may be influenced by anything other than emotions.

Attitudes as social constructions Sociology of knowledge, as expounded by Berger and Luckmann (1964), sees attitudes as social constructs, products of what people do as a social group. The word 'product' may be too limited, for whenever a specific social group at a given point in time creates a social institution with its concomitant roles and attitudes, a later generation is confronted with that institution as something that imposes itself on them from the outside. This does not mean that the new generation can only respond passively by accommodating itself to this traditional configuration: it can change the institution, develop it more or less according to its own needs and interests, and re-figure it. If not, institutions would be static, which would contradict their socio-historically dynamic nature. So there is always a dialectical tension between activity and passivity, doing and suffering, instituting and being instituted, configuration and re-figuration.

What does this imply for human freedom and its relation to attitudes, which has been one of the fundamental problems in the human sciences so far? The social origin of attitudes in institutions does not mean that they are wholly reduced to these institutions. Clarifying the social location of attitudes does not imply a kind of sociological reduction that precludes human initiative and creativity. On the contrary, as noted already, sociological analysis emphasises the dialectical tension between social influences and human freedom. In other words, taking our point of departure from the sociology of knowledge, the concept of social location can be regarded as a set of social characteristics that situate human attitudes as truly human attitudes, without losing sight of their relationship with one's super-rational commitment (Strasser), with one's personal emotions (Rogers), and with the dialectics between institutional configuration and re-figuration (Berger & Luckmann).

Social location as a set of social characteristics

What are social characteristics all about and which social characteristics are relevant? Without attempting a clear-cut definition, social characteristics may be considered to be socially construed population characteristics. It is fairly obvious that institutions like the family, school, political associations and cultural formations are the origin of people's social characteristics and influence these, which means that studying them could indicate where students' human rights attitudes are situated.

But what about demographic characteristics like age, gender and language? Are they to be considered social constructions or just natural phenomena, totally independent of any social invention or institution? While they undoubtedly have a physiological basis, they should not be reduced to that, because age, for example, varies with different social configurations: old age at the beginning of the previous century was different from old age at the end of it. Gender varies with social arrangements: wives' roles used to be different before the age of women's emancipation. Language also varies with social groups: the official black languages could not have developed outside the traditional communities and their narrative and imaginative competencies, and a rich language like Afrikaans would never have come into being if the coloured people had not socially 'invented' 'kitchen Dutch' and transferred it to the generations of young Afrikaners they

looked after. Language acquisition likewise is clearly a social construction, being dependent on the level of abstraction at which parents converse with their children. This in turn depends on the parents' educational and vocational level. The social sciences have no purely natural data. Their data always have social or cultural contents and forms, dialectically related to natural conditions. This was clearly demonstrated for the first time in Durkheim's analysis of the question, "What is a social fact?" In a nutshell, a social fact is a socially constructed fact (Durkheim 1982, 50–60).

The social characteristics in this section of the chapter can be divided into four groups: demographic, familial, political and cultural characteristics. We could add some religious characteristics like religious socialisation and practice, and institutional ones like church membership and church participation, but these will be dealt with below (see chapter 7). The demographic characteristics at issue are gender and age; the familial characteristic is home language; political characteristics are valuing the importance of politics (politics considered 'a value'), political preference (preference for a particular political party), political communication with parents, and political agreement with significant others; lastly, the cultural characteristics are cultural styles: ethnicity and trans-ethnicity, and materialism and post-materialism. Listing these nine social characteristics does not mean that each of them relates to our students' human rights attitudes. All we are assuming is that they could relate to these attitudes, leaving it to our empirical research to determine whether or not, and to what extent, they do.

Social characteristics of human rights attitudes

The next two tables show the empirical relations between the students' human rights attitudes and these social characteristics. In both tables the vertical axis refers to the social characteristics just mentioned, whereas the horizontal axis refers to the human rights attitudes of multicultural school students in 1995 and 2000 and those of monocultural school students in 1996 and 2001, in each case combining all the human rights attitudes dealt with in the previous section (tables 3.2.1–3.2.5). The first table gives the number of incidences of associations (significant etas) between our students' combined human rights attitudes and the following social characteristics: gender, home language, political preference, ethnicity/trans-ethnicity and materialism/

post-materialism (table 3.3.1). The second table gives the number of incidences of correlations (significant rhos) between our students' combined human rights attitudes and the other social characteristics: age, importance of politics, political communication with parents, and political agreement with significant others (table 3.2.2).[20] The numbers of etas and rhos range from 0 to 15.[21]

Let us clarify the social characteristics measured in table 3.3.1. The first distinction we make is between male students (*m*) and female students (*f*). With regard to home language we distinguish between two kinds of home languages: the constitutionally specified official black languages (*b*) and other languages (*o*), including English, Afrikaans and languages not specified in the constitution. Political preference falls in two categories: African National Congress (*A*) and other political parties (*o*), including the National Party, New National Party, Democratic Party, Democratic Alliance and other political parties like the Pan-African Congress. Then we have pure materialism (*m*) and post-materialism (*p*), including a mix of the two. Materialism is characterised by a preference for fighting rising prices and maintaining order in the country, and post-materialism by a preference for giving people more say in the decisions of government (Inglehart 1977; 1990; Van Deth 1983; Van der Ven & Biemans 1994). Lastly we have ethnicity (*e*) and trans-ethnicity (*t*). Here the criterion is whether the students derive their identity primarily or secondarily

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[20] Statistically, association analysis is indicated in the case of nominal measuring scales, while a linear relation between variables – here social characteristics and human rights attitudes – is not assumed, whereas correlation analysis is indicated in the case of metric scales or when ordinal scales can be treated as metric scales, while a linear relation is assumed (see: H. Blalock, *Social Statistics*, revised 2nd edition, Kogukusha 1979; A.D. de Groot, *Methodologie*, Mouton, Den Haag 1964). Here we use the association coefficient 'eta' and the correlation coefficient 'rho'. Significance means that the associations and correlations are not based on pure chance, but imply a systematic relationship in terms of at least 95% chance in each incidence ($p \leq .05$).

[21] Each of the analysed relations between the combined human rights attitudes and a given social characteristic can obtain at most 15 significant eta coefficients or rho coefficients per year group (1995, 1996, 2000, 2001). This is because, as intimated above, we applied various data reduction methods to bring the many human rights items in the questionnaire completed by our students down to a total of 15 human rights scales: six civil rights, three political rights, one judicial right, one socio-economic right and four environmental rights (tables 3.2.1–3.2.5). Here the significance of etas and rhos may have been influenced by the different sizes of the populations (see Introduction): coefficients in larger populations such as that of 2001 have a greater chance of being significant than those in smaller populations such as that of 1996.

from membership of their own particular community, including ethnicity/ethnicity (primarily ethnicity, secondarily ethnicity) and ethnicity/trans-ethnicity (primarily ethnicity, secondarily trans-ethnicity), or whether they derive their identity from membership of the South African nation as a whole, including trans-ethnicity/ethnicity (primarily trans-ethnicity, secondarily ethnicity) and trans-ethnicity/trans-ethnicity (primarily trans-ethnicity, secondarily trans-ethnicity).

The last column in table 3.3.1 gives the total number of etas for the four year groups combined: multicultural school students (1995 and 2000) and monocultural school students (1996 and 2001). We observe that gender occupies the top position (25), followed by political preference (19), materialism and post-materialism (18), home language (17), and ethnicity and trans-ethnicity (10).

Table 3.3.1. *Social characteristics and human rights attitudes among students at multicultural and monocultural schools (numbers etas)*

	multi 1995	mono 1996	multi 2000	mono 2001	total
gender (m/f)	1/6	4/2	3/2	3/4	25
home language (b/o)	4/1	2/1	3/1	2/3	17
pol. preference (A/o)	4/0	2/4	4/1	3/1	19
ethn./trans-ethn. (e/t)	2/2	1/0	3/1	0/1	10
mat./post-mat. (m/p)	0/4	1/4	0/3	0/6	18

[range 0–15]
[gender: male/female (m/f); home language: black/other languages (b/o); political preference: ANC/other parties (A/o); ethnicity/transethnicity (e/t); materialism/post-materialism (m/p)]

Let us begin with gender. Even though it occupies the top position, it does not imply that either male or female students are the only proponents of human rights. The difference is not that great: in 14 of the 25 instances female students are more in favour of human rights than males and in 11 instances male students are. No sharply defined, gender-related image emerges, until one examines the various generations of human rights: here the picture is more differentiated. One finds that male students (8) are more supportive of civil human rights than female students (4). With regard to political rights there is no difference between them (3, 3). What is interesting is that female students are clearly in favour of socio-economic rights (5) and environmental rights (2), whereas male students do not feature significantly.

Does it make any difference whether students speak a black language at home and belong to one of the black communities? It certainly does: in 11 of the 17 cases students who speak one of the official black language at home are more in favour of human rights than those whose home language is English, Afrikaans or some other language.

Are students who have a preference for the ANC more in favour of human rights than their peers who prefer one of the other political parties? The answer is affirmative, because in 13 of the 19 cases students who feel an affiliation with the ANC are more supportive of human rights, especially civil and political rights, than those who feel connected with one of the other parties.

How about students with ethnic as opposed to trans-ethnic orientations? Students with an ethnic orientation are more in favour of human rights in the majority of cases (6 out of 10) than those whose concept of identity is more trans-ethnically based. Interestingly, ethnically oriented students feel more strongly about civil and political rights and trans-ethnically oriented students about environmental rights.

Are materialistic students, who focus mainly on personal financial issues and on law and order, more in favour of human rights than post-materialistic students who set greater store by giving people more say in the decisions of government? Here our analysis offers a clear answer: in 17 of the 18 instances post-materialistic students are more in favour of human rights than materialistic students.

Having determined to what extent gender, home language, political preference, ethnicity and trans-ethnicity, materialism and post-materialism associate with our students' human rights attitudes, we now turn to the remaining four social characteristics: age, valuing the importance of politics, political communication with parents, and political agreement with significant others (table 3.3.2). To what extent do these social characteristics correlate with our students' human rights attitudes? As is evident in the table, the correlation coefficients have either a positive or a negative value. The numbers in the cells indicate the number of incidences of a significant correlation coefficient (rho). Again the scale of the number of rhos in the cells for multicultural school students (1995 and 2000) and monocultural school students (2000 and 2001) ranges from 0 to 15.

Table 3.3.2. *Social characteristics and human rights attitudes among students at multicultural and monocultural schools (numbers rhos)*

	multi 1995		mono 1996		multi 2000		mono 2001		total	
	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg.
age	–	–	–	1	1	–	2	3	3	4
pol. importance	9	–	2	–	5	–	3	–	19	–
pol.comm. parents	5	–	6	–	4	–	2	–	17	–
pol.agreem.sign.others	4	–	2	1	4	2	1	–	11	3

[range 0–15]

The last column in this table shows that the top positions go to students who consider politics an important value (19) and those who have political communication with their parents (17) – here all the correlation coefficients are positive. They are followed by students' political agreement with significant others, where most correlation coefficients have a positive value (11) and only a small minority (3) are negative. Age comes last. This social characteristic is ambivalent, in the sense that in some cases the older the students are, the more they favour human rights (3); in other cases it is the other way round: the older they are, the more they reject human rights (4). This finding is not really relevant, since our students' ages vary only slightly: the vast majority are 17 years old and the rest are either 16 (a few younger than 16) or 18 (a few older than 18).

ANSWER TO RESEARCH QUESTION 3

We can now answer research question 3 at the beginning of section 3.2:

Where do we look for proponents of human rights among students at the two types of schools if we make a distinction on the basis of population characteristics like age, gender, home language and political and cultural attitudes?
* The students's age makes no difference.
* Male students are generally more in favour of civil and political rights and female students of socio-economic and environmental rights.

* On the whole students who belong to black communities and speak
  these communities' languages at home are more in favour of human
  rights than those who speak English, Afrikaans or some other lan-
  guage at home.
* Students who feel an affiliation with the ANC have a more pos-
  itive attitude towards human rights than their peers who prefer
  other political parties.
* Students who attach greater importance to politics and consider
  it a value support human rights more than those who attach less
  importance to it.
* Students who frequently discuss politics with their parents at home
  are more supportive of human rights than those who seldom if
  ever do so.
* Students who experience their identity in ethnic rather than in
  trans-ethnic terms are more positive about human rights than those
  who view their identity trans-ethnically.
* Post-materialistically oriented student favour human rights more
  than materialistically oriented students.
* Students who feel that they share the political views of their
  significant others (e.g. father, mother, friends, teachers) set greater
  store by human rights than students who do not.

Human rights: a white or a black issue, an ethnic or a trans-ethnic issue?

What we observe is that students who have one of the official black
languages as their home language favour human rights more than
those who speak English, Afrikaans or some other language at home.
By and large this means that black students show more support for
human rights than white ones. This is remarkable, considering that
in the literature human rights are frequently criticised for being a
Western product which has been foisted on the rest of the world by
Westerners to further their own economic and political interests. Our
findings point in the opposite direction. Black students are more
interested in human rights and favour them more than white ones,
in our study at any rate. The difference between black and other
students on this point should not be exaggerated, since there are
only eleven instances of students who speak black languages at home
showing a greater preference for human rights as opposed to six
instances of students with some other home language. Nonetheless

it may be seen as an indication of black support for human rights, without playing down white support.

We also observe that students who derive their identity predominantly from their own ethnic community and define it in ethnic terms are more in favour of human rights than those who view their identity from a trans-ethnic perspective. This is remarkable, since the literature often depicts human rights as a (possible) danger to the cohesion of members of local ethnic communities, which allegedly leads to disintegration and decline. Not only the cosmopolitan aura of human rights but particularly their individualistic orientation – propagated by the West and imperialistically foisted on non-Western countries – is said to lead to disintegration and total disruption of small and large social collectivities.

Our research reveals another fact. Students who define their identity in terms of their social reward from their own ethnic communities are more inclined to accept human rights than trans-ethnically oriented students. Again we must not exaggerate the difference, for there are only six instances where ethnically oriented students express a greater preference for human rights as opposed to four instances where trans-ethnically oriented do so. Nonetheless it may be seen as indicating ethnic support for human rights, without denigrating the trans-ethnic support.

PART TWO

HUMAN RIGHTS AND RELIGION:
A COMPLEX RELATIONSHIP

INTRODUCTION TO PART TWO

In part I we dealt with the polarity between individualism and collectivism, because it provides an adequate framework for a discussion of the much maligned individualism that is said to permeate human rights. We are not dismissing the criticism that the West has propagated and sought to impose individualism on other countries – 'the West and the rest' – in its own economic and political interests. Nonetheless we have seen that, on closer scrutiny, human rights have a social rather than an individual basis, namely the principle of mutual recognition. We also saw that in the context of society at large human rights by no means act as a kind of cleaver that individual citizens can use to hack their way through the jungle of ravening predators, all possessed by a single drive: the survival of the fittest. On the contrary, they serve as an instrument to direct the tension between the mutual influences of the systems of the economy and state bureaucracy on the one hand and the life world on the other into appropriate channels within a deliberative democracy, so that they may in fact serve a socially integrative function.

In the Introduction we also mentioned another polarity: that between particularism and universality. We pointed out that this is an important dialectic, since all kinds of debates on human rights can be traced back to aspects of these two poles and their interrelationships. Again the much maligned Westernisation rears its head, for is the universality of human rights not a Western universality, dominated by Western economic and political interests? To invert the question: does the West not try to sell its own, thoroughly contextually determined notion of society and the state – a notion based on human rights – to the rest of the world as a universal concept? Is universality not just a Western ideology camouflaging an underlying neo-colonialism?

These questions are not speculative, for one observes all over the world that human rights, at any rate as viewed and propagated by the West, are watched with Argus eyes, and have been for over fifty years. Back in 1948, when the Universal Declaration of Human Rights was proclaimed, the West, as many fair-minded observers have acknowledged, was able to impose its philosophy of human rights on the rest of the world because it dominated the United

Nations at that time. Most Asian and African countries were European colonies, while the whites posed as saviours of a savage non-European world – the whites being "the colonial administrator, the Bible-wielding missionary, and the merchant of free enterprise", or, going back to even earlier times, "a modern crusader who proselytises and decimates non-western spiritual traditions and cultures at will" (Mutua 2002a, 8). Western hegemony and its standardisation and homogenisation are resisted in every field: technological, economic, political, judicial, social, cultural, moral and religious – the globalisation of human rights being just one example. It is also hard to avoid the impression that some dictatorial regimes do all they can to steer clear of human rights so as to be spared criticism of the corrupt and criminal practices that lubricate their machinery of state (Habermas 1998, 186).

But it is not only non-Western countries that reject Western arrogance and domination, opposing these with their own Confucian, Hindu, Islamic and African values and traditions; in the West, too, there is plenty of criticism. At least four groups are sceptically, even cynically disposed towards universal values and human rights in their criticism of liberalism: communitarians, civic republicans, multiculturalists and feminists. According to the communitarians liberalism is morally too 'thin' to give people an effective identity and erosive of richer conceptions of the common good; civil republicans claim that it undermines people's sovereignty and democratic deliberation; multiculturalists accuse it of being blind to the otherness of the cultural other; and feminists maintain that it causes the ethics of care to be overshadowed by an ethics of rights. If a constitution is needed at all, dyed-in-the wool multiculturalists aver, let it be expressive of a revitalised 'treaty constitutionalism' at an intercultural level, analogous to treaties in the past between indigenous peoples and settlers – as though the latter were (always) based on the economic, political, social, cultural, moral and religious identity of the indigenous peoples!

PARTICULARISM, UNIVERSALISM AND HEGEMONY

Without brushing aside the criticism of Western hegemony, standardisation and homogenisation, we need to take a closer look at the tension between particularism en universalism. Apart from the

fact that, historically at any rate, the striving for hegemony was not
a Western prerogative but occurred in all known civilisations, one
cannot deny that nowadays this phenomenon is observable not only
in the West – where it is glaring – but also in other parts of the
world, especially where civilisations are, consciously or otherwise,
engaged in a struggle. One can dismiss this as the consequence of
resistance to the hegemony of the Christian West, more particularly
Islamic resistance against Western hegemony in countries like Israel,
Iraq and Afghanistan, but also in Kuwait, Jordania, Egypt and Saudi
Arabia. There are manifest signs of Islamic resurgence, from Morocco
to Indonesia and from Nigeria to Kazakhstan. But that does not
account for the struggle between countries where there is no ques-
tion of Christian hegemony, such as that between India and Pakistan
and the conflict about Kashmir between these two countries, respec-
tively representing the Hindu and Islamic civilisations. Neither can
the striving for hegemony be reduced to a mere consequence of,
and resistance to, Western hegemony if one considers the struggles
not only between but also within countries populated by groups rep-
resenting different civilisations. Here one thinks not only of the con-
frontation between Christianity and Islam, like in Sudan, Nigeria,
Ethiopia and Eritrea, the Philippines and Indonesia, but also between
Hindus, Buddhists and Muslims, like in India, Sri Lanka and Malaysia.

Our aim is not to make a case for the Western striving for hege-
mony, but simply to describe the tension between particularism and
universalism as manifested in many forms of resistance, armed strug-
gle and war. It sets us thinking and prompts the question: how come
the striving for universal domination keeps surfacing – specifically in
the West in the colonisation process since the 17th century and the
neo-colonisation processes since World War II? Apart from innu-
merable technological, economic and political factors that play a
role – unquestionably the main role – in these processes, there are
socio-cultural factors at work that nourish and strengthen the strug-
gle for hegemony. These can be described variously as ethnocen-
trism, in-group and out-group thinking, proselytisation, expansionism
and imperialism, but that still does not explain them. Can one not
discern a kind of socio-cultural mechanism cutting across all the phe-
nomena indicated by these terms, one that could serve to explain
them – alongside other explanations? We think that the mechanism
of what may be called justification and hypostatisation plays a major
role.

MECHANISM OF JUSTIFICATION AND HYPOSTATISATION

This mechanism becomes apparent when we focus attention on a classification of convictions, values and norms into two levels. The first level is the actual identification of a country or community with certain convictions, values and norms, people's actual respect for these and their actual application in everyday life. The second level – a kind of meta-level – is the justification of these beliefs, principles and rules: the reasons people advance to show why it is good, just and wise not only to identify with these values and norms, but also to pass them on to the next generation. On the whole people are unaware that these principles and rules play a major role in family life, contacts at work and interactions in the recreational sphere; they are background features and are taken for granted. But there are at least two situations in which people become conscious of them: in the event of calamities, both individual (suffering and death) and collective (natural disasters, war); and when the transfer of values and norms to the next generation in the process of socialisation – cultural, moral and religious – in the family and at school can no longer be taken for granted and even breaks down. In both cases the need arises to advance reasons for affirming that it is good, just and wise to adhere to them. Obviously this notion is not purely cognitive: it has all sorts of emotional and attitudinal tones and overtones, and these are necessary if it is to stick in people's hearts and minds (Berger & Luckman 1967; Van der Ven 1998, 85–90).

What kind of reasons are advanced to justify beliefs, values and norms in the event of calamities and/or a breakdown of socialisation? A major mechanism for such justification is to relate these convictions, principles and rules to universal constants that are considered to feature trans-historically and cross-culturally in all societal formations among all people. Here one can proceed in two possible ways: a formal and a material way.

The formal way pertains to the universality of the perennial questions people ask. In terms of a biological approach one may say that all cultures are intent on solving questions regarding the existence of two genders; the helplessness of infants; the need to satisfy elementary needs such as food, shelter and sex; the existence of people of different ages; and differing physical and other capacities (Kluckhohn 1962, 317–18). In terms of a societal approach one may

say that all cultures grapple with four sets of questions: those relating to social inequality; relations between society and the individual; the social roles of men and women; and coping with uncertainty, including aggression and other emotions (Hofstede 1991). However important these formal ways may be, in the hurly-burly of daily life they are not useful, since they require too much detachment; but in reflections on the values and norms of a particular culture and civilisation it may be useful to compare these questions with those of other cultures, especially with a view to reinforcing or gradually modifying them.

The material way relates, not to corresponding questions asked in different cultures and civilisations, but to corresponding answers – (often) without being aware of the questions. Again there are two possible ways of setting about it: a direct way and an indirect way.

The direct way consists in listing common values and norms that, it is assumed, all cultural traditions, from Hinduism to Christianity to Islam endorse, like condemning murder, deceit, torture, oppression and tyranny (Walzer 1994, 10).

The indirect way is when the beliefs, principles and rules that are in danger of extinction and/or rejection when calamities strike or the socialisation process breaks down are grounded in a more or less ontological insight into what human beings are, where they come from, what human life is meant for, what the relation is between origin and orientation, chance and challenge, fate and destiny, fact and fiction; also what the goal of society is, what community means, how to deal with conflicts, and what hope there is of reconciliation and peace. It is this process of grounding convictions, values and norms in ontological insights inherent in the socio-cultural mechanism that makes it possible to transcend the concreteness and contextuality of one's own principles and rules and focus on their (supposed) universality. In other words, the process of universalising values and norms is based on an ontologisation of one's own, contextually determined values and norms, thus incurring a risk of hypostasising them.

We can reconstruct this hypostatisation with reference to various aspects. Reconstruction does not entail description but refers to a theoretical scheme that clarifies the process of universalisation, retrospectively, ex post facto as it were, regardless of the existence of alternative theoretical schemes (Davidson 1985, 153–154). First one selects from one's own cultural, moral and judicial traditions those convictions, values and norms that one considers useful for coping

with calamities and unblocking socialisation. In so doing one is (usually) reflectively unaware of (re)inventing history. Next one links these values, et cetera with ontological insights that have always been considered to inhere in them and that have been handed down from one generation to the next, whereupon these ontological insights are declared universal. One then separates the ontological insights from one's own tradition, infers from them the existence of a kind of ontological constant, and sets them up as ontological 'facts', which henceforth exist in their own right as if they referred to some pre-existent reality independent of tradition or interpretation. Finally one ascribes ultimate meaning to one's insight into these ontological 'facts' by declaring that they were revealed, intended and dictated from the beginning by God, either directly by divine commandment or indirectly in that they are enshrined in human nature. Insight into these ontological 'facts' can be developed by human rationality (religiously applied natural law), or by regarding them as enshrined in human nature independently of any divine being (secularly applied natural law).[1] The ultimate function of this whole hypostatisation process is to create authority and impart authority to one's own tradition and identity, hence to one's own convictions, values and norms. Since the hypostatisation process is common to all civilisations and cultures, one may speak of a pluralistic universalism and a plurality of universalisms.

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[1] The critical point is that hypostatisation rests on the assumption that these ontological insights represent universal ontological 'facts'. But there are no facts; there are merely reconstructions of linguistically mediated data and findings referring to the reality we live in, whereas ontology is simply a reconstruction of this reality – or rather, the plurality of ontologies is just a plurality of reconstructions of that reality, competing with one another and with non-ontological reconstructions. Here we may cite the principle of indeterminacy, according to which there is an infinite number of reconstructions of data that are compatible with the totality of these data, and the 'principle of charity' according to which a theory should be chosen that validates more statements about the data than does any competing theory equally fitted to the data, notwithstanding any 'overlap' between these theories. These principles concur with Hume's refutation of induction: there is no induction without a theory (or plurality of theories) that as it were turns 'facts' into data to be interpreted (cf. Davidson 1986). They do not lead to rejection of the universalistic perspective but in fact indicate its conditions and scope.

Particularism, universalism and hegemony within Christianity

This provides a framework in which to determine to what extent the process of justification and hypostatisation has influenced Western civilisation, especially the Christian religion, which created the conditions for it and constitutes its source – albeit not the sole source, but along with Greek and Roman philosophy, the Renaissance and the Enlightenment. It is not a purely academic issue. The question is to what extent this process, which always entails a risk of leading to a striving for hegemony, has actively contributed to universalisation of one's own particularity and hence to hegemonic thought and action. Our reason for undertaking this study is that the convictions, values and norms of the Christian tradition (along with those of other traditions) have always constituted the religious and moral infrastructure of human rights.

Contexts of origin, codification and legitimation

For the purpose of studying the contribution of Christianity to human rights thought in terms of particularism and universalism, and especially its contribution to hegemonic thought and action, we distinguish between three kinds of contexts in which this whole process took place and may still be taking place: a context of origin, a context of codification, and a context of legitimation.

The context of origin relates to the fact that Christianity has handed down a cultural heritage of values and norms from one generation to the next, a heritage it still possesses and uses today as a basis for living. In this heritage the biblical sources occupy a prominent place, not only because they are the historical matrix of the religious and moral tradition of Christianity, but also because, as the biblical canon, they are an original point of reference that has constantly been invoked in the course of history, both by way of reminder and of resourcement. They not only comprise a treasury of books from the past, but continue to be read and reread to this day so as to decipher a perspective on the future. Without the biblical scriptures Christianity would have no foundation and lose its way, which is avoided notwithstanding the fact – or rather, thanks to the fact – that the canon offers a wide range of visions and convictions. Without

the biblical writings the churches would go off course, which is avoided notwithstanding the fact – or rather, thanks to the fact – that these visions and convictions are not there for the taking, self-evidently and directly, but require the difficult and arduous labour of constant interpretation and reinterpretation. Against this background we shall deal with a few fundamental texts from the Pentateuch, Isaiah, the synoptic gospels and Paul's letter to the Romans. The question that concerns us is in what respect the particularism of Judaism and Christianity is transcended in the direction of universalism and what kind of universalism that is: plain universalism or hegemonic universalism (chapter 4).

All this does not mean that the Christian heritage has always inspired the formulation and codification of values and norms in terms of human rights and their incorporation into national constitutions and bills of rights: that is our research question in the context of codification. In other words, whereas the context of origin refers to Christianity's contribution to the 'discovery' of norms and values that form a kind of moral substratum for human rights (even though some of the norms and values espoused by Christianity in fact contravened human rights and continue to do so, as we shall see), the context of codification relates to the question whether and to what extent Christianity has contributed to the phenomenon that these norms and values came to be codified and incorporated into national constitutions, international declarations and covenants of human rights. Against this background we deal with the history of natural law and its bearing on the relation between particularism and universalism, with all the attendant ambivalence (chapter 5).

Apart from the question whether and to what extent Christianity has contributed to the origin and codification of human rights, one could ask whether it has helped to legitimise these rights; that is the context of legitimation.[2] This is important, because some Christian communities answer affirmatively to all three questions: they have contributed to human rights in the contexts of origin and codification, and also in the context of legitimation. The third claim implies that Christianity advanced reasons and evolved a theory to clarify and explain – sometimes in the face of the objections and indifference

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[2] In the debate on religious freedom a distinction is made between the origin and the validity of religious freedom, which is what we refer to as legitimation (Böckenförde & Spaemann 1987, 76).

of other groups – that human rights are indispensable to ensure human dignity and the cohesion of human society. But this certainly does not apply to all churches in all periods of history. Some churches – including, as we shall see, the Catholic Church – initially strongly opposed human rights; they definitely did not provide a context of legitimation. Then, after a prolonged process of acceptance, sometimes lasting a century or one and a half centuries, they abandoned their protest and eventually even constructed a legitimation for human rights from within their own tradition. A kind of test here is what place belief in God occupies in human rights thought in the churches, and more particularly whether, in the opinion of the churches, reference to God is appropriate in the preamble to a constitution or bill of rights. If the answer is affirmative, does that not again imply a striving for religious, specifically Christian, hegemonic universalism, especially in relation to other religious and non-religious world views? (Chapter 6)

In addition to the contexts of origin, codification and legitimation we may ask: what is the relation between Christianity and human rights in our day and age? Does it in fact contribute to the desperately needed human rights culture, as we defined this term in the previous chapter, and do the churches actively orient their members to that culture? Do they actively stimulate and motivate their members positively? Or do church members in fact turn out to be indifferent to human rights? Or do the churches in fact have a negative influence? We need to ask these questions, for however much churches may have contributed historically to the 'discovery' of human rights (contexts of origin and codification), and however hard they try to legitimise the importance of human rights in terms of their own religious traditions (context of legitimation), it still does not mean that their influence is positive in our time. We deal with these empirical questions in Part III of this study (chapters 7–14).

CONTEXT OF ORIGIN

However one regards the biblical books in a human rights perspective, they constitute – together with Greek and Roman thought, with which Christianity was constantly interacting in certain eras – a priceless source of religious and moral values, without which the origin of human rights would be inconceivable. That does not detract from the fact that many texts in the biblical sources ill accord with human rights, such as those about retaliation, both between human beings themselves and between God and human beings – a theme permeating many Old Testament passages in particular. Neither does it detract from the fact that one can cite biblical texts that flatly contradict human rights, such as legitimised death and destruction that readers are frequently faced with, again in the Old Testament. Above all, it does not detract from the fact that in the course of church history the use of these texts has given rise to practices that would now be classified as violations of human rights and which contemporary courts would not hesitate to label 'crimes against humanity' and 'genocide', such as the pogroms against Jews, the crusades against Muslims, the inquisition against heretics and dissidents, and apartheid against anyone other than members of the white race. But throughout church history texts that call for faith and hope, love and justice, solidarity and peace predominate, and throughout there are constant outcries against the injustices perpetrated by the mighty of this world – among whom (sometimes) one finds churches – and the outcries explicitly invoke these very texts. Indeed, that is the paradox of interpreting biblical books: people protest against tradition on the basis of that very tradition.

Nonetheless, however much one recognises and understands the historically determined context of good and evil in the biblical writings, there is one phenomenon that persistently poses a fundamental problem, at least when one considers the Bible in a human rights perspective. This problem, which ties in with the theme of retaliation and the death and destruction found in so many Old Testament passages, relates to two forms of tension between particularism and

universalism that we identify below: the tension between religious particularism and universalism, and that between moral particularism and universalism. The two kinds of tension are interrelated, since in a religious text the moral text constitutes a subtext, implying that one way or another religion is always linked with morality, and vice versa: morality is always linked with religion. But it often happens that in certain (selected) texts the religious dimension is focal and in others the moral dimension. It is a matter of emphasis.

In itself particularism does not pose much of a problem; it is fairly self-evident: every community – including religious communities – emerges on the grounds that it distinguishes, even isolates itself from other communities, because it bases itself, consciously and/or unconsciously, on something distinctive or special, some quality that identifies it as this particular community. It is different when a community, on the basis of such particularism, adopts a hostile attitude towards surrounding communities and one discerns tendencies towards war, exile, death and destruction – in short, genocide. That is when what one might call 'plain' particularism comes up against 'hegemonic' particularism.

These two forms of particularism are paralleled by two forms of universalism. Like plain particularism, plain universalism in itself is no problem. It means that people are aware that they are different from other communities, cultures and nations – that applies to particularism as well – but they approach the differences in a spirit of positive involvement and openness and treat them with respect. Hegemonic universalism, however, when it is not intent on war, exile, death and destruction like hegemonic particularism, displays a different tendency from the genocidal one: the incorporation of the other as other, enforced assimilation, enforced inculturation, enforced conversion.

If we apply this simple distinction between particularism and universalism, and within each the distinction between a plain and a hegemonic form, to the biblical writings, the question arises: to what extent do these writings manage to transcend religious particularism and moral particularism – both plain and hegemonic, if any – in the direction of religious universalism and moral universalism, again in both forms, plain and hegemonic? To what extent do they remain confined to the religious and moral ideas of their own community and regard other communities as different and foreign – difference and foreignness that are there but which one is content to leave

alone (plain particularism), or which one seeks to remove through death and destruction (hegemonic particularism), or foreignness that has to be respected (plain universalism) or has to be incorporated through assimilation (hegemonic universalism)? Of course, none of these four terms occur in the Bible, nor do they occur – certainly not as a foursome – in exegesis. But that does not mean we are not entitled to reconstruct the biblical texts from this perspective, using the term 'reconstruction' in the sense outlined above: reconstruction does not entail a description of data, but refers to the clarification and explanation of data in terms of a theoretical scheme, regardless of the existence of alternative theoretical schemes (Davidson 1985, 153–154). We are not just entitled to do so, because freedom of design as a scientific prerogative, in terms of which one approaches data – in this case texts (here biblical texts) – is inherent in the inter-action between reader and text. We are also obliged to do so, at any rate when we feel impelled to clarify the biblical context of ori-gin of human rights, which grapples with the tension between par-ticularism and universalism.

Against this background we first consider the tension between reli-gious particularism and universalism in the following biblical books: Genesis, Isaiah and Paul's letter to the Romans (4.1). Then we do the same in regard to moral particularism and universalism in the following writings: the law books in the Pentateuch and the synop-tic tradition, especially early texts about Jesus' message of the king-dom of God (4.2). Again we note that the religious and moral dimensions almost always feature together, but that texts do differ from each other inasmuch as the accent is either more on the for-mer than on the latter, or vice versa.

4.1. RELIGIOUS PARTICULARISM AND UNIVERSALISM: GENESIS, ISAIAH AND ROMANS

There is no simple answer to the question whether the Old Testament transcends religious particularism or not. This is because of the plu-rality of texts and textual passages from so many different contexts and periods that often influence the texts themselves, and because of the perennial tension between particularism and universalism. When one examines the Old Testament texts from the angle of the tension between particularism and universalism, examples come to

mind spontaneously: some texts in the book of Genesis, namely the first creation story and the stories about Noah and Abraham, and texts in the book of Isaiah. As far as the New Testament is concerned, there is Paul's Letter to the Romans, which presents a detailed and searching discourse on the relation between Judaism and Christianity, and the relationship with gentiles. The reason for our choice is that these texts are suitable for interpretation, in the sense of reconstruction, in terms of the tension between particularism and universalism, as will be seen below.

Genesis

Creation The first creation story in Genesis – together with the second – is not the only text that focuses on the creation of the world and human beings: there are other references in the book of Genesis, as well as in the wisdom literature and the creation psalms. A broader universalism than one finds in these texts is hardly conceivable. Take the example of Proverbs: it says nothing about the exodus from Egypt, Moses is never mentioned, not a word about the covenant with Israel, nor is there anything about the kings of Judah and Israel, the prophets or the Messiah. What unifies these texts is the self-evident insight that the world is a created, orderly world – an order given by God. God stabilises life, which was also taught by the wisdom traditions of Middle Eastern antiquity that greatly influenced Israelite thinking. This stability is only possible if people obey God's law, but here 'law' does not refer to the Torah which God revealed on Mount Sinai and which had specific cultic-judicial significance in establishing and consolidating the covenant relationship between God and Israel. Here the word 'law' has the universal meaning of wisdom: knowledge about the divinely created order of the world (Eynikel 1991, 100). This is not some sort of theoretical knowledge about the origin of the world but practical knowledge expressed in practical rules for life: how to cope with the vicissitudes of life, with the alienation, confusion and fear that are part of life. Hence it is not an antithesis of 'nothing'/'something', as though creation arose from nothing (*creatio ex nihilo*), but of chaos/cosmos, death/life, self-destruction/self-organisation in the perspective of victory over chaos, death and self-destruction and dispelling the anxiety and despair associated with these.

The order of creation that restrains chaos is celebrated in the cult,

where the creation myths are recited, especially at the start of the
new year, a collective event, and the birth of a child, an individual
event (Zenger 2000). Readers encounter this divinely created order
in all its grandeur in the priestly ritual text, when they open the
Bible at the first pages of its first book and read that human beings –
in the oscillation between day and night, heaven and earth, in the
midst of trees and plants, fish, birds, tame animals and wild beasts –
are at the centre of that order (Gen 1:1–2:4a). This text is cultically
impregnated: it seeks to narrate in ritual fashion the cosmic order
that prevails on earth despite chaos, and the order prevailing in peo-
ple's individual lives notwithstanding confusion and alienation (Zenger
1999). The focal position of human beings in creation is grounded
in the fact that they are created in God's own image: "So God
created humankind in his image, in the image of God he created
them; male and female he created them" (Gen 1:27). This privileged
image of God is not the prerogative of kings, priests or even believ-
ers, but extends to all human beings, every one of them, the human
being as male and female. On these grounds every human being
possesses inalienable dignity and intrinsic, absolute worth. Nothing
on earth is higher, more valuable than human beings: being created
in God's image, they are the source and measure of truth, goodness
and beauty.

   Although the theme of God's image is rich and diversified, mer-
iting more detailed discussion, we confine ourselves to this general
profile, since we shall dwell on it at greater length in due course.
There it will be seen that, due to the influence of Egyptian religion
on that of Israel, the theme of humans as the image of God should
be interpreted as something that is actualised only through righteous
conduct (see chapter 6).

Noah Then there are the texts about the figure of Noah in which,
as in the first creation story in Genesis, one finds a universality that
embraces the whole earth and all humankind, thus assuming all-
encompassing mythic proportions. It starts when his father Lamech
begat him when he was already 182 years old, and when he him-
self begat his own three sons, Shem, Ham and Japheth, at the age
of 500 (Gen 5:28–32). He was 600 years old when the flood came
upon the earth and on God's orders he entered the ark with his
wife, sons and daughters-in-law, plus two specimens of every con-
ceivable animal, one male, one female. Then God entered into a

covenant with Noah: "I will establish my covenant with you" (Gen 6:18). When the flood had gone on for 150 days and was beginning to abate, on the seventeenth day of the seventh month the ark came to rest on the mountains of Ararat, while the waters gradually subsided until the tenth month. Then the tops of the mountains became visible and Noah released first a raven, then a dove, then another dove that returned with a freshly plucked olive leaf in its beak, and finally yet another dove that did not return, indicating that the earth was dry. Then God blessed Noah with his sons, and in the text recording this blessing he refers to humans as the image of God: "Whoever sheds the blood of a human, by a human shall that person's blood be shed; for in his own image God has made humankind. And you, be fruitful and multiply, abound on the earth and multiply in it" (Gen 9:6–7). Whoever kills a human being violates the absolute dignity of humans, grounded in the creation of people as living images of God. In other words, whoever kills a human being violates God's living image (Blank 1979, 33).

It is noteworthy that here the theme of humans as God's image does not stand on its own as in Genesis 1, but is linked with a second theme: the covenant. It is the first time that this theme features in the canon of Old Testament writings, although it crops up repeatedly in subsequent books: the stories of Abraham, the exodus stories and, as we shall see, the book of Isaiah. In the Noah stories the connection with the theme of the covenant occurs in the verse following directly after the ones quoted above: "As for me, I am establishing my covenant with you and your descendants after you, and with every living creature that is with you, the birds, the domestic animals, and every animal of the earth with you, as many as came out of the ark. I establish my covenant with you, that never again shall all flesh be cut off by the waters of a flood, and never again shall there be a flood to destroy the earth." God said: "This is the sign of the covenant that I make between me and you and every living creature that is with you, for all future generations: I have set my bow in the clouds, and it shall be a sign of the covenant between me and the earth." (Gen 9:8–13). Noah lived another 350 years after the flood till he reached the age of 950, when he died (Gen 9:29).

The significance of this corpus is that before the establishment of the Jewish religion God's blessing and his covenant were extended to all humankind in terms of the symbol of humans as the image of God. Hence there is no restriction on God's dealings with peo-

ple, as though his blessing and covenant were confined to those who observed Jewish law. There is absolutely no discrimination in his blessing and covenant, not on the basis of gender, race, class or even religion. There is no trace of religious particularism. All that is required of human beings – every human being – is to observe what is known as the Noahitic covenant code, which applies to all humanity, whereas the Sinaitic covenant code applies only to Jews.[1] The Noahitic code comprises six negative laws and one positive law: not to deny God (e.g. through idolatry); not to blaspheme against God; not to murder; not to engage in immoral sexual relationships; not to steal; not to eat a limb torn from a living animal; and lastly, to set up courts to ensure obedience to the other six laws. Judaism regards any non-Jew who keeps these laws as a righteous person who is guaranteed a place in the world to come. In other words, the Bible does not start with the birth of the Jewish religion but with God's relationship with human beings and humankind as a whole, both in his creation and via his covenant (Borowitz 1990, 31).

Abraham The Abram/Abraham stories are no less important in the context of the polarity between particularism and universalism – or rather the other way round, between universalism and particularism, for that is the sequence in which they feature. These stories follow after the lengthy genealogies of Noah's three sons and of the descendants of Shem, from whom was born Terah, father of Abraham, who took his son and the latter's wife Sarai/Sarah, from Ur in Lower Mesopotamia to Haran in northwestern Mesopotamia. These stories again refer to a covenant, and again God enters into it before the birth of the Jewish religion, in fact prior to Abraham's circumcision.

The stories start abruptly, with no mention of Abraham's earlier religion, with God's command: "Now the Lord said to Abraham 'Go from you country and your kindred and your father's house to the land that I will show you. I will make of you a great nation, and I will bless you, and make your name great, so that you will

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[1] The tension between the Noahite covenant and the Sinaitic covenant is evident in two versions of a famous Talmudic dictum about saving human life. One version reads: "He who saves the life of one human being is deemed to have saved the totality of humanity" (since all humans are descended from Adam), while another version reads: "He who saves the life of one Israelite is deemed to have saved the totality of humanity" (Avineri 2002, 1).

be a blessing" (Gen 12:1–2). The commandment is not restricted to Abraham's own descendants but – and this is important – extends to all humankind all over the earth: "And in you all the families of the earth shall be blessed" (Gen 12:3). Thus it came to pass: a semi-nomad, herding not camels but sheep and goats, accompanied by his nameless guardian God – who, in the narrative, is nonetheless identified with the west-Semitic high god El – Abraham migrates from his home territory, which cuts him off totally from his tribe, his country, his kin (Ruppert 1993). The first stopping place of the Abrahamite migrant band was Shechem, where some sort of theo-phany – the first in the patriarchal stories – occurred and YHWH made his promise to Abraham for the first time: "To your offspring I will give this land" (Gen 12:7).

From Shechem Abraham journeyed on and pitched his tent in the vicinity of Bethel, whereafter he moved to the Negeb, the arid land, and when famine struck there, down to Egypt "to reside there as an alien, for the famine was severe in the land" (Gen 12:10). After many trials and tribulations brought on by Sarah's beauty Abraham moved from Egypt back to the Negeb and then to Bethel where his tent had stood before. There friction arose between Abraham's herdsmen and Lot's, which Abraham resolved by sug-gesting that they part ways: "If you take the left hand, then I will go to the right; or if you take the right hand, then I will go to the left" (Gen 13:9). When Lot opted for the Jordan valley, Abraham settled permanently in the land of Canaan. There the Lord made his promise to Abraham a second time, thus confirming and renew-ing the one made at Shechem: "The Lord said to Abram, after Lot had separated from him: 'Raise your eyes now, and look from the place where you are, northward and southward and eastward and westward; for all the land that you see I will give to you and to your offspring forever. I will make your offspring like the dust of the earth; so that if one can count the dust of the earth your offspring also can be counted. Rise up, walk through the length and the breadth of the land, for I will give it to you.' So Abram moved his tent, and came and settled by the oaks of Mamre, which are at Hebron; and there he built an altar to the LORD" (Gen 13:14–18). The oaks of Mamre were to witness three successive visions: Abram's name changed to Abraham (Gen 17), Sarai/Sarah was freed from her barrenness (Gen 17:16), and God appeared to Abraham as he sat at the entrance of the tent in the heat of the day and he received

three visitors (Gen 18). In Mamre, too, the promised son Isaac was born (Gen 21).

Meanwhile, however, hostilities had erupted between two coalitions of local kings, or rather semi-nomadic sheiks: a coalition of four kings against another of five kings, among them those of Sodom and Gommorrah. When the latter were defeated, the victors carried off all the goods of Sodom and Gomorrah; they also took Lot, who was living in Sodom, and his goods (Gen 14:1–12). On hearing this Abraham set off in pursuit with 318 men, recovered all the goods, brought them back and also brought back Lot with his goods, plus the women and the people (Gen 14:13–16). What follow is truly remarkable. After Abraham's victory a priest-king named Melchizedek, who practised the religion of El Elyon, came to meet Abraham and gave him provisions: "And King Melchizedek of Salem [i.e. 'of Jerusalem'] brought out bread and wine; he was priest of God Most High" (Gen 14:18). These verses in no way refer to the last supper or eucharist, a notion entertained in the Christian tradition ever since Clement of Alexandria; at most they may refer to a ritual meal and a blessing on Abraham: "He blessed him and said: 'Blessed be Abram by God Most High, maker of heaven and earth; and blessed be God Most High, who has delivered your enemies into your hand'" (Gen 14:19–20). Hence it is a laudation and blessing of Abraham, Israel's patriarch, by a priest of the cult of God Most High, El, with whom Abraham also identified. The permanence of the blessing is symbolised by the epithet ascribed to God Most High, namely 'maker of heaven and earth'.

After this whole episode God repeated a third time the promise made to Abraham earlier at Shechem and Hebron: "After these things the word of the Lord came to Abram in a vision, 'Do not be afraid, Abram, I am you shield; your reward shall be very great'" (Gen 15:1). This is followed by the promise of an heir (Gen 15:4–6) and the promise of the land, in the framework of a covenant that the Lord makes with Abraham as a solemn confirmation of the promise: "On that day the Lord made a covenant with Abram, saying: 'To your descendants I give this land, from the river of Egypt to the great river, the river Euphrates'" (Gen 15:18). The promise of an heir causes astonishment, in a narrative sense. For not Hagar, an Egyptian maid whom the infertile Sarah had sent to Abraham so as to provide him with progeny (Gen 16:1–16), but Sarah herself would give him a son, Isaac (Gen 21:1–7) – an announcement

that made the 100-year-old Abraham laugh, also on account of his
90-year-old wife (Gen 17:17).

Meanwhile we are told a second story about the covenant between
God and the patriarch: "When Abram was ninety-nine years old,
the Lord appeared to Abram, and said to him: 'I am God almighty;
walk before me, and be blameless. And I will make my covenant
between me and you, and I will make you exceedingly numerous'"
(Gen 17:1–2). Then Abraham fell on his face, whereupon God said:
"As for me, this is my covenant with you: You shall be the ances-
tor of a multitude of nations. No longer shall your name be Abram,
but your name shall be Abraham" (Gen 17:4–5). Whereas God takes
the initiative in making the covenant and stipulates its content,
Abraham must now, as a sign of his willing acceptance of the cove-
nant – hence, and this is important, *after* receiving the covenant –
circumcise himself and all his menfolk, thus declaring that he regarded
himself as God's property and committed to his covenant.

The circumcision ritual, originally associated with hygiene and/or
initiation or marriage, was widespread, inter alia among the Arabs,
Egyptians, Ethiopians, Phoenicians and Syrians, but was unknown
among the Babylonians and Philistines. In the Abraham story it is
given a covenant connotation: "This is my covenant, which you shall
keep, between me and you and your offspring after you: Every male
among you shall be circumcised. You shall circumcise the flesh of
your foreskins, and it shall be a sign of the covenant between me
and you" (Gen 17:10–11). To this is added warningly: "Any uncir-
cumcised male who is not circumcised in the flesh of his foreskin
shall be cut off from his people; he has broken my covenant" (Gen
17:14). Here the seriousness of circumcision is patent. As the Mosaic
law in the exodus stories was to make clear, circumcision was con-
sidered so vital that it was explicitly stated that no uncircumcised
person could partake of Pesach (Ex 12:48). Especially during and
after the exile, when Israel could no longer identify with a geograph-
ical territory, circumcision became the prime symbol of the people's
commitment to God and his covenant. The sanction is correspond-
ingly severe: not the death penalty as for profaning the sabbath (Ex
31:14), for that is even worse, but excommunication as in the case
of infringement of ritual law (Lev 17; 20:3; 23:29; Num 9:13). Shortly
afterwards we are told that the circumcision was in fact performed,
also on Abraham himself, then 99 years old (Gen 17:24).

The reason why these stories are so important is that Abraham,

whose original religion is unknown, was given as many as three promises by God: a promise that went beyond his own descendants and extended to "all the families of the earth"; he was then given a blessing by a priest of the cult of God Most High, El; and finally, to confirm the promise, was granted a covenant between God and him and all his descendants. And all this happened prior to the introduction of Mosaic law and prior to circumcision – the sacred law that provided the criterion for participation in the cardinal feast of Jewish religion, Pesach. We must reiterate that there is no trace of religious particularism in these stories, any more than in the two groups of texts discussed above – the first creation story in Genesis 1 and the Noah stories (Gen 6–9). Later Paul, in his letter to the Romans, would refer to both Adam and Abraham and invoke Abraham in particular when he maintained that gentiles, too, could share in the salvation of the Jews, even though they are uncircumcised.

Circumcision is vitally important in Jewish religion – we have noted that it is a criterion for excommunication. It determines whether or not one is party to the covenant. But this does not mean that is was never a subject of debate and even conflict. It certainly was in Paul's conflict with the leaders of the Christian church in Jerusalem, but it had been controversial long before that as well, both during and after the exile. At that time, as in Paul's day, it was not just a ritual controversy but more especially a conflict between – in our terms – religious particularism and universalism. The crucial question was: could gentiles be admitted to the covenant without being circumcised? It was not simply a pragmatic, administrative issue, as if admission criteria could be changed in two shakes according to circumstances. The admission criteria touched on the very essence of the covenant and changing the criteria would change its substance. The most cogent evidence of the drama involved in this debate may be found in the book of Isaiah, the fourth and last group of Old Testament texts to be discussed in this section.

Particularism and universalism But before we proceed to that discussion we should consider the question that concerns us in this chapter: what is the picture that emerges from the texts in Genesis, viewed from the angle of the polarity between particularism and universalism? The answer is: no polarity at all. Prior to Abraham's circumcision there was absolutely no religious particularism. All we find is religious universalism: faith in God who created humankind in his

image; their redemption from the flood by God; the sign of the
covenant (the rainbow); God's promise of descendants and land; the
separation and bond between Abraham and Lot and Melchidezek's
blessing on it; and finally the birth of the promised son Isaac, which
makes Abraham laugh. All this happened prior to any religious sep-
aration or religious difference whatever. There is no question of a
particular religious community as distinct from any other religious
community or communities. We could call it a special kind of uni-
versalism: an undifferentiated universalism that antedates any kind
of religious differentiation.

Isaiah

The question of the overarching theme of the book of Isaiah has
occupied exegetes for a long time. The evolution, structure and con-
tents of the book are too complex to allow us to distil only one cen-
tral message from it. It is more of a network of minor and major
compositions which, together with various elaborations and redac-
tions, refer to constantly changing historical situations. While there
were redactions of the book in its entirety, there was no single,
definitive, final redaction aimed at forging a unified whole. The book
consists of diverse plots, integrated by a synchronic and diachronic
network of compositions.

Zion One such plot – maybe the main plot – is the Zion theology
that pervades the book as a whole.[2] Zion epitomises the mountain
of God, his dwelling place, while Jerusalem is God's chosen city –
which does not make him the god of just that particular city.[3] In
Zion theology mountain and city both connote the presence of
YHWH, which has a dual implication. On the one hand YHWH
constantly accuses Israel of cultic and ethical unfaithfulness, which
boils down to not caring for widows and orphans and behaving like
a prostitute. On the other hand YHWH consistently promises them

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[2] In terms of the text analysis theory of Ricoeur (1984) one would expect as
composite a book as that of Isaiah to contain a plurality of plots, but among these
Berges (2000a) regards Zion theology as *the* plot.

[3] 'Zion' implies four meanings: (1) just before David's time it refers to the citadel
of Jerusalem; (2) under Solomon it relates to Jerusalem's northwesterly expansion,
including the building of the temple on mount Zion; (3) it may refer to Jerusalem
itself, (4) as well as to the people of Israel in general (Groenewald 2003, 159–163).

salvation, protection and safety, provided they repent. What this salvation, protection and safety comprise cannot be summarised in just one sentence, since the book of Isaiah displays a powerful inner dynamics in this regard. In one sense Mount Zion towers above the surrounding hills, and these hills signify not just neighbouring peoples but also their impotent gods. But the Torah and the covenant that forged a unifying bond between YHWH and Israel are not the prerogative of the original people of Jerusalem, for they are to go out among the nations: "For out of Zion shall go forth instruction, and the word of the Lord from Jerusalem" (Isa 2:3c). This happens when the nations undertake pilgrimages to Zion. Remarkably, Zion is presented as a person, and more particularly a woman (Berges 2002, 52–64): it is YHWH's bride (Isa 54:6–8; cf. Ps 87:2); but it is also called 'daughter of Zion', especially when Zion is assailed and ill-treated by enemies, leaving it forlorn and alone (Isa 1:8, 10:32, 16:1, 22:4, 52:2, 62:11); in the same way it is referred to as a widow when describing its hardships and loss of prestige, as in the first verse of Lamentations (Berges 2002, 95–97) and in the psalms (Groenewald 2003, 159–163). In addition it is said to be a mother, not just of everyone who remains true to YHWH (Isa 66:10–11) but of all peoples, the centre on which they converge as pilgrims: "And of this Zion it shall be said, 'This one and that one were born in it'; for the Most High himself will establish it. The Lord records, as he registers the peoples, 'This one was born there'" (Ps 87:5–6). The pilgrimage of the peoples ultimately leads to the assimilation and integration into Zion of all adherents of the Torah among the nations. These appellations of Zion – daughter, beloved, widow, mother of nations – in themselves convey the tension between particularism and universalism. YHWH's love for Israel does not mean that Zion insulates itself in seclusion from the peoples: it opens itself to them and lures them, fascinated by God's enduring love for Israel. The book of Isaiah culminates in a YHWH-based triangular relationship between YHWH, Israel and the nations (Lohfink & Zenger 2000).

Because of this grand theme the book as a whole – more particularly deutero-Isaiah and trito-Isiaiah – is said to display eschatological universalism. This is anticipated proleptically at the very beginning of the book – which is why there are said to have been redactions encompassing the entire text – by a reference to the peoples' pilgrimage to Zion: "Many peoples shall come and say, 'Come let us go up to the mountain of the Lord, to the house of the God

of Jacob" (Isa 2:3a), and to ensuing universal peace: "They shall beat their swords into ploughshares, and their spears into pruning hooks; nation shall not lift up sword against nation, neither shall they learn war any more" (Isa 2:4). Whereas initially the Torah and the covenant were intended for Israel alone, they are now opened up to all who convert to its religion: that is (one of) the plot(s) of Isaiah (Berges 1998). Not just the circumcised but the uncircumcised as well can be part of YHWH's people, provided they take the ethics regarding widows, orphans and aliens and sabbath observance seriously (Berges 2000a, 190–195).

The eschatological perspective of universalism is unmistakable. Equally apparent is the fact that this universalism could not have penetrated the Zion theology of the book without controversy, for on this point it is reminiscent of the conflict about restrictive religious politics in Nehemiah and Ezra. In these books there are allusions to a kind of ethnic cleansing (Ezra 9–10; Neh 13:1–3) and a prohibition of mixed marriages (Ezra 9–10; Neh 13:23–27), which refers to a conflict or even a schism in Judah during the early Persian period between a group designating themselves 'Servants' and their enemies. The Servants were willing to expand the membership of the people of God, whereas the other group would only accept those who could prove descent from either Judah or Benjamin, which in fact boiled down to some sort of separatist politics (Groenewald 2003, 169–175). In Isaiah, however, the upshot of the debate is that the decisive criterion of permanent membership of Zion is no longer ethnicity but ethics and liturgy – which does not mean that liturgy is of less value, because the focus is on ethics and liturgy jointly. As a result not the entire population of Zion will receive salvation; instead there is a dichotomy in the Zion community between those who practise justice and uphold the YHWH cult and those who do not. By the same token those individuals among the nations who actively concerned themselves about widows and orphans and foreswore the worship of foreign gods, converting to the Torah of YHWH, would be admitted to Zion and were allowed to enter it, whereas the rest had to stay outside.[4] This universalism is depicted in sweeping images: "For I know their works and their thoughts, I am com-

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[4] Here the concept of Ma'at (justice, doing justice) which entails two dimensions: horizontal justice among people and vertical justice of human beings in their relation to God (Groenwald 2003, 105–110).

ing to gather all nations and tongues; and they shall come and shall see my glory, and I will set a sign among them. From them I will send survivors to the nations (. . .). They shall bring all your kindred from all the nations as an offering to the Lord, on horses, and in chariots, and in litters, and on mules, and on dromedaries, to my holy mountain Jerusalem, says the Lord, just as the Israelites bring a grain offering in a clean vessel to the house of the Lord. And I will also take some of them as priests and as Levites, says the Lord" (Isa 66:18–21).

In contrast to Ezra and Nehemiah, Isaiah is characterised by an opening up to the nations, for even eunuchs are accommodated: "For thus says the Lord: To the eunuchs who keep my sabbath, who choose the things that please me and hold fast my covenant, I will give, in my house and within my walls, a monument and a name better than sons and daughters; I will give them an everlasting name that shall not be cut off" (Isa 56:4–5). Foreigners, too, can be members: "And to the foreigners who join themselves to the Lord, to minister to him, to love the name of the Lord, and to be his servants, all who keep the sabbath, and do not profane it, and hold fast my covenant – these I will bring to my holy mountain and make them joyful in my house of prayer; their burnt offerings and their sacrifices will be accepted on my altar; for my house shall be called a house of prayer for all peoples. Thus says the Lord God, who gathers the outcasts of Israel, I will gather others to them besides those already gathered" (Isa 56:6–8). In that sense one could speak of an eschatological perspective encompassing the whole of humankind and, indeed, the whole cosmos: "For I am about to create new heavens and a new earth" (Isa 65:17); and: "The wolf and the lamb shall feed together, the lion shall eat straw like the ox; but the serpent – its food shall be dust! They shall not hurt or destroy on all my holy mountain, says the Lord" (Isa 65:25).

The question is, what kind of universalism lies behind this? One could argue that ultimately it is a missionary universalism, centring on pilgrimage to Zion. Even more pertinently one might say that this missionary universalism is characterised by inclusive exclusiveness. Inclusiveness refers to the fact that the Torah does not remain restricted to Israel but is open to those individuals among the nations who convert to it. Exclusiveness relates to the focal position in the nations' pilgrimage of the Torah and Zion, which shine as a light to the nations (Berges 1998, 533). Put differently: it is a kind of centripetal

universalism, in which the periphery converts to the centre (cf. Vogels 1986, 111–122).

Egypt, Assyria, Israel However, Isaiah does contain one text that appears to deviate from this rule and for that reason is often pushed to the sidelines by exegetes and theologians, or even suppressed. That is Isaiah 19:16–25. Here there is no question of the 'zionisation' found in the pilgrimage texts, in which the peoples come to Zion, but of a 'counter design' (Berges 1998, 164). It is not a matter of Israelite colonies in Egypt nor of individual proselytes among the Egyptians; it is about the conversion of entire nations, those of Egypt and Assyria. These nations do not have to make a pilgrimage to Zion: YHWH will make himself known in their own countries; in their own land they will know the Lord, raise an altar to him, worship him with sacrifice and burnt offering, and make vows to the Lord and keep them. Thus the fertile crescent is forged into a unified YHWH community: Egypt, Assyria and Israel. Indeed, according to the text, Israel is the third: "On that day Israel will be the third with Egypt and Assyria" (Isa 16:24). This could be interpreted to mean that the first two, Egypt and Assyria, were not independent YHWH peoples from the outset, but will now be so, independently of Israel; and as such they, together with Israel, will be "a blessing in the midst of the earth" (Isa 19:25), thus fulfilling the blessing promised to the patriarchs for all the families of the earth (Gen 12:3). This text, which has no parallel in the rest of Isaiah and thus constitutes a sort of textual hapax, abrogates the *privilegium israeliticum*. All that sets Israel apart is that it is God's people already – inasmuch as it follows the true way of the Torah – and the other nations still have to become that (Berges 1998, 168–171).[5] But 'in that day' – an expression that divides the whole text into six oracles – the titles originally attributed to Israel, namely 'my people' and 'the work of my hands', are used for Egypt and Assyria, whereas Israel retains a third title 'my heritage' (Vogels 1986, 95–109): "Blessed be Egypt my people, and Assyria the work of my hands, and Israel my heritage" (Isa 19:25).

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[5] Berges maintains that, while this abrogates the *privilegium israeliticum*, it leaves intact the *proprium israeliticum*, which resides in the fact that the nations might indeed experience God's salvation and liberation but could never become nations based on his revelation (Berges 1998, 170). But is this distinction tenable considering the insight that revelation can only occur in the mode of experience? (cf. Dupré 2001).

Even though this text represents a *Fremdkörper* in Isaiah, it does not detract from the aforementioned centripetal universalism. In it the peoples of Egypt and Assyria focus on the Torah rather than on Mount Zion as the basis and core of Jewish religion: a spatial focus is replaced by a spiritual focus. It has to do with the admission criteria for the peoples' incorporation into Zion, which were not ethnically based, although ethno-centric. Here, too, the requirement for membership of the Israelite people – circumcision – lapses but that of conversion to Israel's religion remains in force.

Particularism and universalism What does this analysis of the book of Isaiah teach us if we put it in the perspective adopted in this chapter, the polarity between particularism and universalism? Particularism is clearly represented by the separatist policy described in Ezra and Nehemiah. This policy entails that the Jewish religion is and should remain based on ethnic descent, more specifically descent from the tribes of Judah and Benjamin. For that reason mixed marriages are taboo and eunuchs are excluded. Foreigners in general are also excluded. The conflict described in the book of Isaiah is about this particularist policy: it is condemned and rejected. Isaiah presents an impassioned plea for opening up such particularism towards universalism by holding on to the time-honoured hallmark of Israel's religion – the link between ethics and liturgy – on the one hand, but by abandoning circumcision as the criterion of admission and hence the notion of an ethnically based religion on the other. This makes it possible for the nations to come to Zion and participate in Israel's ethics and liturgy. It does not even entail travelling to Zion geographically, as is evident in the authentic religion of YHWH that exists in Egypt and Assyria: "Blessed be Egypt my people, and Assyria the work of my hand, and Israel my heritage" (Isa 19:25). But this does not detract from the centripetal universalism implicit in the (other) nations' pilgrimage to Zion: spiritually they remain committed to Israel's religion. As we have noted, the result is a universalism of inclusive exclusiveness. It could also be called a 'monopolar' universalism, because no matter how open it may be to the nations, it remains focused on the one true religion.

The Letter to the Romans

As indicated already, Paul's Letter to the Romans, like the book of Isaiah, is characterised by transcendence of the particularism of the

Torah, but without abrogating the law. This is accomplished by the special relationship Paul posits between Judaism and Christianity and by the admission of the nations to God's salvation, but without abandoning the even broader perspective of Adam and Abraham. He explores the symbolism of both these archetypal figures and gives his own version of the midrashim of Adam and Abraham. The first is in terms of creation theology, the second in terms of salvation history. As will be seen below, Abraham's salvation-historical significance in its turn forms part of the three themes that dominate the substance of the Letter to the Romans: justification, participation and the gift of the Spirit.

Adam To start with the symbolism of Adam, Paul derives his Adam theology, which also implies a theology of adam (humankind, humanity), from Genesis 1–3, which tells the story of Adam's creation in the image of God. Paul starts the letter by describing the relation of creature to creator. This relation is such that creatures know their creator by virtue of their creatureliness, which obviously implies recognition of him as their creator and gratitude to him for their existence: "For what can be known about God is plain to them, because God has shown it to them" (Rom 1:19). Because of their creatureliness they also know the values and norms which indicate how they should live, even though they are excluded from the law that was given to the Jewish people: "When gentiles, who do not possess the law, do instinctively what the law requires, these, though not having the law, are a law to themselves. They show that what the law requires is written on their hearts, to which their own conscience also bears witness" (Rom 2:14–15). For a long time, mainly in the history of natural law (to be discussed in the next chapter), this verse served as a major direct and indirect source of human rights thought.

   Apart from the story of Adam's creation, Genesis 1–3 also tells the story of his fall, symbolising the dark side of humanity. Adam is the symbol of living in the world, glowing and radiant yet at the same time fragile and weak, but also for living in a corruptible world where animal appetites dominate, leading to death. Death is not just the end of mortal life but also the consequence of living in sin, which consists in not acknowledging the creator and rebelling against him. This rebellion is expressed in the story of the tree of knowledge of good and evil and the temptation by the serpent. The story conveys

the idea that humans no longer depend on God for direction and moral boundaries: "You will not die . . . and you will be like God, knowing good and evil" (Gen 3:5).

Paul combines the two aspects – knowledge of God on the part of creatures and their rebellion against their creator – when he says that the nations cannot exonerate themselves from the sin they committed in Adam, and which they themselves commit in adam: "Ever since the creation of the world his eternal power and divine nature, invisible though they are, haven been understood and seen through the things he has made. So they are without excuse" (Rom 1:20). They have only themselves to blame: "For though they know God, they did not honor him as God or give thanks to him, but they became futile in their thinking, and their senseless minds were darkened" (Rom 1:21). They deceive themselves: "Claiming to be wise, they became fools" (Rom 1:22). Their self-deception is evident in their worship of idols and sexual immorality. Here he is referring to two traditions (Dunn 1998, 92–93). The first is that of the sustained, characteristic Jewish polemic against gentile idolatry and promiscuity: "And they exchanged the glory of the immortal God for images resembling a mortal human being or birds or fourfooted animals" (Rom 1:23). Gentile sexual immorality is regarded as a direct consequence of their rejection of God: "Therefore God gave them up in the lusts of their hearts to impurity, to the degrading of their bodies among themselves" (Rom 1:24).[6] The second tradition derives from the stories the Jews told about their own history with God, especially the idolatry and promiscuity in the episode of the golden calf in the wilderness (Ex 32). These stories are strongly reminiscent of Psalm 106: "They exchanged the glory of God for the image of an ox that eats grass. They forgot God, their Savior, who had done great things in Egypt." In other words, Paul anticipates a twofold

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[6] Dunn (1998, 92) comments that there always was this characteristic Jewish polemic against gentile sexual licence: "women exchanged natural intercourse for unnatural, and in the same way also the men, giving up natural intercourse with women, and consumed with passion for one another" (Rom 1:26–28). Here, Dunn maintains, one should also consider the 'sons of God' having sexual intercourse with earthly women in Genesis: "The sons of God went into the daughters of humans, who bore children to them" (Gen 6:4). Dunn writes: "The point is that human creatures need their gods. As creatures they will always be dependent on someone or something for their fulfilment as creatures. If not God, then something altogether baser. Without God they become subservient to their own desires."

indictment, one against the gentiles (Rom 1:18–32), the other against the Jews (Rom 2:1–11) – they have all sinned, without distinction: "since all have sinned and fall short of the glory of God" (Rom 3:23).

In Paul's version of the Adam midrash, which we find in Romans 5:12–21, Adam symbolises 'everyman', representing the dark side of humankind and humanity (Schillebeeckx 1977, 134–136). He is the archetype of the bondage of death, for through him sin and death came into the world: "just as sin came into the world through one man, and death came through sin, and so death spread to all" (Rom 5:12). But that does not mean that the blame rests on Adam alone, "because all have sinned" (Rom 5:12). Hence there is a dialectic between Adam and adam, the latter being humankind according to Ricoeur's memorable image in his interpretation of the 'adamic myth', including what came to be known in the Christian tradition as original sin: because of the link between the chaos in our midst, both around me and inside me, I – human beings, every human being – am committing the sin I encounter; put differently, I share in the sin that antedates me and that I perpetuate (Ricoeur 1970, II, 58–90). Against this background Paul sees death not merely as a natural outcome of natural life, but more particularly as a consequence of Adam's and adam's transgression, which includes the individual's own transgression.

Death, however, is conquered by the second Adam, Christ: "For if the many died through the one man's trespass, much more surely have the grace of God and the free gift in the grace of the one man, Jesus Christ, abounded for the many" (Rom 5:15). The sin and death that came into the world through Adam is vanquished by the grace of the second Adam: "If, because of the one man's trespass, death exercised dominion through that one, much more surely will those who receive the abundance of grace and the free gift of righteousness exercise dominion in life through the one man, Jesus Christ" (Rom 5:17). The parallelism between Adam and Jesus Christ, in whom the destiny of all has been determined, is expressed even more tellingly in the following verse, which epitomises what is known as Paul's Adam christology (Haight 1998, 156–159): "Therefore just as one man's trespass led to condemnation for all, so one man's act of righteousness leads to justification and life for all" (Rom 5:18). Here we have two epochal figures, because they divide all of human history into two periods: the period from Adam to Jesus Christ, and the period from Jesus Christ until the future end-time, being two

aeons, two powerful aeons with two power blocs: the old aeon and the new aeon.

The second aeon has an eschatological purport determined by Jesus Christus; he is the second, but actually the eschatological or final Adam: "For just as by one man's disobedience the many were made sinners, so by the one man's obedience the many will be made righteous" (Rom 5:19). The work of the final Adam will result in an ultimate recapitulation of all creation since the first Adam. The recapitulation, however, is marked by a series of antitheses, all boiling down to the antithesis between longing to be like God versus putting oneself into God's hands: evil versus good, sin versus righteousness, bondage versus freedom, disobedience versus obedience, death versus life, self-absorption versus fidelity to God, and lastly, the present, characterised by sin and death, versus the future, characterised by salvation. In short, God's judgment on sin, which Adam brought into world, will be superseded by the grace of compassion that Christ brought into the world. Does this not also entail an antithesis between justice and compassion? Such an antithesis, which later exegetes attributed to the Letter to the Romans, is neither Jewish nor Pauline. God's justice and compassion are one, even though his compassion always exceeds his judgment: this is an idea that Paul shared with the Palestinian Jewry of his day (Sanders 1985, 172–193). Put differently, whereas the measure of sin is full, the measure of grace overflows (Schillebeeckx 1977, 135).

Abraham We have said that in his letter to the Romans Paul not only gives his version of the midrash about Adam, the firstborn of creation, so as to contrast him with Christ, the second and final Adam, who embraces and redeems the whole world and all nations, Jews and gentiles alike; he also uses the Abraham midrash (Schillebeeckx 1977, 131–134). In his version of this midrash God's grace in Jesus Christus is not put in the perspective of the whole of creation as in the Adam midrash, but in that of the promise to Abraham. Thus Paul complements the history of creation, including its two aeons, with the salvation history of God's promise and fulfilment. Creation and salvation history are two dimensions of divine grace.

In Paul's version of the Abraham midrash the verse about Abraham that he cites from Genesis (Rom 4:3) occupies a focal position: "And he believed the Lord; and the Lord reckoned it to him as righteousness" (Gen 15:6). Paul first dwells on the meaning of the word

'reckoned', so as to clarify in advance the crucial word 'justification'. As Paul well knew, the word 'reckoned' was used in the world of business and accountancy. He explains that there are two ways of receiving something from another person: something to which one is entitled, one's due, for which one has worked or rendered some sort of service, and something that one gets as a gift, gratuitously, for free, without having done anything to deserve it: "Now to one who works, wages are not reckoned as a gift but as something due" (Rom 4:4). A gift is when one's sins are not reckoned against one but are forgiven: "Blessed are those whose iniquities are forgiven, and whose sins are covered; blessed is the one against whom the Lord will not reckon sin" (Rom 4:7–8). Paul then poses the question whether the Lord reckoned Abraham righteous on the strength of some achievement of Abraham's, or on the strength of the grace God accorded him. The answer is crystal clear: "But to one who without works trusts him who justifies the ungodly, such faith is reckoned as righteousness" (Rom 4:5). But the question is not innocent, for the next one raises a polemical issue: "Is this blessedness, then, pronounced only on the circumcised, or also on the uncircumcised?" (Rom 4:9). And to make the point even more pertinently, Paul distinguishes between the time before and after Abraham's circumcision. When did Abraham receive the blessing of righteousness – "was it before or after he had been circumcised?" (Rom 4:10). The answer is twofold: he was reckoned righteous on the strength of his faith before circumcision, and his circumcision was an outward sign of that faith: "He received the sign of circumcision as a seal of the righteousness that he had by faith while he was still uncircumcised" (Rom 4:11).

   The truth is out. At the beginning of the letter Paul already in a sense presented his credentials, namely that he was the apostle to the nations (Rom 1:5). Now he indicates that circumcision is no longer a condition for receiving God's grace: after all, it had not applied to Abraham, the father of all believers, himself a non-Jew. Abraham believed in God and on those grounds he was reckoned righteous: "It was not after, but before he was circumcised" (Rom 4:10). Paul promptly attaches salvation-historical meaning to this, which embraces everyone, Jew and gentile alike: "The purpose was to make him the ancestor of all who believe without being circumcised" (Rom 4:11). To prevent misunderstanding: this does not exclude the circumcised from being counted among Abraham's descendants,

provided they follow in the footsteps of this devout man who already believed – this is rubbed in again for the benefit of the Jews – *before* he was circumcised. Abraham is "likewise the ancestor of the circumcised who are not only circumcised but who also follow the example of the faith that our ancestor Abraham had before he was circumcised" (Rom 4:12).

Whom did Abraham believe in and what did he believe? The faith Abraham expressed was that of responding to God's call when he was told: "Go from your country and your kindred and your father's house to the land I will show you" (Gen 12:1). To this God added a promise: "I will make of you a great nation, and I will bless you, and make your name great, so that you will be a blessing" (Gen 12:2). To Abraham, however, the 'make of you a great nation' seemed an illusion, "for I continue childless" (Gen 15:2). But God reassured him: "He brought him outside and said: 'Look toward heaven and count the stars, if you are able to count them.' Then he said to him: 'So shall your descendants be'" (Gen 15:5). Then Abraham expressed his faith in God and his promise: "And he believed the Lord; and the Lord reckoned it to him as righeousness" (Gen 15:6).

Paul picks it up from there: "Hoping against hope, he believed that he would become 'the father of many nations', according to what was said, 'So numerous shall your descendants be'" (Rom 4:18). And indeed, it was only after this that he was circumcised: "Then Abraham took his son Ishmael and all the slaves born in his house or bought with his money, every male among the men of Abraham's house, and he circumcised the flesh of their foreskins that very day, as God had said to him" (Gen 17:23). Neither circumcision alone nor just the law that circumcision symbolised was a condition for, let alone a guarantee of, the fulfilment of God's promise to Abraham. In such a case, Paul maintains, "faith is null and the promise is void" (Rom 4:15). Accordingly Paul dropped circumcision, that stringent admission criterion of Jewish law, and in so doing he not only intervened with great sensitivity in the the Jewish debate on the meaning of this criterion, but also in the Christian debate, emanating from the Jewish one, which occupied people's minds in his day.

Mainstream Judaism at that time believed that although God had offered the salvation of the covenant to all nations, in fact it was confined to Israel (Sanders 1985, 79–95). It also believed that

individual gentiles could convert to Judaism (although this did not
lead to missionary activity) provided they accepted the Torah and
males were circumcised, which made them proselytes, 'recent arrivals'.
There was uncertainty and disagreement about how to regard gen-
tiles who did not have proselyte status: was there no salvation out-
side Judaism? Or were those believers among them, who observed
the Noahitic code by abstaining from idolatry and not eating the
flesh of live animals, in some way semi-proselytes who shared in
God's justification? Did the children of gentiles who did not observe
the Noahitic code perhaps also share in that salvation? To Jews who
answered these questions affirmatively God's love for Israel and his
love for the gentiles were on a par: they were not incompatible
(Sanders 1985, 194–199). Paul went further than the argument cur-
rent in Palestinian Judaism at the time, because to him it was not
a question but a fact – a religious fact – that God's grace in Jesus
Christ was there for both groups: he was the apostle to the gentiles
(Rom 1:5; 11:13). Hence he was there for both groups, Jews and
gentiles, for God's salvation was not about the law but about faith,
which consisted in participating in Jesus Christ (Sanders 1985,
451–474).

   The sensitivity about circumcision as a criterion for admission and
participation was no less acute among the Christian community in
Jerusalem than in Judaism at that time. When they learned about
Paul's more liberal stance in Antioch, where he, together with
Barnabas, was doing his missionary work, a serious conflict arose.
Barnabas and Paul travelled to Jerusalem to consult with the lead-
ers of the mother church, from which the Jesus movement origi-
nated. These deliberations led to a decision that gentiles wishing to
join the Christian community need not be circumcised.[7] Interestingly,

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[7] This is the background against which a Pauline text which has been called a
freedom charter (Schillebeeckx 1985, 45) should be read. The text reads: "There
is no longer Jew or Greek, there is no longer slave or free, there is no longer male
and female; for all of you are one in Christ Jesus" (Gal 3:26–28). This text pre-
sents three paired concepts that are important for the structure of any society; they
relate respectively to populations (Jew/Greek), class (slave/free) and gender
(male/female). Whereas some interpret the first contrast (between populations, i.e.
Jew and Greek) ethnically, it makes better sense to see it as the resolution of the
religious conflict about circumcision. In other words, this interpretation has to do
with Paul's decision that the distinction between Jews and gentiles, between pure
Judaism and contemporary Hellenism (Greek), no longer applied, at any rate when
it came to circumcision as a criterion for participation (cf. Col 3:11). Hence this
freedom charter is not (so much) ethnic but (rather) religious (cf. Crossan 1998,

Paul's report of this decision differs from Luke's. Paul saw it as an agreement between two equal parties, sealed with "the right hand of fellowship" (Gal 2:9), whereas Luke presents it as a solemn decree conveyed to Antioch by two emissaries, together with Paul and Barnabas, on the authority of the apostles and presbyters (Acts 15:22).[8]

To Paul the decisive factor was the promise God made to Abraham and the covenant he offered him. That promise and that covenant, Paul maintains, reached their fulfilment in Jesus Christ for all those who, like Abraham, believed in them: "it will be reckoned to us who believe in him who raised Jesus our Lord from the dead" (Rom 4:24). The children of Israel were not excluded from this, but "not all of Abraham's children are his true descendants" (Rom 9:7). Paul distinguishes between those who believed in the fulfilment of the Abrahamic promise in Christ and those who did not: "This means that it is not the children of the flesh who are the children of God, but the children of the promise are counted as descendants" (Rom 9:8).

Justification This exposition is based on the fundamental proposition that Paul made earlier on in the letter to the Romans: "For we hold that a person is justified by faith apart from his works prescribed by the law" (Rom 3:28; cf. Gal 2:16). We have already noted the meaning of justification when we considered the expression, "The Lord reckoned it to him as righteousness" (Rom 4:3), a verse Paul quoted from the story of Abraham (Gen 15:6). The word 'reckoned', we pointed out, can be used in two ways: either that you receive something from a person because you have performed some service – your due reward – or that you are given it gratuitously, without doing anything to deserve it. The term 'justification' relates to this second meaning.

Justification by faith means that God gives people an opportunity – a gift, a gift of faith – to do justice to God, justice to human beings and hence justice to themselves, so that God gets his due, human beings get their due and the believer gets his or her due; and all this is possible only by surrendering to God's grace in Jesus

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xxxiii). For a possible interpretation of "there is no longer male and female", see also the original article by Chatelion Counet (1998) on (supposed) sexism or feminism in 1 Cor 11:2–16.

[8] Paul and Luke clearly had very different views of the structure of the church, though this is not relevant in our context (Schillebeeckx 1985, 57–58).

"by faith" (Rom 3:28). Hence justification is not accomplished by doing works in obedience to the law – "works prescribed by the law" (Rom 3:28) – as if we can congratulate ourselves on the salvation we receive, but only and purely by faith in Jesus, irrespective of works required by the law: "apart from the works prescribed by the law" (Rom 3:28). This theme has been the source and subject of centuries of discussion, polemics and conflict between and within Christian churches, especially Protestant churches (by faith, *sola fides*) and the Catholic Church (works). The context of Paul's statement, however, is not the struggle between Christian denominations, their traditions and confessions, but the relation between Judaism and Christianity. And that relationship can only be understood in terms of their common patriarch – before his circumcision.[9]

Paul does not reject Judaism. On the contrary. He remains a Jew throughout and loves his fellow Jews. He would do everything in his power to preserve his ties with them, as is evident in a verse like "I have great sorrow and unceasing anguish in my heart. For I could wish that I myself were accursed and cut off from Christ for the

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[9] The interpretation of this theme has had a *Wirkungsgeschichte* that has drifted further and further away from the context in which it should be read in the Letter to the Romans as a whole. The reason for the misapprehension in this *Wirkungsgeschichte* can be traced to Augustine's defence against the Pelagians at the synods of Carthage in 416 and 418, and posthumously against the semi-Pelagians at the synod of Orange in 529. It contains two key statements: 1. humans with their bodies and free souls are totally corrupted by Adam's sin, which was passed on to all his descendants; 2. human salvation, even the striving and desire for salvation, depends wholly on the absolute priority of God's grace, and that salvation is rooted in divine predestination that precedes any merit whatever, even any foreseeable merit in the future (*praedestinatio ante previsa merita*); hence there can be no question of cooperation with God's grace unless it is given by God himself (Faber 1998). These two statements had a great impact on the Lutheran and Calvinist traditions, which regard salvation as attainable by faith alone (*sola fides*), being God's salvific gift to individuals that comes to them from outside (*extra nos*). Salvation does not reside in human beings, it exists only in God's relationship with humankind – it is '*coram Dei*' salvation (*nec sanctitas est in praedicamento substantiae sed relationis*). That is to say, there is no sanctity (*sanctitas*) in human beings, only justification that consists in acquittal from their sin by God, which means that justification is 'forensic'. Luther regards this as an article of faith (*articulum fidei*) by which the church stands or falls (*articulus stantis et cadentis ecclesiae*), while Calvin sees it as an important link between christology and pneumatology. These conceptions keep recurring in many interpretations (Pesch 1983), such as the existentialist interpretation of the Pauline verses by Bultmann (1965, 271–287). In ecumenical dialogue in recent years there has been an attempt to strike a balance between faith and works, resulting in such documents as *Justification by Faith* (1985), *Kirche und Rechtfertigung* (1994) and *Gemeinsame Erklärung zur Rechtfertigungslehre* (1999), but the debate continues (Pesch 1999).

sake of my people, my kindred according to the flesh. They are Israelites, and to them belong the adoption, the glory, the covenants, the giving of the law, the worship, and the promises; to them belong the patriarchs, and from them, according to the flesh, comes the Messiah, who is over all, God be blessed forever. Amen" (Rom 9:2–5). Here Paul refers to 'Israelites' and not just to Jews as opposed to either Greeks or gentiles, which are geographic and demographic identifiers. He has in mind the religious identity of God's chosen people. But almost at once he adds: "Not all Israelites truly belong to Israel" (Rom 9:6), with the rider we have already noted: "and not all of Abraham's children are his true children". It is not a matter of 'Israel and the church', as has often been suggested in the Christian tradition, but of 'Israel and Israel'. In part it concerns, in Hosea's words, Israel, once called 'my people', 'beloved', 'children of the living God' (Rom 9:25–26), and in part, in Isaiah's terms, a remnant of Israel: "Though the number of the children of Israel were like the sand of the sea, only a remnant of them will be saved" (Rom 9:27).

The crucial issue in justification by faith is how one should handle the law, the cardinal theme in Judaism. In the multidmensional meaning this theme has in the Letter to the Romans it amounts, in a nutshell, to a profound ambivalence that marks Paul's relation to the law. One the one hand the law brought sin into the world: "But law came in, with the result that the trespass multiplied" (Rom 5:20). Does this mean that Paul disqualifies the law as such and renders its rules pointless? Paul's answer to this question indicates that he himself is wrestling with the problem: "What then should we say?" (Rom 7:7). Nonetheless he states unequivocally: "The law is holy, and the commandment is holy and just and good" (Rom 7:12).

How should this ambivalence be interpreted? Paul's reasoning is based on a negative and a positive side to the law. On the one hand, when one does not live under the law and places oneself outside the law, one commits the transgressions summed up in the law, simply because in the absence of law one does not recognise them. On the other hand, once one lives within the law, one knows the transgressions: "Through the law comes the knowledge of sin" (Rom 3:20). If, knowing the law, one commits transgressions, one does so wittingly, aware that they are unlawful: "Apart from the law sin lies dead. I was once alive apart from the law, but when the commandment came, sin revived" (Rom 7:8–10). The text continues: "And I

died, and the very commandment that promised life proved to be death to me. For sin, seizing an opportunity in the commandment, deceived me and through it killed me" (Rom 7:10–11). In other words, through knowledge and transgression of the law, the law brings sin and death. That makes knowing the law a tragic event, one that makes Paul ask himself if he should say: "That the law is sin? By no means! Yet, if it had not been for the law, I would not have known sin" (Rom 7:7). This observation, thought-provoking in its initial impenetrability, concurs with a notion that was so widespread in Paul's time that he could take it for granted (Dunn 1998, 133–137).

At the same time the law is the law of the covenant, given by God to make it possible to remain within the covenant of blessing and salvation, implying that the law should be seen as operating within the covenant. The law exists to regulate the lives of Jews into keeping the covenant and in this way protect them from evil and harm as in child raising, for Israel is but a young child (Gal 4:1–2). The law or *nomos* is therefore part of what has been called 'covenantal nomism' (Sanders 1985, 75–172), also in Paul's thinking, even though 'covenantal nomism' is subordinate to participatory 'being-in-Christ', which we shall be considering next (Sanders 1985, 490–493).

The problem is that the law had come to be regarded as a privilege that was thought to give Jews a sort of favoured nation status before God in comparison with other nations. Paul is critical of the idea that law observance would guarantee salvation. He points out to his fellow Jews the blindness that such boastfulness entails, especially when compounded by arrogance in the sense of believing that they serve as a light to the gentiles – once again with reference to Isaiah: "But if you call yourself a Jew and rely on the law and boast of your relation to God and know his will and determine what is best because you are instructed in the law, and if you are sure that you are a guide to the blind, a light to those who are in darkness, a corrector of the foolish, a teacher of children, having in the law the embodiment of knowledge and truth, you, then, that teach others, will you not teach yourself?" (Rom 2:17–21).

In a nutshell: the arrogance of boasting of a privilege that consists in having the law, in contrast to the gentiles, is essentially the arrogance of Adam who wants to be God's equal, evidenced by the story of the tree of knowledge of good and evil; pride, which comes with this arrogant way of law observance, is the greatest sin, a sin

which, according to Paul's recapitulation of the story of Adam, leads to death. But surrender to God – who in Jesus gave people a chance (the gift of faith) to live in a just relationship with God, their fellow humans and themselves, so that both God, fellow humans and they themselves come into their own and are justified – puts an end to death and generates life.

It should be noted that Paul is not levelling a reproach at his fellow Jews that he would not level, and indeed must level, at himself. On the contrary, in a beautiful, poignant and profoundly psycho-theological text he makes it clear that he himself is a 'divided self', in the same way that the law is a 'divided law'. There is the law of God, cherished by the mind: "For I delight in the law of God in my inmost self" (Rom 7:22), "the law of my mind" (Rom 7:23). But there is also the law of sin that lodges "in the flesh, sold into slavery under sin" (Rom 7:14) and that leads to death: "It was sin, working death in me" (Rom 7:13). The impotence of such ambiva-lence finds profound expression in the lament: "For I do not what I want but I do the very thing I hate" (Rom 7:15). The same ambiva-lence is expressed forcefully in the last verse of the same chapter: "So then, with my mind I am a slave to the law of God, but with my flesh I am a slave to the law of sin" (Rom 7:25). That this is not just a rhetorical turn of phrase but a deeply existential tragedy intrinsic in the ambivalence of the law is evident in his cri de coeur: "Who will rescue me from this body of death?" (Rom 7:24).

Participation in Christ The letter in its entirety offers a clear response to the question expressed in this cri de coeur: rescue comes through faith in God's salvation, which is contained in God's very word of creation, corresponding to the Adam midrash, which was promised to the patriarchs, corresponding to the Abraham midrash, and which has now been physically embodied in the person of Jesus Christ, his cross and resurrection. Ultimately the central theme of the Letter to the Romans is not the theme of justification through faith, even though for two millennia Christianity, including its denominational struggles and confessional wars, has kept hammering on it, but faith and participation in Christ. Of the three themes explicating the meaning of salvation in Christ in this letter – justification by faith, participation in Christ and the gift of the Spirit – the second, par-ticipation in Christ, provides the frame of reference for understand-ing the other two. Not only in this letter but in the whole of Paul's

theology the 'participationism' of being-in-Christ takes pride of place over legalism, the judgment implied in justification. It is the core and premise of justification (Sanders 1985, 409–421), and may even be considered the core and premise of a sound interpretation of the 'judicialism' of justification (Sanders 1985, 480–487, 497–502).

Being-in-Christ may be misinterpreted if one turns it into a sentimental kind of mysticism, which sometimes happens in Protestant, especially pietistic, circles and which has always met with resistance. It is also a mistake to interpret the close connection between expressions like 'in Christ' and 'in the Spirit' as a licence for charismatic emotionalism and pentecostalism. Then what is the real meaning of expressions like 'in Christ', 'with Christ', 'into Christ', 'through Christ', 'of Christ', all key phrases in Pauline theology? There they occur 83 times, 13 times in the Letter to the Romans alone, as opposed to only once in the rest of the New Testament, namely in 1 Peter. Similarly, expressions like 'in the Lord' or 'in the Lord Jesus' occur 47 times in the Pauline corpus, eight of them being in the Letter to the Romans (Dunn 1998, 396–397).

These expressions are distributed among three groups of texts. The first group deals with the objective side of salvation in Christ, like "the redemption that is in Christ Jesus" (Rom 3:25), "the Spirit of life in Christ Jesus" (Rom 8:2), "the love of God in Christ Jesus our Lord" (Rom 8:39). A second group puts the accent on the subjective implications so as to pinpoint the very identity of believers as 'being in Christ': "So you also must consider yourselves dead to sin and alive to God in Christ Jesus" (Rom 6:11), "There is therefore now no condemnation for those who are in Christ" (Rom 8:1). Finally there are texts in which acts are performed 'in Christ', for instance "I am speaking the truth in Christ" (Rom 9:1), "Greet Prisca and Aquila, who work with me in Christ Jesus" (Rom 16:3). The connecting link between the three groups is their common basis, which is not just belief in Christ but a personal experience which has been lived, received and understood as experience of the living Christ. This kind of emotional experience is reflected in texts such as the following: "But if Christ is in you (. . .) if the Spirit of Him who raised Jesus from the dead dwells in you, he who raised Christ from the dead will give life to your mortal bodies also through his Spirit that dwells in you" (Rom 8:10–11). Texts that are grounded in the experience, "I am of Christ", such as the expression "We are the Lord's" (Rom 14:8), can also bet traced to emotional identification

rooted in the person's inner being. From this we must conclude that we cannot avoid speaking of the divine presence of Christ in believers, who experienced his presence in a way that touched and affected their lives emotionally (Dunn 1998, 396–412).

Gift of the Spirit This is all the more striking if we take into account that Paul also stressed the gift of the Spirit to explain the true nature of being-in-Christ, to such an extent that there appears to be some sort of overlap. Thus he says: "For the law of the Spirit of life in Christ Jesus has set you free from the law of sin and of death" (Rom 8:2), and: "Anyone who does not have the Spirit of Christ does not belong to him" (Rom 8:9). It would seem that the risen Christ is seen as closely associated with, even as somehow identifiable or actually identical with the life-giving Spirit of God. Other texts, again, seem to the suggest that the Spirit of God is approached via, and equated with, the risen Christ. Thus Paul writes: "The Spirit of God dwells in you. Anyone who does not have the Spirit of Christ does not belong to him" (Rom 8:9–10). What may be said of the entire New Testament certainly applies to Paul: the Spirit is always an experienced Spirit (Dunn 1998, 415). Again this could raise suspicions of charismatic emotionalism, pentecostalism and pietism, so much in evidence around the world these days. Yet resistance to these phenomena cannot obscure the focal position of the experiential nature of 'being-in-the-Spirit-of-Christ' in Paul's theology, especially in his christology. One could even say that Paul's letters contain, apart from the aforementioned creation-based Adam christology, traces or even impulses of a Spirit christology, to be discussed in due course (see chapter 10).

At all events, the three ways of attaining salvation in Paul's theology – justification by God, participation in Christ and the gift of the Spirit – should be kept together. In addition the first and the third (justification by God and the gift of the Spirit) should be interpreted in terms of participation in Christ, for God's justification is revealed in Christ, and it is in Christ that the Spirit is activated in the body of Christ. If one takes this focal position of the *participatio Christi* seriously, a great deal of theological reconstruction remains to be done: for Protestant traditions, which have always put the accent on the justification doctrine so as to keep experientialism and emotionalism at bay; for Catholic traditions, which have always tried to discipline and tame prerational, even a-rational religiosity by channeling

it into the hierarchical structures of the body of Christ; and for charismatic traditions characterised by the emotional pressure of religiously whipped up collectives and their emotional control by central leadership (Dunn 1998, 414–416).

Particularism and universalism What does all this teach us about the relation between religious particularism and universalism, which is what this chapter is about? Even though the background, aim and contents of Isaiah, which we discussed above, differ totally from Paul's theology in the Letter to the Romans, when it comes to the relation between religious particularism and universalism there are some similarities. Like Isaiah, Paul emphasises the distinction between Israel and the remnant of Israel. Like Isaiah, Paul opens the door to the gentiles and their participation in divine salvation, in Isaiah's case for individual gentiles, in Paul's for gentiles as both individuals and – at least implicitly – collectivities. And finally, like Isaiah, Paul also admits gentiles to the Jewish religion without demanding that they be circumcised. In this regard Paul points out the continuity between Jewish religious identity and that of people who are 'in Christ'.

To this end he uses the image of the olive tree to represent Israel, an image also found in Jeremiah 11:16 and Hosea 14:7. In Romans 11:17–25 the cultivated olive tree represents Israel and the wild olive shoot the gentiles. The cultivated olive tree is not chopped down nor is it replaced by another: there is only one Israel. To be sure, some branches of the tree were broken off through unbelief, and in their place a wild shoot has been grafted that shares the fertile root of the cultivated tree, that is to say the blessings promised to Abraham and the other patriarchs. But the gentiles are warned not to boast over the branches: "If you do boast remember that it is not you that support the root, but the root that supports you. You will say, 'Branches were broken off so that I might be grafted in.' That is true. They were broken off because of their unbelief, but you stand only through faith. So do not become proud, but stand in awe" (Rom 11:18–19). Paul concludes with a beckoning, eschatological future perspective: "For if you have been cut from what is by nature a wild olive tree and grafted, contrary to nature, into a cultivated olive tree, how much more will these natural branches be grafted back into their own olive tree" (Rom 11:24). That is the eschatological vision: that all Israel will be saved, that is to say, that "the

newly believing natural branches could be, and will be, reengrafted"
(Dunn 1998, 525).

This exploration of Paul's detailed and deep discourse in his Letter
to the Romans clearly shows how hard he tried to convince his
addressees that Jewish particularism had definitely been opened up
to universalism, founded in participation in Christ. In this univer-
salism there is room for both Israel and the gentiles: ultimately they
are two branches of the same tree. Here one discerns a significant
difference from Isaiah. Although Isaiah opens up Judaism to indi-
vidual gentiles and Paul to both individual gentiles and gentiles gen-
erally, Isaiah's universalism is what we have called monopolar, whereas
Paul's is bipolar. After all, in Isaiah the gentiles journey to Zion that
shines its light on the nations, whereas Paul speaks of an olive tree
with two branches that are or will be grafted in a special way into
a relationship with each other: the wild branch of the gentiles into
the cultivated tree of Israel, and Israel's natural branches into their
own olive tree. In addition Paul's discourse is steeped in another
kind of universalism, namely his Adam midrash and his Abraham
midrash. This kind of universalism we encountered earlier in the
book of Genesis, to which Paul's discourse refers, and we termed it
'undifferentiated universalism'. While the undifferentitiated univer-
salism in the Adam midrash is based on creation, in the Abraham
midrash it is based on the covenant of salvation history. It encom-
passes the whole world and all of humankind without any differentiation
of religion into religions, let alone a differentiation of religion into
denominations or even sects.

4.2. MORAL PARTICULARISM AND UNIVERSALISM:
LAW BOOKS AND THE SYNOPTICS

Having explored the polarity between religious particularism and uni-
versalism in the context of origin, we must now determine how the
same polarity functions in the moral sphere. More pertinently: how
does one deal with the poor in terms of the heritage of the Christian
tradition? How does one regard the poor and how far does one's
concern for them go? Is it only a matter of caring for the poor of
one's own people, religion and denomination or for outsiders as
well – the poor in alien circles? This question is certainly important,
for moral universalism, like religious universalism, is measured according

to the criterion of how one deals with the 'stranger at the gates'.

The question is all the more imperative because it is argued, on the one hand, that religious associations are based on community religiosity (*Gemeindereligiosität*), which in its turn is based on neighbourly assistance in the local community, where you can turn to the people around you when you need certain things and borrow or use each other's, and where people offer each other their labour when something needs doing. In addition it is said that the various religions are in competition, so that they are at each other's throats and confine their solidarity and love to co-religionists. On the other hand, it is averred, the advantage of monotheistic religions is that the one God is the God of everybody and reaches out to all people. Care of the poor in polytheistic religions, where a local God is the God of a particular community, must perforce be restricted to the poor of that locality (Weber 1980, 348ff., 403). The counter argument is that polytheistic religions are much more tolerant of each other than monotheistic religions; they readily adopt each other's ideas and norms and translate them into their own religious imagery, so they end up finding foreign elements and strangers less alien. In this sense interreligious and intermoral interaction benefits more by polytheism, which performs a kind of spontaneous translation from one religion to another, than by monotheism, which tends to betray features of religious ethnocentrism (Assmann 2000, 217–219, 237–238, 272–280; 2001, 18–20, 73–74).

In this section we again look at texts from both the Old and the New Testament, as we did in the previous section. From the Old Testament we choose the three law books in the Pentateuch. From the perspective of the polarity between moral particularism and universalism we could have selected other Old Testament texts, such as the prophetic books, especially Isaiah, or the wisdom literature or Psalms. So we shall start by giving some reasons for our choice of the three lawbooks. As for the New Testament, we shall deal with some early texts from the synoptic Gospels in which the life, words and deeds of Jesus and his proclamation of God's kingdom feature prominently in his work and his person.

Lawbooks in the Pentateuch

As mentioned already, we could explore the book of Isaiah, as we did in the case of the polarity between religious particularism and

universalism, to see whether and to what extent the poor share at a moral level in the universalism, however monopolar, of the book. The basic text of Isaiah – which recounts the prophet's historical ministry in the southern kingdom, paralleling that of his colleague Amos in the north – contains some harsh texts, in which he takes up the cudgels for the poor and condemns the corrupt leaders of Jerusalem. Thus the latter are admonished: "Seek justice, rescue the oppressed, defend the orphan, plead for the widow" (Isa 1:17), and: "They do not defend the orphan, and the widow's cause does not come before them" (Isa 1:23). These *personae miserae*, the widows and orphans, invariably mentioned in conjunction with strangers, also feature, again in the broad context of the needy and the poor, in verses such as the following: "Ah, you who make iniquitous decrees, who write oppressive statutes, to turn aside the needy from justice and to rob the poor of my people of their right, that widows may be your spoil, and that you may make the orphans your prey!" (Isa 10, 1–2). This indictment of oppressors and championing of the poor in the basic text of Isaiah show many correspondences with texts found in other propehtic books, notably Amos (2:6–8; 4:1–2; 5:7–12; 8:4–6) and Micah (2:2.9; 6:8.12; 7:2–6) in the 8th century, and Jeremiah (39:10; 40; 7; 52,15–16) and Ezekiel (22:29; 16:49: 18:12–18) in the 6th century. For the rest pronouncements on poverty are far more sparse in the prophetic books than is commonly assumed.

There is another important reason that prompted our decision not to pursue this issue further in the book of Isaiah, and that is that, apart from the historically basic text, it displays a growing tendency to theologise the poor. As a result there is less and less emphasis on individual and social poverty as such and more on its religious significance, which is that the poor are those among the socio-economically deprived who rely on God: the poor are the pious among the socio-economically disadvantaged (Groenewald 2003, 147–149, 151–153). Ultimately this amounts to equating the poor with the people of YHWH. The poor are the God-fearing, on whom YHWH takes pity: "For the Lord has comforted his people, and will have compassion on his suffering ones" (Isa 49:13). Hence poverty is not so much a social and moral category as a theological one: through a preferential option for the poor it culminates in a theology of the poor (Berges 1998; 1999, 2–14): the poor *among* my people become the poor, *my* people, leading to a theological interpretation of poverty also found in Psalms (Berges 1999, 14–25; 2004b).

In addition to the prophetic books on poverty and the theologised interpretation of poverty in Isaiah and in Psalms there is a third group of Old Testament texts: the wisdom literature. Here various aspects of poverty are described without putting them in a common perspective, more particularly a common theological perspective, as evidenced by the absence of such an essential theme as the exodus from Egypt. Whereas the prophetic books interpret poverty as deprivation that should not be countenanced, the wisdom literature describes it in factual terms: it is a state in which people find themselves, which cannot be abolished but which is neither desirable nor laudable; instead the writers warn against it, for instance in Proverbs, while Job and Koheleth invoke the retribution theory to explain poverty: how could wealth be the reward for good conduct and poverty the result of bad conduct (Berges 2004)?

For our purpose in this chapter, which is to determine whether the Old Testament contains texts that regard poverty as want that has to be remedied and for which a future utopia is depicted, especially in the case of widows, orphans and the stranger at the gates, a discussion of a fourth group of texts is more appropriate. These are the lawbooks in the Pentateuch: (1) the book of the covenant (Ex 20:22–23:33), which regulates various social relations, as it includes the cultic decalogue (Ex 23:10–19; Ex 34:11–26) and is preceded by the ethical decalogue (Ex 20:2–17; Dt 5:6–21); (2) Deuteronomic law (Deut 12–28), which correlates broadly with the book of the covenant and expands concern for widows, orphans, strangers and the poor into a social programme; and finally (3) holiness law (Lev 17–26), which presupposes the Deuteronomic lawbook and, on the premise that its social programme has failed, adopts a more pragmatic approach (Lohfink 1993, 255). The first book, the book of the covenant, is about the protection of freedom; the second, Deuteronomic law, about brotherly solidarity; and the third, holiness law, about the sanctification of everyday life in conformity to YHWH, the holy one. Our choice of the Pentateuch, which contains the three lawbooks, is prompted by the insight that it is the foundation of the Bible, while these lawbooks constitute its backbone (Lohfink 1993, 240).

Certain groups of people featuring in the lawbooks are of interest in our present context, and we need to determine whether and to what extent they are situated in either a particular, local or a universal context: first of all neighbours, who include both friends and enemies; then slaves – their emancipation and right to asylum;

then the poor; and finally the *personae miserae*, the widows, orphans and aliens, who are either regarded as the poor or viewed in conjunction with the poor (Bianchi 1979; Lohfink 1993, 239–259; Zenger et al. 1998, 93–99, 137–141, 159–161, 173–176; Berges 2000). The *personae miserae* occupy a special position. They are systematically vulnerable in that they lack necessary protection: widows and orphans lack normal male protection – the widow lacks a husband, the orphans lack a father – and strangers lack community protection (cf. Crossan 1998, 199). This can be called 'stratification ethics' in the law books.

Neighbours Regarding love of the neighbour, a relationship that can degenerate into enmity, the book of the covenant contains laws applicable to theft among neighbours (here compatriots). This is severely punished, even to the extent of condemning offenders to slavery: "The thief shall make restitution, but if unable to do so, shall be sold for the theft" (Ex 22:1). But the commandments are not only prohibitions, such as that of theft; there are also commandments to be obeyed with a positive attitude, such as the one in the Deuteronomic lawbook that stipulates with reference to the neighbour: "You may not withhold your help" (Deut 22:3). Holiness law adopts a somewhat harsher tone in regard to love of enemies: "You shall not hate in your heart anyone of your kin (. . .) you shall not take vengeance or bear a grudge against any of your people" (Lev 19:19). But this prohibition, too, should be read in a more positive context, as the following variation on the golden rule indicates: "You shall love your neighbour as yourself" (Lev 19:17).

While the duty to maintain good social relations with neighbours and the prohibition of vengeance holds good at the local level and probably at the national level as well, that is among compatriots, it does not extend to relations with the nations – at any rate not without qualification. Thus Deuteronomic law lays down the following guidelines: "You shall not abhor any of the Edomites, for they are your kin" (Deut 23:7), and the same applies to the Egyptians, "because you were an alien residing in their land" (Deut 23:7). But with reference to other peoples, such as the Ammonites and the Moabites, who refused to assist Israel in its hour of need, it decrees: "Even to the tenth generation, none of their descendants shall be admitted to the assembly of the Lord, because they did not meet you with food and water on your journey out of Egypt, and because they hired against you Balaam son of Beor, from Pethor of Mesopotamia, to

curse you" (Deut 23:3). Here vengeance is urged, even across gen-
erations, up to the tenth generation.

Slaves As for slavery, when peasant farmers were unable to pay their
debts they were usually taken into slavery. On the whole slaves were
not treated badly; they were part of the master's household, hence
did not want for shelter, food and clothing. Consequently they were
not normally included among the poor; all they lacked was freedom.
They were set free once they had paid off their debts (*Schuldsklaven*)
or, if they failed to manage that, after six years in the sabbath year.
According to the book of the covenant a male Hebrew slave had to
be set free after six years – this (probably) did not apply to female
slaves – and, if he was married, his wife had to be freed as well,
plus any children they may have produced. But if the master had
given him a wife and they had produced children, the wife and the
children remained the master's property. This did not mean that a
Hebrew was forbidden to sell himself into perpetual slavery. If after
six years he offered himself in that capacity, then "his master shall
pierce his ear with an awl; and he will serve him for life" (Ex 21:6).
Deuteronomic law does not contain this last injunction. There it is
said that the master will send him away a free man (Deut 15:12),
but he should not go empty-handed: "Provide liberally out of your
flock, your threshing floor, and your wine press" (Deut 15:14). The
justification for this is as follows: "Remember that you were a slave
in the land of Egypt and the Lord your God redeemed you" (Deut
15:15). In holiness law, where the social programme of Deuteronomic
law has made way for a more pragmatic approach, slaves are only
freed after 49 years, during the jubilee (Lev 25:40), which meant
that some of them – considering the poor life expectancy – would
never have survived to see a jubilee (Lohfink 1993, 256), even if
jubilee years were ever observed in Israel, which is not at all cer-
tain (Crossan 1998, 196). At the same time holiness law is more
chary of slavery; thus peasants who offered themselves as slaves should
not be accepted as such: "they shall remain with you as hired or
bound labourers. They shall serve with you until the year of the
jubilee" (Lev 25:40). The legitimation is again the exodus: "For they
are my servants, whom I brought out of the land of Egypt; they
shall not be sold as slaves are sold" (Lev 24:42). Note that this did
not apply to foreign slaves: "it is from the nations around you that
you may acquire male and female slaves" (Lev 25:44).

The protection of slaves' right to asylum merits separate mention. Deuteronomic law specifies: "Slaves who have escaped to you from their owners shall not be given back to them" (Deut 23:15) – which is what Paul had do to Onesimus in terms of Roman law (Philem 12). Runaway slaves were even given some freedom of choice: "They shall reside with you, in your midst, in any place they choose in any of your towns, wherever they please; you shall not oppress them" (Deut 23:16).

The poor Although slaves forfeited their freedom, they did not live, as we said, in real poverty, unlike those peasant farmers who were still able to keep their heads above water but were crippled by debt. Because of their destitute situation they are assigned a special place in the lawbooks, as indeed was the case in the earlier lawbooks of Mesopotamia and Egypt. There, too, one finds the theme that the gods, especially the sun god, had heard the cry of the hungry, the thirsty and the naked – just as YHWH had heard the cry of his people in Egypt (Ex 3:7, cf. 4:7) and still heard the cry of the poor (Deut 15:9; 24:15). As in Mesopotamian lawbooks, guidelines for justice for the oppressed feature prominently in the lawbooks of the Pentateuch (Lohfink 1993, 239–241, 253).

In the book of the covenant the sabbath year fulfils a special function for the poor. Every seventh year was to be a sabbath year to give the land respite. There should be no sowing or planting, but such crops as still grew in the sabbath year were not for the consumption of the landowner and his household, "so that the poor of your people may eat; you shall do the same with your vineyard, and with your olive orchard" (Ex 23:11). This commandment recurs in holiness law, although here there is no mention of vineyards (Lev 19:9–10; 23:22). It applies not only to male and female slaves but also explicitly to "the hired and bound labourers who live with you" (Lev 25:6). In Deuteronomic law care of the poor is elaborated into some sort of social legislation, with the ideal of brotherly solidarity as the guiding principle. This ideal dates back to the tribal community of Israel before it became a nation, which was taken for granted at that time but fell into discredit in the class society during the age of the monarchy. To stop the resultant inequality and injustice Deuteronomic law spells out a social programme designed to put an end to the degrading poverty of those who, for the most part, did not possess even a tiny patch of land – the depth of destitution in

an agrarian society. And if there should still be poverty despite the
programme, it had to be remedied at once: "Open your hand to
the poor and needy neighbour in your land" (Deut 15:11).

Personae miserae Finally there are the widows, orphans and aliens. By
and large the book of the covenant mentions aliens only in passing,
whereas widows and orphans receive due attention. All it says about
aliens is, "You shall not wrong or oppress a resident alien" (Ex
22:21), which is legtimised with reference to the exodus: "for you
were aliens in the land of Egypt" (Ex 22:21). Further on this legit-
imation is expanded slightly to arouse, in a manner of speaking, the
necessary empathy: "You shall not oppress a resident alien; you know
the heart of an alien" (Ex 23:9), again with reference to the exo-
dus, which is crucial in the laws in the book of the covenant. These
references not merely fulfil a rhetorical legitimising function, but cre-
ate the mythical, narrative, salvation-history framework of the liber-
ation from Egypt. This gives the emergence of the poor genuine
theological and ethical significance: they, too, are given new, just
laws in a new, just country (Lohfink 1993, 247–249).

In Deuteronomic law widows, orphans and aliens are one group,
and the poor form a separate group. This is because the lawgiver
did not *want* to call the first group poor so as to prevent them from
being reduced to beggary for not owning land – an abomination in
agrarian society. Hence the injunction: there *ought* not to be any
poor people (Lohfink 1993, 254; Berges 2000, 241). The alien and
the orphan are mentioned in the same breath: "You shall not deprive
a resident alien or orphan of justice" (Deut 24:17), immediately fol-
lowed by the widow: "You shall not take a widow's garment in
pledge" (Deut 24:17). Whereas the conjunction of widows and orphans
was ageold, dating back to the Mesopotamian lawbooks, it is only
with the addition of the alien in the book of Deuteronomy that the
three become a fixed combination, the early beginnings of which
are to be found in the book of the covenant (Lohfink 1993, 239–247).
Once again the legitimation of the exodus is immediately forth-
coming: "Remember that you were a slave in Egypt and the Lord
your God redeemed you from there; therefore I command you to
do this" (Deut 24:18). Probably the prohibition in both the book of
the covenant and Deuteronomic law relates to the migration from
the northern to the southern kingdom after the fall of Samaria in
722 B.C. (Berges 2000, 239, 241).

Holiness law places a restriction on acceptance of aliens (Lohfink 1993, 255–256). Whereas in Deuteronomic law there is a commandment that aliens should be permitted to join in the major feasts, the feast of weeks and the feast of booths (Deut 16:9–11, 13–14), in holiness law aliens are excluded from the latter: "You shall live in booths for seven days; all that are citizens in Israel shall live in booths" (Lev 23:42). This restriction does not mean that no special provision is made for aliens: "When an alien resides with you in your land, you shall not oppress the alien. The alien who resides with you shall be to you as the citizen among you" (Lev 19:33–34). This is followed by an extension of the commandment of love – that is, the love of one's neighbour that we encountered earlier – to people beyond the local neigbourhood. "You shall love the alien as yourself" (Lev 19:34). And again a reference to the exodus is appended: "for you were aliens in the land of Egypt" (Lev 19:34), this time including a reference to the absolute, sacred authority on which this law is based: "I am the Lord your God" (Lev 19:34).

Particularism or universalism? The question we have to answer in our context of the polarity between particularism and universalism is whether and to what extent there is any opening up to moral universalism in these laws. We have seen that all the commandments and prohibitions in the three lawbooks we have considered are marked by an attitude of justice and goodwill towards the neighbour (who could be a friend or an enemy), towards slaves, and finally towards the *personae miserae*: widows, orphans, aliens and (other) poor people, such as debt-burdened peasants. In this respect the lawbooks concur with earlier, similar lawbooks from Egypt and Mesopotamia. The question is how these commandments and prohibitions relate to the polarity between moral particularism and universalism.

Attitudes towards neighbours and enemies clearly remain confined to one's own locality and hence have a particular purport, which stands to reason. The same applies to attitudes towards widows, orphans and (other) indigent people. They, too, are part of one's own life world and require direct, local, close assistance from that life world, hence are characterised by particularism.

What about slaves? We have seen that slaves – at least according to law – could also count on an attitude of justice and goodwill, and that, if they had not redeemed their debt earlier, they could rely on liberation after six (Ex and Deut) or 49 (!) years (Lev); they

also had a right to asylum when they escaped from their masters
and could even come and go as they pleased (Deut). But we have
seen that this did not apply to foreign slaves: they could be kept
indefinitely (Lev). So here we have an explicitly particularistic law.

And the situation of aliens? It all sounds very hospitable, the way
they are to be treated, at least in terms of the law: they may not
be falsely charged, oppressed or exploited, and they are entitled to
social and religious integration. They may even take part in religious
festivals, except in terms of holiness law, which prohibits participa-
tion in the feast of booths (Lev).

But we need to distinguish between local aliens and aliens from
abroad, which we have not done so far. The following prohibitions
from Deuteronomic law apply to this second group (Schwienhorst-
Schönberger 1995). The first is a culinary law, to the effect that fish
and certain birds may be eaten, but "you shall not eat anything that
dies of itself; you may give it to the aliens residing in your towns
for them to eat, or you may sell it to the foreigner" (Deut 14:21),
followed by the religious legitimation: "For you are a people holy
to the Lord your God" (Deut 14:21). The second prohibition is
financial: "You shall not charge interest on loans to another Israelite,
interest on money, interest on provisions, interest on anything that
is lent. On loans to a foreigner you may charge interest" (Deut
23:19–20). Another stipulation of financial law is the following: "Every
seventh year you shall grant a remission of debts (. . .) Of a foreigner
you may exact it" (Deut 15:1–3). Yet another prohibition concerns
succession to the throne: "One of your own community you may
set as king over you; you are not permitted to put a foreigner over
you, who is not of your community" (Deut 17:15).

It is remarkable that Deuteronomic law, which contains the most
far-reaching statutes in the societal sphere, acquires a noticeably par-
ticularistic slant not just at an individual level but also, as we have
seen, in regard to relations with other nations. That does not mean
that the same tendency is not to be found to a greater or lesser
extent in the other two lawbooks, but we shall not go into that. The
argument that such particularism was designed not so much to exclude
and debar other nations as to help build Israel's identity may be
historically plausible (Schwienhorst-Schönberger 1995). But the way
it was done makes it impossible to see these laws as even distant
precursors of any universalism whatsoever. A few texts from the end
of the book of the covenant suffice to prove the point: "I am going

to send an angel in front of you, to guard you on the way and to bring you to the place that I have prepared (. . .) When my angel goes in front of you, and brings you to the Amorites, the Hittites, the Perizzites, the Canaanites, the Hivites, and the Jebusites, and I blot them out, you shall not bow down to their gods, or worship them, or follow their practices, but you shall utterly demolish them and break their pilars in pieces. (. . .) I will send the pestilence in front of you, which shall drive out the Hivites, the Canaanites, and the Hittites from before you" (Ex 23:20–28). Here religious identity construction appears to be permeated with belligerent exclusiveness.

To sum up, in the lawbooks solidarity with neighbours, enemies, slaves, the poor, widows, orphans and aliens – however heart-warming it may sound – is steeped in local particularism. This is very evident in the attitude towards foreign slaves and aliens from abroad. They are not treated on an equal footing with local slaves or aliens but are discriminated against. The same particularism is even more pronounced in relations with other nations – not friendly ones but those with whom Israel had been at war. It is not said that vengeance against them actually continued to the tenth generation – that would be a descriptive utterance – but that it should continue to the tenth generation, hence a normative utterance. This is evident in the previously cited verses from Deuteronomic law: "Even to the tenth generation, none of their descendants shall be admitted to the assembly of the Lord" (Deut 23:3). As for other nations, they are given short shrift as noted above: the Amorites, the Hittites, the Perizzites, the Canaanites, the Hivites, and the Jebusites are to be blotted out, and God will also send a plague on the Hivites, the Canaanites and the Hittites (Ex 23:20–28). Here there is no vestige of any universalism at all. On the contrary, particularism assumes the form of an almost eternal vengeance of belligerent exclusiveness – what we have called hegemonic particularism – which abounds in the Old Testament, even in the most social lawbook in the Pentateuch: the Deuteronomic code.

The synoptic Gospels on Jesus and the kingdom of God

Having dealt with the three lawbooks in the Pentateuch, in which neighbours, the poor and the *personae miserae* occupy a special place but slaves and aliens are marginalised and foreign slaves and aliens excluded, while foreign nations receive horrendous treatment, we

now turn to some early texts from the synoptic Gospels which recount how Jesus related to these groups. According to these accounts, what was his message, how did he act and on what were his message and conduct based? We would add: at least according to the way his message and conduct are narratively reconstructed in these early texts. For we have no 'facts' at our disposal, only texts. Before we try to answer these questions we need to examine the social context in which Jesus proclaimed his message of the kingdom of God in word and deed.

Social context As may be gathered from the preceding sections, Israel endured constant domination by foreign powers, both Egyptian and Mesopotamian. Thus it was successively under Assyrian, Babylonian, Persian and Greek hegemony, and at the time of Jesus' ministry under Roman rule. Whereas the general background was the Hellenistic world, the struggle raging at this time was between Roman inperialism and traditional Judaism. It is remarkable that there were no revolts under Persian hegemony (539–331 B.C.E.), nor under Alexander and his generals (331–302 B.C.E.) or under Graeco-Egyptian rule (302–198 B.C.E.), while there was only one revolt under Graeco-Syrian rule (198–167 B.C.E.). But under the Roman empire (63 B.C.E.–135 C.E.) there were three revolts, which resulted in the burning of the temple, the destruction of Egyptian Judaism and the paganisation of Jerusalem (Crossan 1998, 177–178).

    The struggle between Roman imperialism and traditional Judaism had an economic substratum. Both civilisations, Roman and Israelite, were agrarian, the cultivation of agricultural crops occupying a key position, in contrast to, for example, the industrial and information-oriented civilisations of our day. The difference was that Israel was a traditional agrarian civilisation and Rome a commercialised agrarian civilisation. Commercialisation was accompanied by social migration from rural to urban areas, leading to growing urbanisation, monetarisation and scribalisation. This had grave consequences for the distributive process of justice, which determines who gets what and why. Urbanisation entailed draining the countryside of exploitable labour and accumulation of capital in the cities. Monetarisation meant that debts could be extended, while money lending increased the rural population's dependence on the moneyed classes. Scribalisation widened the traditional gulf between the ruling classes, who had to

be and were able to read and write, and the common people, who were not, especially the middle and lower peasant groups that constituted the vast majority of the rural population. These were kept at, or close to, subsistence level, and included not only peasant farmers but peasant artisans as well. Below that level there were also the unclean and degraded classes, who had only their bodies and animal energy, such as porters, petty criminals, beggars, underemployed itinerant workers and prostitutes. Among them there was a high rate of infant mortality, a high rate of adult mortality as a result of war, famine and disease, and occasional cases of infanticide. This meant that a large part of the rural population had no opportunity to provide the basic needs of human life. This overall structure of inequality, human exploitation in rural areas and especially colonial commercialisation in Lower Galilee readily explains the discontent among the peasant population and the peasant revolts that were smouldering below the surface in Jesus' time, for which in Israel the prophetic tradition always provided a religious vehicle and legitimation (Crossan 1998, 151–173).

What was the religious legitimation? The core of Jewish tradition, as we saw in the law books, and as expressed in often harshly phrased utterances in the prophets' ministry, consisted in observing God's law which God himself had revealed on Mount Sinai. The law comprised two key elements: cultic law and the law of social justice. From these arose two kinds of criticism, of which one finds numerous instances in the prophetic books and the law books: cultic criticism and social criticism. The two go together. That is to say, when the prophets – also the psalmists – criticise the cult they are not rejecting the cult as such, but only its excesses that led to cultic hypocrisy and disregard or exploitation of the poor. Observance of this twofold law amounted to maintaining the covenant God had made with Israel and formed the basis of the identity of the Jewish people: to be the people of God (Hossfeld 1995).

The revolts in Jesus' time tied in with this thirst for social justice, so fundamental to the identity of the Jewish people. It was both a component of divine justice and consonant with it, for a key element of Israel's faith was that God would put an end to social injustice and avenge the exploited poor and outcasts. This was bound to lead to conflict with colonisation by the Roman empire: "That very ancient Jewish tradition was destined to clash profoundly and fiercely

with Roman commercialization, urbanization and monetarization in the first century Jewish homeland" (Crossan 1998, 182).[10]

This is the context in which one should see Jesus' ministry as an eschatological prophet and his message of the kingdom of God: the context of the urban-rural interchange of Lower Galilee, caught in the tension between Roman commercial agrarian society and Jewish traditional agrarian society. The tension led to increased exploitation of the countryside, social disintegration and economic distress, especially during the reign of Herod Antipas and his urbanisation programme in Lower Galilee (Crossan 1998, 230–235).

Jesus as an eschatological prophet The texts on Jesus' message as an eschatological prophet are characterised by the focal position assigned to the symbol of the kingdom of God (Schillebeeckx 1974, 94–222). This symbol may be misinterpreted both because of its androcentric character – God the king – and its connotation of space and locality. The kingdom of God is not a place. It is a metaphor referring to a particular kind of power and rule, or more generally a rule or a way of life. It refers to life – both individual life and economic, political, social and cultural life – under the rule of God, divine rule, the rule of divine truth and justice, which transcends and judges all human rule. One could also say that the kingdom of God is an elaborate term for God, which the Jews needed because they did not dare or want to pronounce the word 'God'. Hence 'kingdom of God' signified 'God' (Schillebeeckx 1989, 130).

An apt description of the texts on the gist of the symbol 'kingdom of God' is that it is a 'kingdom of nobodies' (Crossan 1992, 266).[11] Four kinds of 'nobodies' are focal: children, the poor, the outcasts and the persecuted. The position of the rich in the kingdom sayings merits separate comment. Here again we have a kind of 'stratification ethics'.

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[10] This does not mean that Judaism did, and Graeco-Roman thought did not, set great store by the principle of social justice. It is simply that the emphasis here is on the Jewish tradition because of its religious legitimation of the thirst for justice and the fact that Jesus belonged to that tradition (cf. Strijdom 2003; Crossan 2003).

[11] In what follows we do not consider the debate on the relation between Jesus' 'pure' historicity and the cultural context in which he ministered and in which that ministry should be interpreted. We merely want to stress that we do not have 'facts' at our disposal, only narratives about Jesus' work and deeds (cf. Craffert 2003; Crossan 2003).

Children One could regard the texts recording Jesus' sayings about children as indulgent, presenting children sentimentally as spontaneous, guileless, innocent, easily surprised and surprising. But that would be to ignore the social context in which these utterances occurred. As mentioned already, children's situation in the struggle for survival in rural areas as a result of commercial agrarian colonisation by Rome was anything but happy. We have noted that there were instances of infanticide, high child mortality and low life expectancy. Often they were abandoned and exploited, as still happens today according to reports one hears of child slavery, child labour, child soldiers and child prostitution. There are also reports from Jesus' time that the Jews – remarkably, according to the reporters of those days – refrained from practising infanticide but did not scruple to abandon newborn infants on the garbage dump, whence they were taken by others and used as child slaves.

This is the background to the following texts from the synoptic Gospels illustrating the fact that the kingdom of God is destined for nobodies. "People were bringing little children to him in order that he might touch them; and the disciples spoke sternly to them. But when Jesus saw this, he was indignant and said to them: 'Let the little children come to me; do not stop them; for it is to such as these that the kingdom of God belongs. Truly I tell you, whoever does not receive the kingdom of God as a little child will never enter in it.' And he took them up his arms, laid his hands on them, and blessed them" (Mk 10:13–16). This text is not about the Reformed doctrine of grace, which saw it as a warning against the supposed piety of works, as though one could enter God's kingdom solely by faith (*sola fides*) like children who are not yet capable of 'works'. But neither is it simply about the all too human lust for greatness and delusions of grandeur that one has to shed in order to enter God's kingdom like a little child (Haenchen 1968, 345–346). It should be read in its context, both literary and social. The literary context is the account of the disciples' dispute about which of them was the greatest, a question inviting exclusion rather than inclusion. Seen thus, children are not to be excluded, however small they are and however little they have to contribute: they belong in the kingdom (Van Iersel 1998, 321). The social context is that of the shame-and-honour society that Israel was at the time – as, indeed, were all the nations around it. The texts recording Jesus' sayings about children, who belonged to the most deprived group and were a shame on

their families, must be regarded as harsh social criticism (Crossan
1992, 266–269). This certainly appplies to the following verse, which
answers the question about who is the 'greatest': "Whoever becomes
humble like this child is the greatest in the kingdom of God" (Mt
18:4). The 'humble' does not refer to the virtue of modesty and self-
effacement, as was thought in the course of the (spiritual) history of
Christianity, but to the disadvantagement and penury of children –
'nobodies' – in contemporary society.

The poor The fact that the poor in a general sense occupy a special
place in texts about the kingdom of God need not surprise us, espe-
cially in view of the long prophetic tradition, wisdom tradition and
legal tradition to which Jesus belonged, which according to the nar-
ratives he perpetuated in his person, message, life and works, and
in which concern for the poor is always assigned special importance.
As noted already, observance of God's law, both its cultic and its
social dimensions, depends on it. The question is, who is to be con-
sidered poor? Who are the poor? In both Luke's and Matthew's
Gospels (Lk 6:20; Mt 5:3) and the Letter of James (2:5) one finds
the Greek word '*ptochoi*'. The word does not mean poor in the sense
of the expression that society consists of rich and poor – who, in a
way, always go together – but poor in the sense of someone who
does not fit into this distinction and in fact is excluded from it, such
as the homeless and beggars, who have lost all familial and social
ties. The *ptochoi* are not the hardworking, impoverished peasants and
rural artisans but the destitutes. What the texts have Jesus say in
the first of the so-called beatitudes is that the kingdom of God belongs
to these *ptochoi*: "Blessed are you who are poor, for yours is the king-
dom of God" (Lk 6:20). The 'in spirit' that Matthew appends in his
"Blessed are you who are poor in spirit" does not detract from this:
it is still a matter of the *ptochoi*. Matthew merely expresses – in the
prophetic tradition of the theology of the poor found in trito-Isaiah
(Isa 61) and, as we have seen, in Psalms – the real-life conjunction
of material poverty and religious piety. This precludes a purely spir-
itualising exegesis, as expressed in the speculative notion that theo-
retically material poverty goes hand in hand with spiritual poverty
and vice versa, or in the emphasis put on spiritual acceptance of
material poverty, or – at an even higher spiritual level – on the
humility needed to enter the kingdom of God (Grundmann 1972,
121–122). Instead the phrase 'poor in spirit' can simply be inter-

preted in terms of the theology of the poor in the Old Testament, which relates to the real life conjunction in the *anawim* of economic destitution and pious engagement with the Torah.

The fact that Matthew puts the beatitudes, and hence the saying 'Blessed are the poor in spirit', at the start of the great sermon on the mount surely suggests a parallel with Moses, who ascended Mount Sinai to receive the two stone tablets containing the decalogue: Jesus is depicted as a second Moses proclaiming a new kind of constitution – not comprising laws, prescriptions and proscriptions but a promise of salvation, thus reflecting his function as an eschatological prophet. The text says: God gets his due and human beings get their due. The meaning of the kingdom of God lies in the beatitude, 'blessed are you'. The meaning of history under God's rule is: being happy, being satisfied, laughing (Schillebeeckx 1974, 142–143).

Outcasts Besides children and the poor, the destitutes, there is another group which occupies a special place in God's kingdom: the outcasts. In several text traditions one reads that Jesus consorted and even (forbidden for Jews) dined with outcasts – tax collectors, sinners and especially prostitutes. In the Gospel according to Mark we read about a controversy while Jesus sat at dinner in the house of Levi, the tax collector, along with many other tax collectors and lawbreakers, referred to as sinners. Tax collectors were not officials but private persons who hired a toll so as to make a comfortable living from the taxes they charged. They had a bad reputation and were seen as profiteers and thieves. To the Pharisees, who practised scrupulous observance in regard to cleanness, far in excess of the Torah and its prescribed interpretation, they were unclean. They found Jesus' conduct in associating with such people over dinner thoroughly reprehensible: "Why does he eat with tax collectors and sinners?" (Mk 2:16). In this context Jesus' reply, "I have come to call not the righteous but the sinners" (Mk 2:17), should be interpreted as "I have come to call not the ritually clean but the ritually unclean." Against the background of criticism expressed in other texts of the Pharisees' excessive directives concerning ritual cleanness this verse must be interpreted as, "Who can consider himself or herself clean? Nobody can" (Van Iersel 1998, 154). Thus the text does not exclude either the Pharisees or the tax collectors – in fact, it includes both groups. But it breaks down the barriers between ingroup and outgroup. The message of the coming kingdom of God transcends ritual cleanness:

it is open to all whom Jesus invites to the great eschatological din-
ner table hosted by God (Schillebeeckx 1974, 172–175).

The stories about Jesus' dinner parties with prostitutes must like-
wise strike readers of the Gospels. According to one of these, a pros-
titute who had heard that Jesus was invited to a meal by Simon, a
Pharisee, went there with an alabaster jar of perfume. She wept and
started washing his feet with her tears and drying them with her
hair, whereafter she kissed them and anointed them. On seeing this
the Pharisee, outraged that Jesus dared let such a woman touch him,
thought: "If this man were a prophet, he would have known who
and what kind of woman this is who is touching him – that she is
a sinner" (Lk 7:39). Jesus read his mind from the expression on his
face, the story goes on, and responded with the parable of the cred-
itor who had two debtors, one of whom owed him five hundred
denarii and the other only fifty denarii. When neither was able to
pay him, he absolved both from their debt. The story then has Jesus
ask Simon the following question: "Now which of them will love
him more?" (Lk 7:42), to which Simon replies: "I suppose the one
for whom he cancelled the greater debt. (Lk 7:43). In Jesus' expo-
sition in the story it is clear that the woman had paid him the cour-
tesies of hospitality that Simon had neglected, and in an abundant
way: washing and drying his feet, kissing them, anointing them with
perfume. All this adds to the sternness of his conclusion: "Therefore,
I tell you, her sins, which were many, have been forgiven; hence
she has shown great love. But the one to whom little is forgiven,
loves little" (Lk 7:47). Jesus then said to the woman: "Your sins are
forgiven . . . Your faith has saved you; go in peace" (Lk 7:48.50).

Faith in Jesus and his message of God's kingdom, according to this
story, implies an attitude of *metanoia* towards the community of sal-
vation that Jesus was offering the woman. Jesus accepted the woman's
love so as to admit her to a forgiving community. The woman expe-
rienced and acknowledged the dawn of God's kingdom in his per-
son and deeds, something the Pharisee was not (yet) capable of. In
this story, too, the barriers of social exclusion are broken down and
social inclusion takes place (Schillebeeckx 1994, 169–171).

The persecuted Anyone who believes and proclaims that the kingdom
of God is there for children, destitutes, the unclean and degraded
outcasts like tax collectors and prostitutes is turning existing social
relations upside down. That is what the other beatitudes seek to

demonstrate: "Blessed are those who are persecuted for righteous-
ness' sake, for theirs is the kingdom of heaven" (Mt 5:10). This verse
has often been seen as a reflection of the later persecution of Christian
preachers who proclaimed the gospel out of faith in the risen Christ.
But this assumes a distinction between an ingroup (we Christians,
the persecuted) and an outgroup (they, the persecutors), whereas in
all the stories we have considered so far the barriers between ingroup
and outgroup are broken down. The question is whether 'persecuted'
in this case should not rather be taken to mean, 'Blessed are the
poor who are reproached and socially rejected.' Above all, should
'persecuted' not be interpreted on some sort of meta-level as 'blessed
are those who proclaim "blessed are the poor" and find themselves
reproached and socially rejected in my name'? This also restores this
beatitude to the context of social relations at that time (Crossan
1992, 273–274).

The rich Does all this mean that social relations are turned upside
down? Is it really true that in the kingdom of God the poor will
wield power and the mighty will be the underdogs? According to
some early texts this is not so: Jesus did not invert relations of power,
he merely abrogated the offensive relations. But that does not mean
that wealth cannot be an obstacle to entering the kingdom of God,
as evidenced by the story of the rich stranger who asked Jesus how
to inherit eternal life. Jesus told him that he had to follow the rules
of life in the Torah, to which the man replied that he had done so
since his youth. To this Jesus responded by assigning him four tasks:
"Go sell what you own, and give the money to the poor, and you
will have treasure in heaven; then come, follow me" (Mk 10:21).
The command in this narrative, 'go sell what you own', conflicted
with the maxim of some rabbis, who taught that you should not
give away what you need for your own life lest you become a bur-
den to others. That, as far as the rich stranger was concerned, was
the end of the story: "When he heard this, he was shocked and went
away grieving, for he had many possessions" (Mk 10:22). The nar-
rative then puts the incident on a more structural level by having
Jesus observe: "How hard it will be for those who have wealth to
enter the kingdom of God!" (Mk 10:23). This perplexed the disciples,
since it conflicted with the conventional, politically correct approach
of society at that time. It might also have dawned on them that they
themselves had not (yet) complied with Jesus' requirement – 'go sell

what you own' – because, although they had left their trade and homes when they became disciples (Mk 1:16–20), it is not clear whether they had actually given up their trade and homes on Jesus' express orders (Van Iersel 1998, 325–327). Be that as it may, this is followed by a humorous-comical, at all events sapiential comment: "It is easier for a camel to go through the eye of a needle than for someone who is rich to enter the kingdom of God" (Mk 10:23.25).

Abba experience What, according to the texts, is the basis of Jesus' proclamation of the imminent kingdom of God, in which nobodies – children, destitutes, outcasts – will be assigned the place that an unjust society denied them? It is the intimate relationship that Jesus had with God, to whom he cried out, 'Abba, Father'. This cry, 'Abba, Father', goes back to a tradition that sought to transmit the expression unamended without omitting any element from its combination of Aramaic and Greek, which probably means that what we have here is an original word of Jesus, spoken in the situation of agony in Gethsemane. In his portrayal of the scene Mark sketches the pain of fear and the terrible anguish of death: "Abba, Father, for you all things are possible, remove this cup from me; yet not what I want, but what you want" (Mk 14:36). It is very likely that the 'Abba' was remembered as a characteristic feature of Jesus' own prayer, which made the Aramaic word 'Abba', duplicated by its Greek translation, a quasi-sacred prayer form (Dunn 1998, 192–193). It occurs again in Paul's Letter to the Galatians and his Letter to the Romans, in both of which it is said that God makes the Spirit of Jesus cry, 'Abba, Father' (Gal 4:6–7; Rom 8:14–16). From that we have the longer, elaborated versions of the Lord's prayer, 'Father' (Lk 11:2–4) and 'Our Father' (Mt 6:9–13), which was probably a prayer formula edited by a Greek speaking community and which can be interpreted as a kind of summary of Jesus' proclamation of the kingdom of God, as Tertullian called it (*breviarium totius evangelii*). It then developed into the elaborated version with the doxology in the Didache and the long paschal prayer in John 17 (Standaert 1989).

Why does Jesus' 'Abba'-experience form the basis of his words and deeds in the stories about him? What was the essence of this crying to God as 'Abba' that makes it the basis of his proclamation and praxis of the kingdom of God? It is a misinterpretation to see these texts as depicting Jesus in a childlike relationship to God, as

some scholars would have it. This is an adult relationship.[12] It has also been said that the stories reflect Jesus' application of the family term 'Abba' to his relationship with God in prayer – an application not to be found in addresses of God in contemporary Jewish literature, hence indicative of the uniqueness of the relation between Jesus and his 'Abba', God.

Although this notion went unquestioned for a long time and Jesus' so-called 'Abba'-experience was seen as an indication of his exclusive relationship with God – a (covert) harbinger of pronouncements about Jesus' 'authentic' sonship in later tradition, Jesus as God the Son – it has come in for criticism. Both the reference to God as 'Abba' and 'Abba' as a form of address in prayer occur in Jewish literature, namely in charismatic circles and especially among Hasidic groups (Vermes 1973, 210–211). While the notion that the cry of 'Abba' is indicative of the uniqueness of Jesus' relation to God must be dismissed, it does not detract from a cardinal, albeit not unique, attribute of this relationship: a relationship "in which reverence and intimacy are mingled" (Vermes 2001, 200). The combination of reverence and intimacy is poignantly expressed in the previously cited text fragment recording Jesus' cry in Gethsemane: "Abba, Father, for you all things are possible; remove this cup from me; yet not what I want, but what you want" (Mk 14:36). One might say that the 'yet not what I want, but what you want' "*is* the Jewish abba-concept" (Schillebeeckx 1974, 216).

At all events, an outstanding feature of the stories about Jesus' proclamation and works is that he consistently embodies the breaking down of barriers between ingroup and outgroup and the conversion from exclusion to inclusion, as we saw in the case of the children, the destitutes, the tax collector, the prostitute. This is in fact how he is depicted as the eschatological prophet who does the will of his father God, his 'Abba', to the end. The stories about his message of God's kingdom state again and again that it is not the privilege of the rich, the mighty, the eminent – it is harder for them to enter than for a camel to pass through the eye of a needle: the kingdom is open to all, and everyone is invited to enter, especially

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[12] The title of a frequently quoted paper by James Barr is illustrative of this point: "Abba isn't Daddy".

those on the underside of society. God is a just and benevolent God who is opposed to humiliation, enslavement, oppression and exploitation; he is a God of salvation and reconciliation for everyone. According to the texts it is from this concept of God, nourished by his intimate relationship with 'Abba', that Jesus derived the spirit in which he approached people, consorted with them, dined with them, restored them to human society and opened up a future for them (Schillebeeckx 1974, 210–222).

Exclusiveness and inclusiveness How should we interpret these texts about Jesus' ministry as an eschatological prophet of the kingdom of God in terms of the polarity between particularity and universality? Let us look at the way he broke down the exclusiveness of particularism in his words and deeds and the perspective of inclusiveness he opened up towards universalism.

From what we have said it is clear that in the stories Jesus broke down the particularism of those who dominated society through their wealth, power and prestige, and that he offered a future for the socially downgraded and exploited. More generally, according to to the parables, he championed the cause of individuals and groups who flouted social conventions and thus ran a risk of marginalisation, as evidenced by the parable of the father with the two sons, or rather the younger brother of the eldest son (Lk 15:11–32). Even more generally, he is the champion of those who grieve and suffer and believe themselves lost, as may be seen in the parable of the lost sheep (Lk 15:3–7), or who were simply down on their luck and through no fault of their own started work late, as in the parable of the workers of the eleventh or last hour (Mt 20:1–16). In these stories he is presented as a prophet who was prepared to disregard and abrogate prevailing social rules, especially when it came to justice as a right based on deserts, which he transformed into justice as a gift on the basis of abundant grace.

Apart from the social dimension of breaking down particularism and opening up universalism, there is also a religious dimension. It features consistently in the aforementioned parables, either in the actual stories or in the frame text, for they are invariably about the openness of God's kingdom to those who feel themselves excluded, also religiously. But the religious dimension is also articulated directly and explicitly in the narratives, as in the aforementioned dispute about Levi the tax collector and the meaning of ritual cleanness.

Here Jesus fearlessly tackles the Pharisees and their ritual observances aimed at exclusion.

This brings us to texts about how Jesus dealt with the law and his intervention in what one might call an intra-Judaic debate, namely that between Palestinian, Levitic Jews and Greek-speaking, Hellenistic diaspora Jews who mixed freely with non-Jews. The Palestinian Jews believed that as Jews they were bound not only by the Pentateuch, the so-called five books of Moses and the commentaries on these in the prophetic and other biblical books, but also by commentaries in the oral tradition of previous generations, which contained a vast number of cultic purity laws. The Hellenistic diaspora Jews were of a different, more broadminded persuasion. They believed that the post-Sinaitic 'Mosaic' laws were merely human handiwork on account of 'hardness of heart' and that they should not be made mandatory, because they eroded rather than promoted the doing of God's will. They maintained that God's creation was the basis of all commandments inasmuch as they were divine commandments. They put the accent on socio-ethical rules and, finally, they interpreted cleanness spiritually: cleanness is purity of heart and mind, implying abstaining from the cults of other gods (Steins 2001). The diaspora Jews held these beliefs not only because of their frequent intercourse with non-Jews, but also because they had submitted to the measures that Antiochus IV Epiphanes took against the Jews: he left the decalogue as the law of the Jews alone, but abolished the sabbath, the cult and religious feasts. The stories present Jesus as a prophet who intevened in this intra-Jewish dispute as the champion of the latter group, displaying an anti-Levitic, albeit intra-Jewish, critique.

So are we dealing with a narrative intervention originating in a belief that existed in Galilee without any influence from the diaspora Jews, since it is hardly plausible that the stories are suggesting that Jesus, a Galilean, was brought up in a Hellenistic-Jewish conception of the law? This would imply that the texts about Jesus' critical handling of the law show considerable material parallels with diaspora Jews' approach to the law, but without any causal connection (Schillebeeckx 1974, 188–204). Other scholars maintain that a distinction between Jews in diaspora and Palestinian Jews is a travesty of history, since the whole of Asia Minor at that time, including Palestine, was steeped in Hellenistic thought, hence the stories about Jesus were also influenced by it. The distinction between Palestinian Judaism and diaspora Judaism was geographical, not

cultural or ideological, it is argued. According to this view it was not a matter of two opposing views, those of Palestinian Judaism and diaspora Judaism, but of two wings within a single Judaism: an exclusive wing and an inclusive wing (Crossan 1992, 417–426).

Either way, whether the texts are about Jesus the Galilean's distinctive originality or his adherence to Hellenistic thought that also had Palestine in thrall, in these stories Jesus speaks out forcefully against cultic observances in Levitic Judaism and every outgrowth of it, especially in the seven imprecations, such as: "Now you Pharisees clean the outside of the cup and of the the dish, but inside you are full of greed and wickedness . . . But woe to you Pharisees! For you tithe mint and rue and herbs of all kinds, and neglect justice and the love of God . . . Woe also to you lawyers! For you load people with burdens hard to bear, and you yourselves do not lift a finger to ease them" (Lk 11:39–46). If one proceeds from a distinction between diaspora Jews and Palestinian Jews, the imprecations reflect a dispute that had been going on in Palestinian Judaism for many centuries anyway – a dispute often featuring in the prophetic tradition about the proper relation between cult and righteousness and always culminating in the verdict: no cult without righteousness (Schillebeeckx 1974, 193)! If one proceeds from a unified Hellenistic Judaism, both in Palestine and in diaspora, albeit with an exclusive and an inclusive wing, then the imprecations echo the first wing's criticism of the second wing, to which Jesus belongs in these stories. Jesus's rebellion against religious observances is even more evident in the texts about his attitude towards the sabbath, such as picking heads of grain (Mk 2:23–28) and healing the man with a withered hand on the sabbath (Mk 3:1–6). Jesus acted with authority, stating that the sabbath was made for humans, not humans for the sabbath. His protest rings out sternly: "Woe to you lawyers! For you have taken away the key of knowledge; you did not enter yourselves, and you hindered those who were entering" (Lk 11:52). This breaks down the exclusiveness and opens a perspective on inclusiveness.

There are three other texts that tell how Jesus opposed the exclusiveness that characterised religious observance in his time: his criticism of the law of retaliation (*lex talionis*); love of enemies; and the golden rule.

In regard to the law of retaliation the story is as follows: "You have heard that it was said, 'An eye for an eye and a tooth for a tooth.' But I say to you, Do not resist an evildoer. But if anyone

strikes you on the right cheek, turn the other also; and if anyone wants to sue you and take your coat, give your cloak as well; and if anyone forces you to go one mile, go also the second mile. Give to everyone who begs from you, and do not refuse anyone who wants to borrow from you" (Mt 5:38–42). In the hyperboles in these verses Jesus transcends the restrictive retaliation mentality that so often characterises Jewish tradition and summons the disciples to universal love for anyone who needs it, across all religious boundaries.

Love of one's family, neighbour, tribe and community is likewise broadened to include adversaries, even enemies: "You have heard that it was said, 'You shall love your neighbour and hate your enemy.' But I say to you, Love your enemies and pray for those who persecute you, so that you may be children of your Father in heaven; for he makes his sun rise on the evil and on the good, and sends rain on the righteous and on the unrighteous. For if you love those who love you, what reward do you have? Do not even the tax collectors do the same? Be perfect, therefore, as you heavenly Father is perfect" (Mt 5:39–47). The universality in these verses derives from sapiential thought, which is based on, or at any rate resembles, ideas that were current among diaspora Jews, who saw God's law as founded in creation. The idea of creation legitimises love of enemies, since God makes the sun rise and sends rain on the evil and the good, the righteous and the unrighteous alike. Here we again see – as we did in Genesis, Isaiah and the Letter to the Romans – that the theme of creation forms the broad religious basis for truly religious and moral universalism.

Finally there is the golden rule. One first encounters it in Leviticus: "But you shall love your neighbour as yourself: I am the Lord" (Lev 19:18). Even there the rule is extended to aliens as well and provided with the exodus theme: "You shall love the alien as yourself, for you were aliens in the land of Egypt: I am the Lord your God" (Lev 19:34). Both are covenant texts, as evidenced not only by the explicit reference to the exodus, but also by the 'I am the Lord'. In the verse in Matthew, however, the rule is expanded universally – probably under the influence of Hellenistic creation thought – to include everybody, the legitimation being the law and the prophets: "In everything do to others as you would have them do to you; for this is the law and the prophets" (Mt 7:12).

The dual commandment The Hellenistic thought of the (Greek-speaking, diaspora) Jews is unmistakable in what is known as the dual commandment, which is Jesus' response, according to the narrative, to a question put by one of the scribes: "Which commandment is the first of all?" Jesus answered, "The first is, 'Hear, O Israel: The Lord our God, the Lord is one; you shall love the Lord your God with all your heart, and with all your soul, and with all your mind, and with all your strength.' The second is this, 'You shall love your neighbour as yourself.' There is no other commandment greater than these" (Mk 12:28–31). It is noteworthy that in the first commandment, according to the text, Jesus literally quoted the opening verse of the Shema, the great Jewish prayer with which Jews begin and end the day. This presents Jesus as an eschatological prophet wholly rooted in Jewish tradition, living by it and faithful to it, notwithstanding his critical stance in regard to laws on sabbath observance, purity laws and the cult propagated by the exclusive wing in Judaism. The first commandment is at once augmented with the second: love of one's neighbour – *ton plèsion* in the Greek text, *proximum*, in the Vulgate – even though the scribe never asked for it (Van Iersel 1998, 378–379).

The two commandments themselves both come from Jewish tradition, and there are texts indicating that they are considered synonymous: "You shall love the LORD your God with all your heart, and with all your soul, and with all your might. Keep these words that I am commanding you today in your heart" (Deut 6:4–6). Here love of God and keeping his commandments are mentioned in the same breath. Not until the emergence of Greek-speaking Judaism was this synonymous relation severed and the question arose about which was the first and greatest commandment. In Hellenism two commandments vied for primacy: *eusebia*, piety, and *dikaiosunè*, righteousness, the question being: on what should one set one's heart, one's soul and one's strength (*ex holès tès dianoias sou*: with all your mental power – Mk 12:30)?

There is a second aspect that merits attention from a Hellenistic perspective. In the earliest Jewish texts the accent was on love for one's neighbour, one's fellow tribesman, one's compatriots – especially impoverished compatriots – and for strangers inasmuch as they are unknown compatriots. In Greek-speaking Judaism, however, the term used by Mark and Matthew, *ho plèsios*, broadens the meaning to include 'closest person', 'the fellow human you encounter', and

finally 'every human being'. This expanded meaning is partly a result
of diaspora Jews' association with non-Jews, and is legitimised not
primarily by covenant thinking but – once again – by broader cre-
ation thought. Finally, '*dikaiosunè*' is replaced by *philanthropia*, love of
one's actual fellow being (Schillebeeckx 1974, 205–206). As noted
already, in the story Jesus literally quotes the opening verse of the
Shema, then appends the second commandment and concludes by
saying that the two together are the first, the greatest command-
ment, which can only mean that they are inseparably linked. The
verses that follow explicitly criticise the cultic observance of the exclu-
sive wing in Judaism: "Then the scribe said to him . . . this is much
more important than all whole burnt offerings and sacrifices" (Mk
12:32–33). Matthew goes further, adding: "On these two com-
mandments hang all the law and the prophets" (Mt 22:40). The
focus should not be on the observances of the exclusive wing but
on the fact that both God and the neighbour get their due: that is
what Jesus' message of the kingdom of God is about.

One notes that in Luke the intra-Jewish dispute has vanished; at
least, that is indicated by the question a lawyer, according to the
narrative, asks Jesus: "What must I do to inherit eternal life?"
Prompted by Jesus, he provides the answer himself: "You shall love
the Lord your God with all your heart, and with all your soul, and
with all your strength, and with all your mind; and your neighbor
as yourself." To this, according to the story, Jesus responds: "You
have given the right answer; do this, and you will live" (Lk 10:25–28).
Whereas the dialogue between Jesus and the scribe in the parallel
pericopes in Mark and Matthew, which Luke omits, in a sense stand
exclusive Jewish observance on its head, Luke adds a different rider
to the dialogue between Jesus and the lawyer: the parable of the
good Samaritan, which inverts another concept: the concept of 'neigh-
bour', which is focal in the second commandment.

This parable not only has a shock effect because of the inversion
of the concept of neighbour: your neighbour is not the person who
is physically close to you but those who make themselves neighbours
to people in distress. The parable also has a shock effect because
the one who makes himself a neighbour is not the priest – he ignores
the battered man who had been stripped of his belongings; nor the
Levite, nor some Jewish lay person, as one would logically have
expected from the narrative, but a Samaritan (Lk 10:30–37). Hence
the purport of the parable is not just anti-clerical but also, and more

particularly, religiously critical. A Samaritan was not an unknown, unfamiliar compatriot but a real foreigner, and moreover represented a nation that Palestinian Jews regarded as a kind of second-class, 'semi-pagan breed', the more so because they were accused of desecrating the temple during the Passover between 6 and 9 B.C.E. by scattering human bones. There was implacable hatred on both sides. In this context Jesus tells a shocking parable. Whereas the Pharisees tended to exclude non-Pharisees from their love and concern, the Essenes demanded that one should hate the 'sons of darkness', rabbinic teaching declared that heretics and apostates should be banished, and conventional wisdom was that one could withhold one's love and concern from enemies, Jesus holds up the example of a Samaritan. The message of the parable is this: when someone is in distress the golden rule knows no limits (Jeremias 1969, 134–136). Even worse: "a semi-pagan foreigner might know more about the love of God than a devout Jew blinded by preoccupation with pettifogging rules" (Caird 1974, 148–149).

Particularism and universalism The stories about Jesus' words and deeds unmistakably show that the message of the kingdom of God entails breaking down bigoted religious and moral particularism and opening up a broad perspective of universalism. This universalism is based partly on the concept of creation which, as we have seen many times, implies a space of limitless length and breadth of humankind and nature, and partly on God's promise and his covenant, of which the kingdom of God is the fulfilment. The images used in the Gospels and other New Testament texts are: the 'new human being', an anthropological metaphor; the 'new Jerusalem', an urban metaphor; and 'a new heaven and a new earth', a cosmic metaphor. The message of universal justice and love embraces each and everyone: beyond ethnic conditioning (the rich alien), political correctness (tax collectors), social respectability (destitutes and prostitutes), religious community (the good Samaritan). Since this is an expanding universality, consistently reaching out towards individuals and groups with a disadvantaged, violated identity, needing help, acceptance and fellowship, we call it a multipolar universality. In these stories Jesus does not proceed apodictically, as if the proclamation of God's universal kingdom – the rule of God's love and justice – alone would be sufficient to activate such universalism. In fact, they tell us that he engaged in dialogue with the people he invited to enter into this

universality: he looked them in the eye, touched them and allowed them to touch him, wash his feet, kiss and perfume them.

Summary The entire chapter was designed to determine to what extent the biblical texts we have considered may be interpreted in terms of the polarity between particularism and universalism. The question is important, since it is widely averred that the Bible – along with Greek and Roman philosophy – provides a major religious and moral basis for human rights. Whereas one might say that human rights are themselves caught in the polarity between particularism and universalism, the religious heritage contained in the Bible may well help to open them up towards universalism. Hence it is important to determine to what extent these biblical texts can actually inspire such a universal perspective.

From our broad survey we can draw the following general conclusions. In the course of it we encountered some serious representatives of what we have called plain particularism, which is characterised by a desire to preserve a particular identity as distinct and isolated from other religious communities, but without aggression. The clearest examples are to be found in the books of Ezra and Nehemiah, to which we referred in our discussion of Isaiah, as they stress the importance of clean ethnic lines – those of Judah and Benjamin – including circumcision and the prohibition of mixed marriages. Another example was found in the law books inasmuch as they adopt a tolerant attitude towards nations that were well disposed towards Israel, like the Edomites and the Egyptians, in whose country they had resided as aliens, as the texts put it. But there were nations that did not assist Israel during the exodus from Egypt by supplying them with food and water, such as the Ammonites and the Moabites: they deserved Israel's vengeance up to the tenth generation (Deut 23:3). There were also nations that had to be wiped out completely, such as the Amorites, the Hittites, the Perizzites, the Canaanites, the Hivites and the Jebusites – the texts say they should be blotted out, while God would also visit pestilence on the Hivites, the Canaanites and the Hittites (Ex 23:20–28). This is no longer plain particularism but hegemonic particularism, intent on wreaking death and destruction and exterminating neighbouring peoples – what is known in human rights thought as genocide.

In addition we came across representatives of plain universalism of varying kinds. What engaged our attention was what we called

undifferentiated universalism: the creation universalism found not
only in the first creation story in Genesis but also in the stories about
Noah and Abraham, before his circumcision, and in its further devel-
opment in the book of Isaiah, Paul's Letter to the Romans and Jesus'
proclamation of God's kingdom in word and deed. This universalism
rises above all particularity. It transcends all conditioning and fixation,
every kind of difference or division – it does not recognise these.

Then there were instances of what we called monopolar univer-
salism, which characterises the main theme in the book of Isaiah:
the pilgrimage of the nations to Zion, where they were to partici-
pate in the liturgy and justice of the YHWH religion without being
subject to the law of circumcision. We called this monopolar uni-
versalism, because it was marked by what we termed inclusive exclu-
siveness. The nations retained their identity when they went up to
Zion, it is just that this is the only place where divine salvation is
to be found. In a spiritual sense the same applied to the Jewish com-
munities in Egypt and Assyria, who did not have to go to Zion but
still had to focus on the liturgy and ethics practised there.

When one uses the term 'monopolar universalism' other forms of
universalism can be reserved for other phenomena in the biblical
writings. Thus we saw that the Letter to the Romans is marked by
what we called bipolar universalism. After all, the olive tree sprouts
two branches: that of Judaism, the natural branch that had been
broken off, and that of Christianity, the wild shoot grafted on the
cultivated tree of Israel in the hope that the natural branch of Israel
that had been broken off can be re-engrafted. This is not just a
bipolar but an interactive bipolar pluralism, for Judaism and Christianity
inseminate each other.

Finally there is multipolar universalism in the stories about Jesus'
proclamation of the kingdom of God. This kind of universalism
goes beyond all ethnicity, conventionality, religious observance and
denominational religiosity: the rich stranger is invited to follow Jesus;
fellowship at meals is opened up to tax collectors and prostitutes;
circumcision, sabbath observance and rituals laws are transcended;
and finally, a Samaritan heads the queue entering the kingdom of
God.

It is useful to define the multipolar universalism in the stories
about Jesus' message of the kingdom of God more closely in rela-
tion to the other forms of universalism we have identified. The
difference from undifferentiated universalism can be accentuated by

noting that Jesus' multipolar universalism in his proclamation of God's kingdom is in no way undifferentiated, for differences are fully recognised, mentioned and specified, only to be declared irrelevant: if you first seek the kingdom of God and its righteousness, they no longer matter. In view of this one could call the undifferentiated universalism of the creation theme pre-differentiated universalism and Jesus' version post-differentiated.

While the monopolar universalism in the book of Isaiah is characterised by the nations' pilgrimage – physical or spiritual – to the one and only centre, Zion, there is no mention of any such centre in the accounts of Jesus' preaching: Jesus is not the centre, for the kingdom of God – God – is not only greater than the church but greater than Christianity, greater than Jesus who is called the Christ, greater than any religion. He is all in all (1 Cor 15:28).

Would Jesus have been able to identify with Paul's bipolar universalism, which saw Judaism and Christianity as two branches of the same olive tree? They correspond, according to the texts, in their lasting commitment to and love for Israel. Both were Jewish, but was Jesus a Christian? The difference between the two, at least in a narrative sense, is that Paul highlights the fruitful interaction between the messages of Judaism and Christianity, whereas Jesus goes a vital step further: he approaches people, makes contact with them, talks to them in villages, on the road, at table; he calls them by their names, invites them to follow him, looks them in the eye, touches them and allows them to touch him, as we are told in the poignant story of the prostitute who washes his feet with her tears, dries them with her hair and ends by kissing and anointing them. Whereas Paul's letter reflects an interactive universalism, the stories about Jesus reveal the perspective of a dialogic universalism.

We need to point out that although we came across a few forms of hegemonic particularism in this chapter, there was not one instance of hegemonic universalism. We did not find any texts which describe an attempt by Israel to incorporate entire nations and integrate them through assimilation. The reverse is true: Israel was always under the influence of the big powers in the Middle East – Egypt, Assyria, Babylonia, Persia, Alexander and the generals, and finally Rome. The reason is simply that Israel was always a relatively small country and remained so, becoming even smaller after the age of the monarchy and virtually disappearing from the face of the earth during the deportations to and exiles in neighbouring empires.

What does this imply for the Bible as the alleged cultural, religious and moral infrastructure of human rights? On the one hand the particularism evident in many texts about Sinaitic Judaism, of which we noted a few instances, does not help us to broaden and extend the perspective of human rights in the direction of universalism, except in a negative sense: so as to transcend it. The universalism found in other biblical texts that we considered, on the other hand, could be inspiring and motivating. The monopolar universalism in the book of Isaiah with its grand metaphors and symbols helps us to transcend the inclusive exclusiveness it contains; the bipolar universalism of the Letter to the Romans affords insight into the amplitude of Paul's portrayal of the relationship between mother and daughter and how much precious identity – even circumcision – must and can be transcended to achieve reconciliation; finally, the stories about Jesus' dialogic universalism are an inexhaustible source of inspiration and motivation to transcend every conceivable difference and put an end to discrimination on grounds of gender, race, class, political orientation, social convention and religious commitment. "Even if Jesus' attitude cannot ultimately be pinned down to legal categories, because his real motivation is God's salvific will and love, one must still – or rather for that very reason – conclude that this attitude moves conclusively in the direction of full recognition of human rights in church and society" (Blank 1979, 38; our translation).

This dialogic pluralism has not been actualised to any significant extent in the course of Christian history – at any rate not sufficiently if one considers how focal it is in the stories about Jesus' message and ministry. It contrasts shrilly with the hegemonial universalism that manifested itself far more often, especially in Christianity under imperialism.

CONTEXT OF CODIFICATION

The previous chapter ended ominously with the statement that for examples of hegemonic universalism we must look to Christianity and its history under imperial rule. To be sure, we did not encounter this form of universalism in the biblical texts discussed in that chapter. We noted that Israel, with its relatively small territory, had always been too small a nation to cherish hegemonic aspirations that applied to imperial nations such as contemporary Egypt, Assyria, Babylonia, Persia, Greece or Rome. It was only after spending the first centuries of our era in a marginal position and expanding gradually that Christianity was proclaimed the official imperial religion in the 4th century. This created conditions for providing religious and moral support for the hegemonic aspirations of the Roman empire, whereupon Christianity started to share these aspirations.

When Theodosius elevated Christianity to the official religion of the empire and abolished 'pagandom', first in the East in 380 and then in the West in 394, stern measures were taken against the latter: temples were re-consecrated as Christian churches, closed down and in some cases destroyed; heavy penalties were imposed on those who still participated in 'pagan' worship; and entire nations were forced, on pain of loss of all civil rights and livelihood, to be baptised and thus 'converted'. What positive noises were still to be heard aimed at moderating and mitigating this religious violence, but they were rare and were readily silenced by the 'stamping of boots'. In the latter days of the Roman empire and the period that followed mass conversion continued wholesale, with the word 'conversion' once more calling for quotation marks. In fact, the historical sources reveal a profusion of what we have called hegemonic universalism. In short, during and after the Roman empire Christianity played a major religious and moral role, both in legitimising the economically and politically motivated conquests that were carried out on a grand scale, and in promoting social integration of newly conquered territories.

NATURAL LAW

Yet it is one of the many paradoxes of history that in later times
this same Christianity acted in ways that helped to channel, mod-
erate and even counteract the hegemonic universalism that kept sur-
facing in the West. Here we are not speaking about the crusades,
in which defensive military politics and aggressive hegemonic ideas
about the Muslim world went hand in hand with motives of main-
taining a balance of power between secular and ecclesiastic rulers
and a sense of solidarity with Christian communities in the Middle
East. Rather than focusing on this distressing period we look at the
West's expansion from Europe and its attempts from the turn of the
15th century onwards to make economic profit abroad: the Americas
in the West, and, via the South African Cape, mainly India and
'East India' in the East. In this colonial expansionist politics Christian-
inspired natural law thinking played an interesting, important role.
We shall therefore devote some attention to it, especially the early
days of the colonisation of America (Strenski 2004). We want to
determine to what extent natural law thought contributed to what
we refer to later as the codification of human rights, which is the
overall theme of this chapter: the context in which religion, here
Christianity, played a role in the codification of human rights.

In addition to the international, economic expansionist politics
since the turn of the 15th century we shall examine what has been
described as one of its consequences. What happened once the
colonists had settled and the influx of settlers – mainly from England,
under whose sovereignty America eventually fell – kept growing? For
both political and religious reasons ties with England weakened, cul-
minating in rebellion and finally a declaration of independence,
including the proclamation of an autonomous republic complete with
its own constitution. We are referring to 1789. Our question in this
regard is again: in this process of resistance and state formation,
what was the role of natural law thought? To what extent did Chris-
tianity contribute to this process and, via the creation of this con-
stitution and other constitutions, to the codification of human rights?

CODIFICATION OF LAW

We emphasise, as we did in the introduction to part II, that when
dealing with the contribution of religion – here Christianity – to

human rights, one needs to distinguish between the context of origin, more particularly that of the biblical writings discussed in the previous chapter, and the context of codification. We do so on the basis of the more general distinction between law and codification of law.

The first point here is the distinction between unwritten and written law: not all law is written, because there are all kinds of oral or unwritten laws. The danger of this distinction is that oral or unwritten law is viewed in a temporal relation to written law: unwritten law is law that has not yet been recorded in writing. This always entails a fear that in writing down laws age-old traditions and concomitant identity may be violated, as happened when Charles V issued a decree of homologisation for the northern and southern Dutch provinces in 1531 (Lokin & Zwale 2001, 276–278).

In addition to the temporal relation, in which unwritten law is viewed from the angle of written law, there is a relation of coexistence. That means that the two systems exist side by side and that the unwritten law is sufficiently strong to resist being incorporated into the written law (of the ruling elite) because of the risk of being adapted to it − which is what happened to some extent in, for example, South Africa (Van Niekerk 1999).

Sticking to the South African example for the moment, what coexistence actually amounts to is legal pluralism: written state law, which could (perhaps) accommodate official indigenous law, and alongside it the unofficial living laws of indigenous and religious communities. Examples of the living law of indigenous communities are the systems in the regulative actions of the courts of ward heads, chiefs' courts and people's courts in the townships. Examples of living laws in both indigenous and religious communities are marriage law, family law, property law, contract law, law of delict, and especially succession law. Despite the assimilation that has taken place in South Africa, indigenous law and institutions have also shown remarkable resilience in the face of imposed state law, in this case Roman-Dutch common law influenced by English law, and they continue to uphold their own regulations and mechanisms of conflict management and conflict resolution, even in areas where they did not and still do not have jurisdiction, as in cases of rape and robbery (Wilson 2000; Van Niekerk 2002).[1]

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[1] Indigenous law's right to recognition can be inferred from the right, entrenched in the South African constitution, to enjoyment of culture in community with others

Secondly, not all written law is codified, for codification refers only to written law which offers a coherent résumé of existing written laws, hence which is fairly comprehensive and is assigned exclusive validity by a competent lawgiver. This means that the lawgiver, on the strength of its rightful authority, declares the text to be the source of all law, and that no laws other than those contained in this text are valid or enforceable (cf. Lokin & Zwale 2001, 1–17). The main functions of codification are economic, political, social and judicial. It guarantees the (commercial) civil liberties of citizens and the (fiscal) claims of the monarch or state; it promotes political order in the state, especially by curbing the dictatorial tendencies of absolute monarchs by linking these to the dictates of written, systematised law; it promotes social and political cohesion; and, lastly, it ensures judicial predictability and reliability on the part of the state and legal certainty for individuals (Weber 1980, 488ff.). By analogy the same applies to the codification of human rights and their incorporation into a national constitution.

For both these reasons it is important to realise that the presence of, say, values and norms in the Bible and the Christian tradition, which function in the context of origin as a kind of religious and moral infrastructure of human rights, does not mean that they have been codified in the sense described above, and certainly not in the sense of rights, let alone human rights. That does not mean that Christianity played no role at all in the context of codification – on the contrary. But it was more in the nature of a contribution made in conjunction with other social institutions, not just directly but mainly indirectly, and marked by ambivalence.

Natural law and the codification of human rights law

Against this background this chapter deals with Christian-inspired natural law thought as the context in which Christianity contributed, directly and indirectly, to the development of the codification of

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(Bennett 1999, 23–25). Moreover, section 15 of this constitution, on the right to freedom of conscience, religion, thought, belief and opinion, states: "This section does not prevent legislation recognising: (i) a system of personal and family law; and (ii) systems of personal and family law under any tradition adhered to by persons professing a particular religion."

human rights. We focus on two periods that are considered to have been acmes of natural law thought: scholasticism in the early and high Middle Ages, and the period of what may be termed the classical texts of natural rights theory since early modernity (Tuck 1979, 2). Both periods are viewed in the perspective of the striving for hegemony that kept surfacing in the West, including the question of how to react responsibly to that striving. We show that insights from the first natural law period played an interesting and significant role in the debate on how the hegemonic West ought to deal with the indigenous peoples in the newly 'discovered' and progressively colonised Americas since the turn of the 15th century (5.1). Then we look into the contribution and insights of the second natural law period in the debate on the admissibility of resistance to the hegemonic striving of potentates who trample roughshod over the rights of citizens, and what could or should be the basis of a democracy that would give such resistance political and judicial shape. Again our example is America, this time its revolt against England and the establishment of a democratic state, one and a half to almost two centuries later in the last quarter of the 18th century (5.2). It will become evident that the role of natural law thought, especially in the first period, was ambivalent: the Janus-face – noted repeatedly in chapter 2, for instance in politics, law and human rights – is also apparent in this field.

5.1. Hegemony and natural law

First we have to establish that natural law is not a product of Christian thought; that in itself would make any influence Christianity may have had, via natural law, on the codification of human rights an indirect or at any rate a derivative function. Christianity owes the notion of natural law to the Stoics. It came in handy when, after the demise of the city state, Rome's expanding trade with any number of foreign nations created a need for a set of rules and procedures less complex than those of Roman law. The law of peoples (*ius gentium*) – as distinct from civil law (*ius civile*), which applied only to Roman citizens – incorporated all the legal rules that the nations at that time had in common. This was related to natural law (*ius naturale*), although not identical with it, as some think, because it constituted the basis of both the law of peoples and civil law.

Natural law, which Cicero saw as eternal and perpetual (*lex aetaerna et perpetua*), was considered to be imprinted on human nature universally, so that it applied to all human beings, both Roman citizens and foreigners, whereas the law of peoples pertained to "the agreement of men over what redounded to their mutual benefit", as the Roman jurist Hermogenianus would have it (Tuck 1979, 18). According to Cicero natural law could be superseded by reason, either in the natural course of events or because of human nature. Hence two terms are focal: reason and nature; the connection between the two is beautifully expressed in the statement, "Nature speaks with the voice of reason", but it can also be inverted: "Reason speaks with the voice of nature" (Schneewind 1998, 18). This notion is not far removed from the verses in Paul's letter to the Romans, quoted in the previous chapter, which is often cited in this context: "When gentiles, who do not possess the law, do instinctively what the law requires, these, though not having the law, are a law to themselves. They show that what the law requires is written on their hearts, to which their own conscience also bears witness; and their conflicting thoughts will accuse or perhaps excuse them on the day when, according to my gospel, God, through Jesus Christ, will judge the secret thoughts of all" (Rom 2:14–16).

The church fathers formally introduced natural law into the church's thinking on theological grounds. Augustine in particular effected a synthesis by presenting God's revelation as eternal law (*lex aeterna*), functioning as an 'ordering order' (*ordo ordinans*), and natural law (*lex naturalis*) as 'ordered order' (*ordo ordinata*), which is subordinate to the former. This means that natural law should be seen as an expression of God's reason (*ratio divina*) and God' will (*voluntas Dei*); it should be treated as a divine commandment and any contravention was forbidden. However subtle this distinction, in the life of the church and everyday judicial practice God and natural law were often so closely associated that divine law (*ius divinum*) and natural law (*ius naturale*) were regarded not merely as indivisible but as more or less identical (Corecco 1983). This is accounted for by the church's gradual, unstoppable spread across the entire Roman empire, despite a few centuries of marginalisation, persecution and destruction. As a result it acquired legal status, first as a legitimate religion among other religions through the edicts of tolerance during the Constantinian peace between 311 and 313, then, as we said earlier, as the official religion in the east in 380 and of the whole empire in 394.

The resultant ideological function that the church came to fulfil for the Roman empire with its many component nations compelled it to expand its internal regulations. Round 1140, when all these regulations – by then presenting a highly diversified picture, because they evolved with little direct or coherent supervision – were collated by a Bolognese monk, Gratian, in the *Decretum*, natural law assumed a focal position and was associated with both the Bible and the law common to all people. In fact, Gratian linked divine law and natural law even more closely together than they had been before and more or less identified them with each other: "Natural law is what is contained in law and the gospel" ("*Ius naturale est quod in lege et in evangelio continetur*" – Corecco 1983, 13).[2]

Scholasticism

Natural law concepts have greatly influenced Western culture, not only its theology and philosophy but also its jurisprudence, more specifically its thinking about human rights. Here the work of Thomas Aquinas and his conception of natural law were focal. We shall not dwell on the significance of his ideas in detail but merely note that he effected a synthesis between the intellectualist and voluntarist approaches, already present in Augustine's definition of natural law as the expression of God's reason (*ratio Dei*) and God's will (*voluntas Dei*). After Thomas the two approaches were once more set up in opposition to each other and influenced post-Thomist theology, including critically minded theologians like Luther and Calvin. Thomas Aquinas emphasised that the divine order of nature was accessible to reason, and thus rendered the human will accessible to it: human beings voluntarily submit to what they consider rational in natural law. After Thomas this made way for another notion. The divine order was not addressed to human reason but to people's obedience to God's will, his commandment, which is contained in natural law.

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[2] The *Decretum* – intended by Gratian as a private collection of canon law texts for use in academic teaching at Bologna, which he himself gave the title *Concordia cordantium canonum* – in fact greatly influenced judicial thinking in the Catholic Church. Until 1917 – together with canonical texts by popes Gregory IX, Boniface VIII, Clement V, the *Extravagantes* of John XXII and the *Extravagantes communes* (so called because these laws were not included in earlier lawbooks) – it constituted the *Corpus Iuris Canonici*. This formed the basis of the *Codex Iuris Canonici* of 1917 and hence to a large extent that of the *Codex Novus* of 1983 (Schmitz 1983; Lokin & Zwalve 2001, 140–143).

Human beings no longer reasoned with heads held high, but bowed to the divine will (Schneewind 1988, 17–36).

An important step in the development of natural law thought was a conceptual move made by canonists reflecting on Gratian's *Decretum* of circa 1200 – a move necessitated by the application they advocated of Roman law to the feudal structure of the German kingdoms. In Roman law the term 'right' (*ius*) always had an objective meaning, signifying the objective right order to which people had to conform; the same applied to the term 'natural right' (*ius naturale*). In view of the social reality of feudalism, which no longer corresponded with an objective order because it consisted of an elaborate network of diverse property and loan relations with divergent rights and obligations, these canonists supplied the term 'right' with a subjective meaning, namely a faculty, power or ability inhering in individual persons. Even more specifically the term came to acquire the meaning of claiming such rights. The implications of this move was not just intellectual: they also applied to the exercise of such rights, especially the right to liberty and the right to property. The question was whether or not these two rights were part of natural law (*lex naturalis*), and hence whether they could or could not be regarded as natural rights (*iura naturalia*). If the two rights were not part of natural law, slavery would be permissible and all property would be held in common, with no private ownership. If they were part of natural law, slavery would be prohibited and private property would be a natural right. Interestingly, Thomas never raised this question. In his view natural law was not about these things, hence he took a neutral stance, implying in effect that neither the right to liberty nor the right to property is to be recognised as a natural right.

Over and above this there was another important debate on a very different theme. It concerned the grounding of the apostolic poverty movement in natural law, which kept the Dominicans and the Franciscans at loggerheads because of their opposing views on the issue. The Franciscans held that private property was not a natural right implicit in natural law, and that they may therefore not own private property but may only use it and consume it, not trade in it or sell it. Duns Scotus traced the repudiation of this so-called natural right (*ius naturale*), which he thus denied was a natural right, via natural law (*lex naturale*) to God himself (*lex divina*). Since this debate affected powerful spiritual and especially material interests,

the papacy, the supreme social authority during (part of) that time, became involved. As far back as 1250 Innocent IV proclaimed the right to property a subjective right derived from natural law, which infidels also enjoyed, along with the right to form their own governments. In 1279, however, Nicholas III took the side of the Franciscans. What would have happened – and we realise this is wild speculation – if the papacy had stuck to Nicholas' decision? Would social evolution towards libertarian mercantilism and eventually the market economy have been slowed down or even (slightly) changed course? We shall never know, for in 1329 the papacy under John XXII opted for the position previously adopted by the Dominicans, and not only by them: private property was a natural right.

John XXII's theological argument in this regard is interesting. It boiled down to the following. Since human beings were created by God and God had sovereignty (*dominium*) over the earth, human beings were likewise entitled to have sovereignty over the world – a right God himself had assigned Adam before his fall from grace. Hence in the final analysis this natural right (*ius naturale*) derived from divine law (*lex divina*): it was given by God. But does this right also apply to people who are not in a state of grace, as Adam was before the fall, but in that of sin? The answer to this question was worked out by William of Ockham when he interpreted the Pauline notion of Christian freedom in terms of a doctrine of natural rights.[3] This included the right to property and other inalienable rights, like the right to resist tyranny, that could not be set aside by any secular or ecclesiastic power, not even – according to Ockham – a pope. In about 1400 Ockham's ideas were developed further by the great theologian and canonist Jean Gerson, who propagated an even more far-reaching definition of natural rights. He no longer conceived of

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[3] William of Ockham is considered the key figure in late scholasticism, indicating that this period – at least in the reconstructive perspective of later times – was characterised by the decline of scholastic philosophy, especially scholastic metaphysics. By contrast the thinkers of that period saw it as a *via moderna* focused on the epistemological, logical, semantic, linguistic and empirical aspects of scientific practice, especially of philosophy and theology, as opposed to the *via antiqua* associated with the names of the Albertists, Thomists and Scotists. In view of this contemporary medievalists link late scholasticism with the start of modernity rather than the end of the Middle Ages. Insofar as established theology rejected this *via moderna*, with the backing of the church's doctrinal authority, it contributed indirectly to the gradual replacement in theology of the emphasis on logic with an emphasis on rhetoric.

natural rights in an objective sense, as if they pertained to some sort of objective order of what is naturally right, not merely as a power or faculty belonging to every individual, but as a subjective power in accordance with the dictates of right reason, to which he added – and this was new – that even in their fallen state human beings retained many such rights. Pierre d'Ally had already said that human beings in their fallen state are given the gift of grace (*gratia gratis data*) – which, by the way, does not make them full of grace (*gratia gratum faciens*). To this Gerson added: "So man, even though a sinner, has a *ius* to many things, like other creatures left to their own nature" (Tuck 1979, 5–31, here 26; Tierney 1996).

Spanish Dominicans

What role did this notion play in the debate on the Spanish conquest of America and how were they supposed to treat the indigenous people on that continent? This question cannot be divorced from the fact that the major powers at the time, Portugal and Spain, were fighting each other tooth and nail for possession of the 'new world' that they were trying to 'discover' and conquer. To put an end to this unholy war the Vatican intervened, considering itself entitled to act as master (*dominus*) of the world (*dominium terrae*). Leo X issued the bull *Praecelsae devotionis*, in which he conferred the Pacific on the Portuguese, something the Castilians were clearly not going to accept. The latter did not restrain the Spanish Dominicans, who were developing the relation between natural law and natural rights, from criticising their own government by openly questioning the legitimacy of the Spanish conquest of America, whether sanctioned by the Vatican or not. But for the time being they (pragmatically) left it open. A case in point was Domingo de Soto. An interesting aspect was that, once the Spanish troops, officials, missionaries, colonisers and traders had occupied America, the natural rights of the indigenous peoples – inasmuch as they were considered to have any – had to be 'balanced', in the view of some Dominicans, by the natural rights to which the Spaniards were entitled in terms of natural law. These included: the right to travel and sojourn in any country (without prejudice to the indigenous population), to trade, to share in the goods and produce of the country, to naturalise children born in the host country, to preach the gospel and convert those who wished it (Hilpert 2001, 64–86).

Another issue was whether the indigenous people could be converted to Christianity against their will, at gun point. The classical rule – already laid down by Augustine, as we have seen – was that the faith had to be accepted in freedom: the so-called freedom of the act of faith formed the core of missionary doctrine right up to Vatican II (1965) and continues to do so, which does not mean that it was never infringed in practice.

But the question that engaged the conquerors' minds most intensely was whether the indigenous peoples could be subjugated and, failing that, whether they could make war on them. Aristotle's classical answer, which via Thomas Aquinas greatly influenced scholastic philosophy, was an unambiguous affirmative, as is evident in this statement in his *Politics*: "The art of war is a natural art of acquisition, for the art of acquisition includes hunting, an art which we ought to practise against wild beasts, and against men who, though intended by nature to be governed, will not submit; for war of such a kind is naturally just" (Aristotle 1256^b 20–25). The Dominican Albertus Magnus concurred with this. Asked whether 'Indians', who by birth were naturally destined for slavery ('natural slaves') and resisted ('will not submit'), could be hunted as wild beasts are hunted when one wants to subjugate them, he replied that a war against such 'natural slaves' in order to overcome them is a just war.

Apart from the argument that war in such a case was just because the indigenous people had to be subjugated, another closely related but not identical argument was advanced. The callousness with which these people were regarded, and the calamity, death and destruction they suffered as a result, it was said, were justified because they deserved punishment and had to be actively punished. The punishment could consist in depriving them of their (natural) rights, such as their freedom, their country and, if needs be, their lives. Thomas Aquinas had adopted a more balanced position, maintaining that those who sin by infidelity can be punished by depriving them of their property, such as their freedom and their land, but that this did not apply to those who had not yet received the faith (Thomas II–II 12, 2).

Both arguments – the subjugation argument and the punishment argument – were critically analysed by opponents of such practices among the Dominicans on the basis of emergent natural law and natural rights thought. In the case of the first argument one of the most obdurately anti-Thomist Dominicans, Durandus of San Porciano,

maintained that unbelievers, such as the indigenous Americans, were outside the church and hence outside its jurisdiction. The Dominican Cajetan, the most authoritative Dominican theologian at the time, supported this view, adding that 'Indians' did not fall under the temporal jurisdiction even of Christian princes.[4] This position adopted by representatives of the Dominican tradition appeared to have given them considerable influence at the Spanish court – although the Spanish king himself was such a 'Christian prince' – not only because they were extremely popular in Spanish theology and the church at the time and hence were a cultural force of note; there was also a (ecclesiastic) political factor involved, namely an anti-papist one. The verdict that indigenous Americans were outside the jurisdiction of the church was grist to the mill of the Spanish court, opposed as it was to the Vatican's claims to power, including the pope's self-conferred title of master of the world, who could decree which parts of the 'new world' should fall under the rule of which 'old world' countries (read Spain and Portugal).

As for the punishment argument, it triggered a huge debate. The premise was the fact – the supposed fact, to which we shall return in due course – that the indigenous peoples committed grave offences against natural law, like murder, cannibalism, sodomy and theft; again it was a matter of natural law, but now from the perspectives of offences against it. This gave rise to the following question. Could masses of innocent people, De Vitoria asked, who had nothing to do with any crime be slaughtered because of the enormous scale of the struggle against a minority of people who were murderers and thieves? In our modern terms we would ask, is such collateral damage legitimate?

De Soto, whom we reviewed above, believed that the matter was even more complex. He asked himself whether it was right to slaughter hundreds of thousands of innocent people in this struggle in order to preserve a few hundred innocents from a few hundred murderers, sodomites and thieves. Las Casas, the most famous critic of the Spanish conquest, used the same argument to attack the legitimacy of the war.

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[4] According to Tuck (1999, 65–72) the debate between the representatives of the Thomist and the Dominican traditions was exacerbated by a dispute about divergent translations of Aristotle and differing editions of Thomas's text.

Here – and this is important for the development of natural law thought – natural law is linked with a utilitarian question. What use, profit or benefit outweighs what other use, profit or benefit: the protection of a few hundred people before they fall prey to murderers and thieves, or the protection of hundreds of thousands if we permit a few hundred to be killed and robbed of their property by criminals? Clearly natural law cannot be applied in a pure sense (*in Reinkultur*) and – however precise and clear its stipulations may seem to be – it requires assessment of values and interests. The critics of colonialism differed on this score: some answered affirmatively, others did not. That left the *quaestio iuris* of natural law open.

But besides the *quaestio iuris* of natural law, which remained and still remains an object of discussion, there was the *questio facti* of natural law: when can one be sure – and even De Vitoria conceded this – that the practices of indigenous people were really forms of murder, sodomy and theft? What were the criteria to establish this? Without fact finding natural law cannot be applied, and without empirical description of the state of affairs one is fumbling in the dark. This insight inevitably led to a complicated system of natural jurisprudence (Tuck 1999, 58–77).

In between the critical Dominicans not only reflected on the implications of natural law and natural rights, but also acted and spoke out for the indigenous peoples (Ruston 2002). In 1512 Antonio de Mentesinos gave a sermon in which he berated his Spanish audience for living 'in mortal sin' because of their tyranny and cruelty in subjecting the indigenous people to slavery and hounding them to death. Following his example De las Casas and De Vitoria turned on the *conquistadores* (conquerors and soldiers), the *encomenderos* (the actual colonisers, who occupied the country and distributed parts of it among the indigenous people as slave labourers) and the *mercadores* (arms and horse traders). They expressed their condemnation in sermons, in imposing penances in the sacrament of confession, and in interventions with politicians, to emperor and pope, at the court and in the church. They also tried to curb the evils by describing the violence perpetrated on indigenous Americans in harsh commentaries and organising discussions where they exposed this as illegitimate in the full glare of publicity. In addition they gathered indigenous Americans in separate areas to remove them from the clutches of the Spaniards, although this paternalistic practice – applied mainly by the Jesuits – met with growing criticism and protest.

Be that as it may, critical Dominicans used natural law as an argument, maintaining that acts that contravened it – (alleged) murder, cannibalism, theft – did not justify violent intervention. On the contrary, it was said, natural law demanded that the offenders' natural rights be respected. The 'natural rights' that De Vitoria discussed in his *Reflectio de Indis* are the following: freedom from slavery, the right to property, respect for marital and family life, the right to political organisation, freedom from violent missionary activity, and the right to practise their own traditional religion and customs. Here we have a proleptic indication of what we have called legal pluralism: the claim that the objective existence of these peoples' own institutions and regulations should be respected and accepted.

But that did not put an end to the debate. For on the basis of Gerson's concept of a subjective *ius* one could ask whether the indigenous people did not have a natural right to sell their freedom, in a manner of speaking, to the colonists. After all, if freedom was a kind of property, as was asserted, then that property – freedom – could be exchanged for goods and chattels or for money, which would ideologically legitimise the enslavement not on only of indigenous Americans but also of blacks imported from Africa.

Against this Gersonian argument De Vitoria averred that the natural rights inherent in God-given natural law were limited in character: they were subordinate to natural law and to God. The voluntarism inherent in this view – in the area of natural law and natural rights one has to bow to God's will, a point we have come across before – was not purely academic. There was more at stake than just the question of what was decisive in applying natural law: insight (intellectualism) or obedience (voluntarism). The real issue was the relation between freedom as property and human welfare; in other words, the relation between freedom and equality – which takes us to the crux of human rights, as we saw in chapters 1 and 2. Whereas the Gersonians put the accent on freedom, including the freedom to sell one's freedom, resulting in slavery, De Vitoria and his supporters emphasised distributive justice, which implies fair distribution of goods and regard for the claims of the needy (Tuck 1979, 45–50).

Although the interventions of De Vitoria and his Dominican supporters did not bring about a political revolution in Spain, their ideas spread across the Iberian peninsula as far as the Portuguese government, and from there across Europe, notably to the then Dutch

Republic. There Las Casas's work was eagerly published to strengthen the rivalry with Spain and Portugal and undermine their 'rights' in America, so as to build up a Dutch colonial empire with no vestige of the ideological battle that the Spaniards were fighting among themselves about the 'rights of Indians' (Van Rossum 1988, 284). De Vitoria in particular greatly influenced well-known later theologians such as De Soto and Cano (who were his students in Salamanca) and, even later, Bañez, De Molina and especially the Jesuit Suárez.[5] The writings of De Vitoria, De las Casas and Suarez in their turn influenced Hugo Grotius's reflections on international law in his *De iure belli ac pacis*, in which he sought to outline the judicial implications of the wars of his day resulting from the discovery and colonisation of the 'new world'.[6]

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[5] His influence lasted into the 18th century in the Latin-American system known as *réduções*, indigenous communities headed by missionaries in which life was reduced (hence the term) to the simple principles of the gospel so as to escape colonisation, and even into our time in Latin-American liberation theology (Meier 1997, 654; Melià 1999).

[6] Hugo Grotius's position in this regard is debatable because of discrepancies between the first and second editions of his *De Iure Belli ac Pacis*. In the first edition the accent is more on the self-interest motivating states and individuals, in the second edition the emphasis is more on human sociability (Tuck 1999, 89–102), albeit in terms of the cooperation between states and individuals which is necessary to actualise their self-interest (McKenna 2001). Another point of dispute is the conventional assumption, according to which his notions about the indigenous population are based on De Vitoria's approach rather than the pope's. This is contested, since by invoking natural law he is said to have approved both the occupation of unused land by colonists and the punishment of the indigenous population for the murders they committed, the cannibalism they practised and piracy (Tuck 1 99, 102–108). Another point of debate is the influence Grotius was said to have had on Samuel von Pufendorf, who regarded humans as sociable beings, thus putting him in line with the second edition of *De Iure Belli ac Pacis*, and on Christian Wolff who elaborated on this sociability among states (Tuck 1999, 140–165, 187–191) and who held that only the fundamental legal rules are deducible from nature – the remainder had to be deduced from these in a hierarchy of rules, leaving some choice to the individual legislator (Watkin 1999, 125). Finally it is not clear how tenable the view is that the protagonists of the American Declaration of Human Rights, especially Jefferson, and the compilers of the French Declaration were discernibly influenced by Von Pufendorf and Wolff, who in their turn were said to have been influenced by Hugo Grotius. As a result the 'genealogy' of De Vitoria, Hugo Grotius, Von Pufendorf, Wolff, the American Declaration of Human Rights (1776) and the French Declaration of the Rights of Man and of the Citizen (1789) is still being debated, a point which is sometimes too readily overlooked, for instance by Hilpert (2001, 87).

5.2. RESISTANCE, DEMOCRACY AND NATURAL LAW

Hugo Grotius, with whom the previous section concluded, started out a voluntarist, evident in the fact that his early work includes a definition of natural law that corresponds closely to Protestant voluntarism, the emphasis being that what God has shown to be his will is law. Later he developed an intellectualist interpretation of natural law, more in line with the Gersonian tradition, defining it as "rational judgement, making known what things from their own nature are honourable or dishonourable, involving a duty to follow the same imposed by God".[7] With his theory of natural rights, which totally superseded natural law – in his view natural law equalled a system of natural rights – he laid the foundation of Roman-Dutch law, still the basis of South African law, which drew on natural law, Roman law and the native customs of the people of the Dutch republic, according to which the Dutch ruled their colonies (Watkin 1999, 119–220).

Hugo Grotius, his position and legacy

To the extent that De Vitoria, as noted already, influenced Grotius, it would be interesting to see how the latter viewed slavery. However, while he deals with the category of what Aristotle called natural slaves, he fails to give his ideas on a totally different category in the natural rights tradition: the so-called voluntary slaves, who offered their freedom for sale or were sold voluntarily. Yet if one relates this to his view, to be discussed below, that the natural right of liberty may not be traded away – a view strongly espoused by Protestantism in his day and one which he could not and/or did not wish to relinquish – one has to infer that he was opposed to it (Tuck 1979, 71).

Another question is whether he would have agreed that they had a right to rebel against their 'legal' masters or, more generally, whether he would have approved a nation violently rebelling against the legal authority. On this point, too, Grotius is silent, or at any

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[7] The Dutch text reads: "*het oordeel des verstands, te kennen ghevende wat zaken uit haer eighen aerd zijn eerlick ofte oneerlick, met verbintenisse van God wegen om 't zelve te volgen*" (*Inleidinghe tot de Hollandsche Rechts-gheleertheydt, Introduction to the Jurisprudence of Holland*, pp. 4–5). We prefer to render '*het oordeel des verstands*' with 'rational judgment' rather than 'intuitive judgment', as Tuck (1979, 68) does.

rate not explicit. The most forceful position he records is that citizens of a state delegate their rights – except for their so-called inalienable rights – to the sovereign to ensure effective protection of the country against danger and criminality so that it may prosper. Earlier he had been more liberally disposed, but after the conflict in the Dutch Republic between the liberal Remonstrants led by Arminius (Arminians) and the Counter-Remonstrants led by Gomarus (Gomarians), which the latter won at the synod of Dordrecht in 1618, he shifted towards their position.[8] As a result he has been accused of state absolutism, and when, as will be seen, his legacy eventually gave birth to two Grotian traditions, one of these was a conservative tradition that links up with this approach.

Yet he was no fool, for he left himself a loophole in the form of the principle of charity. According to this principle one should always consider the welfare of both parties, implying that in extreme emergencies, when it has to be considered whether rebellion is not permissible after all in the face of drastic violations of natural rights, one has to decide whether the state might not be destroyed by it and whether it would not claim too many innocent victims. In other words, one has to take into account the prevailing situation and the possible effects and side effects of a course of action 'from the principle of charity' (Tuck 1979, 79–80).[9] This principle probably motivated Grotius's defence of the liberation struggle in the then mainly Protestant Netherlands against Catholic Spain and his support of the Treaty of Utrecht (*Unie van Utrecht*) of 1579.[10] The same applies to

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[8] The complex debate between Arminians and and Gomarians on human free will and divine predestination and grace, in which the relation between Cartesians and Spinozaists on the one hand and Aristotelians on the other played a role (Israel 2001), also split the Catholic Church at the time of the dispute between Molina and Baius and continued to take its toll long after, also in the Netherlands right up to the so-called Dutch Schism (*Hollands Schisma*) regarding Jansenism (Ackermans 2003).

[9] Tuck (1979, 80, n. 49) gives the charity that Grotius has in mind in the context of the 'law of non-resistance' the same meaning that W.V. Quine assigns his 'principle of interpretative charity' in his context of epistemology, especially as regards truth, knowledge and 'radical translation'. Because of the fundamental difference between the two contexts this is disputable.

[10] Article XIII of the treaty states that every individual is free in regard to religion and that nobody has a right to persecute a person for his or her religion or even to institute an inquiry into a person's religious affiliation (Israel 1996, I, 206–227). The spirit of the document is one of tolerance, but this derived partly from the commercial benefits of such tolerance. Thus, while it is generally conceded that "the makers of law do not operate in a void" (Caenegem 2002, 89), in

the Declaration of Independence (*Plakkaat van Verlatinge*) from the Spanish king, which was proclaimed in the Dutch Republic in 1581. The Declaration invokes the 'law of nature' and the 'ancient rights, privileges, and liberties' of the people in justification of revolutionary action. There are also explicit references to certain rights inherent in natural law, such as the rights to freedom of conscience, freedom of religion, resistance to tyrannical rule, freedom from slavery, and breach of contract when the other party fails to keep it (Mout 1979; Israel 1996, I, 227–257).

At all events, the spirit of both texts corresponds with Grotius's position (Tuck 1999, 83). The climate of tolerance made the Dutch Republic a haven for religious dissenters from every corner of Europe, including Jews from Portugal and Huguenots from France, as well as a common port of departure for America. Looking back on the intentions of the founding fathers and the American constitution drafted in 1787, especially what was called the 'experiment in religious liberty', James Madison observes: "Until Holland ventured on the experiment of combining a liberal toleration with the establishment of a particular creed, it was taken for granted that an exclusive and intolerant establishment was essential . . . It remained for North America to bring the great and interesting subject to a fair, and finally, to a decisive test" (quoted in Witte 2000, 84). Madison continues: "The example of Holland proved that a toleration of sects dissenting from the established sect was safe, and even useful" (quoted in Witte 2000, 287, n. 37). One of the other founding fathers, John Adams, comparing the spirit of the 16th century Dutch Republic with that of 18th century America, writes: "The originals of the two republics are so much alike, that the history of one seems but a transcript of that of the other" (quoted in Witte 2000, 18).

Above we referred to the distinction between alienable and inalienable rights. What, according to Grotius, are these inalienable rights over which one does not have free disposal, and what are the grounds for their inalienability? They are not just rights but natural rights, and they pertain to four things: one's life, body, freedom and hon-

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the case of this treaty one should definitely add the qualification, "the makers of law do not operate in an economic void or in a political void". After all, there were plenty of judicial rules that promoted the economy, including protection of property and land rights, since the Dutch Republic had a weak feudal authority compared to other European countries, especially Florence, all of which promoted freedom of (religiously legitimised) economic enterprise.

our. These are the inalienable property of the individual person. Regarding the right to life, one may defend it against any aggressive act by another person; one may also offer one's life in the service of one's country; but one does not have unrestricted disposal over it – which is why, Grotius adds, no one may pledge his or her life by contract. People's bodies, too, are their inalienable property, to which Grotius adds that they may not bind their bodies by contract. Freedom is another inalienable right – it cannot be transferred by contract either. Finally, one is inalienably entitled to one's honour; it may likewise not be bound by contract (Tuck 1979, 70–71). The frequent use of the term 'contract' is because Grotius was teaching that people were naturally free to contract and bargain about every conceivable thing except in the case of these inalienable rights, or when it infringed government's laws to prevent bad bargains.

His theory of natural rights forms the basis of his theory of international law, which has extended his influence far beyond the borders of his country and his age. To ensure harmony in national society his axiom was that when the other's rights are respected, society as a whole makes it possible for everybody to enjoy their rights, for that is the very design of society (Tuck 1979, 73). Disputes over rights, Grotius maintained, are the principal reasons for conflicts between individuals in national society and for wars between states. In this regard it is interesting to note his approach to maritime law, which in his day was a bone of contention between maritime powers in the context of the colonisation of the 'new world'. In his view the sea was in principle nobody's property and therefore had to be regarded as a free zone (*mare liberum*), but as soon as a country occupied it, it could regard it as its property (*dominium*) and defend it against attacks by other countries. Thus Grotius laid the foundation for an ideology of competition for material resources in the non-European world (Tuck 1979, 62). Some authors feel that in the context of our huge environmental problems today this is one reason to look forward to a supra-national, global theory that transcends the Treaty of Westphalia of 1648, which was inspired by Grotius's thinking and in principle still regulates international relations (Falk 1998).

Natural rights, the basis of both life in national society and international relations, did not come out of the blue. According to Grotius they are founded in natural law which, as noted already, was imposed by God. It cannot be spelled out more clearly, especially since all

of Grotius's work speaks of intense religious awareness and theological knowledge. In many instances, for instance in his *Introduction to the jurisprudence of Holland* (*Inleidinghe tot de Hollandsche Rechts-gheleertheydt*), the pages teem with references to the Bible and the Christian tradition. But we should note how Grotius deals conceptually, as distinct from his personal immersion in the meaning of the Christian religion, with the relation between natural and divine law. Natural law is what nature, human nature, teaches people; divine law is what God teaches them; but the relation between the two is more subtle than the statement that God imposed natural law on human beings leads one to suspect. Divine law is just because God willed it ("*justum esse, id est jure debitum, quia Deus voluit*"), but God willed natural law because it is just ("*ideo id Deum velle quia justum est*") – that is how he explains it in his *De iure belli ac pacis* (I,1, 15). If it comes to that, it could be said that in Grotius's theory of law God belongs – logically and conceptually at any rate – in the realm of figurative speech, as is the case in the preambles to some modern constitutions: they contain references to God, but these have no relevance to the substance of natural rights or the rules laid down in the constitution. Grotius started this trend, for he himself said that he practised law as if God did not exist (*etsi Deus non daretur*). In other words, God was not necessary for his theory of natural rights, either logically or conceptually (Tuck 1979, 76). This worried the Protestants greatly, because they were used to putting heavy emphasis, in a voluntarist sense, on God's commandment as laid down in natural law and on God's punishment when that law is contravened. Consequently Grotius could concede De Vitoria's point regarding the inherence of natural rights in human beings regardless of their religious status, Christian or otherwise, as we have seen in the case of the indigenous Americans. In effect this makes natural law a sort of universal law for the very reason, paradoxically, that it dispenses with God.

We have seen that Grotius commented in some detail on the permissibility or otherwise of (violent) popular resistance to the authority of a state that trampled on citizens' (natural) rights: he did not consider it permissible, but left a loophole for it. Hence one can discern both a conservative and a radical trend in his legacy. Proponents of the conservative trend rely on the relative state absolutism that can be traced in his work – which is why Rousseau set Grotius up as his main target – whereas proponents of the radical trend base

their case on his theory of natural rights, including their inalienable character, and his principle of charity.

The latter relates not only to rebellion against the crown when it does not properly observe the principle that the people are not there for the monarch but the other way round – the monarch is there for the people – as happened in England when the king trampled the people's rights underfoot. Of course parliament's task is to protect the rights, more particularly the inalienable natural rights, of citizens, but it can (consistently) fail to do so, which was partly what led to the English civil war.

The point at issue is where the supreme power lay: with the monarch, with parliament or with the people. When such a situation arose – an all but impossible possibility, it was added – three steps were obligatory: first a petition had to be submitted; if that did not help, an official declaration had to be made to protest against the abuse concerned; and if that proved equally unavailing, they had to take up arms in order to defend their liberties and property on the basis of – this was explicitly stated – natural law, which cannot be overruled by any national law whatever (Tuck 1979, 148). Thus 17th century English Protestantism explicitly invoked God, who was, after all, the guarantor of believers' lives under the rule of religious and moral obligations spelled out in natural law, which entails freedom of conscience, freedom of the will and the legitimacy of independent action and dissent from authority.

In the spirit of this tradition further developments in Grotius's legacy, particularly John Locke's ideas on the sovereignty of the people, were inevitable. The notion that sovereignty rested with the people, who assigned their ruler the task of protecting their rights to freedom and property, increasingly became the premise of theories of social organisation. The concept of constitutionalism gradually gained a firm footing. The nature of the inalienable birth rights that are binding before any contract can be made was defined more and more clearly. There was a transition, first in theory and eventually in practice, from the concept of absolute monarchy – albeit already rooted in an aristocratic network of checks and balances – to a constitutional monarchy as a form of commonwealth (Locke 1970, 182–183). The powers of government were divided into legislative, executive and federative branches, the latter relating to 'foreign affairs', specifically war and peace (Locke 1970, 190–192); this was

later refined into the legislative, executive and judiciary by Montesquieu, who noted ironically that the English needed this division in order not to lay all the blame for their poor weather on one person in power. Inspired by John Locke, the people were given the right to revolt if the ruler, whether elected or not, violated the liberties and property of the people. This went further than Grotius and, for that matter, Thomas Aquinas, who recognised this right in the case of elected rulers but not of hereditary monarchs (Locke 1970, 217–224).[11] The parliament of the aristocracy was re-evaluated on the principle that it should represent all English citizens, which led to fundamental changes in the concept of parliament. The notion that all discriminatory institutions and rules, including slavery, should be abolished increasingly came under the spotlight (Locke 1970, 127–129). Finally, it had to be possible to replace the members of a government, to reform government itself or to force it to resign if this was considered necessary.

All these things resulted from ideas on natural law and natural rights (as revealed or commanded by God): a state based on natural law.[12]

The founding fathers

In the new world, meanwhile, the colonists had established themselves firmly and had come under British rule. Many had fled England, moreover, to escape the prevailing intolerance of non-Anglicans and especially the persecution of 'dissenters' such as Puritans and evangelicals (Porter 2000, 96–129). As a result relations with Britain

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[11] Thomas Aquinas, De regimine principum, Cap. VI (cf. Lokin & Zwalve 2001, 31, n. 35).

[12] Nonetheless the differences between Grotius and Locke, and between them and Hobbes, cannot be overlooked. To mention only a few: Grotius, like Hobbes, advocated the absolute authority of the ruler, and heavily – if not exclusively, as we have seen – accentuated the impermissibility of resistance and revolution, whereas Locke considered resistance and revolution warranted if the people, under sufficiently serious conditions, deemed it necessary. To Locke, if the ruler or government were overthrown, society still remained intact, whereas Hobbes held that the enforced abdication of the ruler would cause society itself to collapse. This stemmed from his belief that society was in a permanent state of war because every person was a wolf preying on everyone else (*homo homini lupus*), whereas Locke, while acknowledging that all individuals strive for self-preservation and enhancement of their own freedom and property, pointed out that such freedom and equality were mandatory, hence there was a mutual obligation to protect these aspirations on grounds of charity and justice (Locke 1970, 118–124).

became more and more strained and aspirations to an independent state started crystallising. Indirectly this was inspired in England itself by the radical Whigs. After the Glorious Revolution of 1689, in which the Lockean principles of the commonwealth – including one form of it, the constitutional monarchy – and the rights to life, liberty and property were realised, they held their peace for quite some time. But when resistance to the government flared up once more in the late 18th century they invoked the right of the people to reform the government, dismiss it or break away from it. The particular grounds for protest against intolerance and discrimination were the rights to freedom of conscience and freedom of religion, and the right that all citizens should be equal in a secular state. This fuelled the fires in 18th century America, where the struggle for political freedom was linked with a struggle for religious liberty. The colonists increasingly rebelled against the British government, which in their view was moving towards tyranny, and the fact that they had no representation in parliament was a thorn in their flesh, fanning their resistance. This prompted a desire to concretise Locke's constitutional ideas in a written constitution for a new America, to be established as an autonomous republic.

As early as 1682 William Penn assigned religious liberty a focal position in the Great Law, which may be viewed reconstructively as a major step in the build-up to the American constitution, in what he called 'the holy experiment' in Pennsylvania, partly in the spirit of the Treaty of Utrecht of 1579 and the Declaration of Independence of 1581 of the Dutch revolution against Spain. In chapter 1 of the Great Law, which contains Penn's cardinal conviction, it is said, with an invocation of "God being only Lord of Conscience, Father of Lights and Spirits and the author as well as object of all divine knowledge, faith and worship", that "no person . . . shall in any case be molested or prejudiced for his or her own conscientious persuasion or practice. Nor shall he or she at any time be compelled to frequent or maintain any religious worship, place or ministry whatever contrary to his or her mind, but shall freely and fully enjoy his, or her, Christian liberty in that respect, without any interruption or reflection". Although the text makes no mention of natural law, it refers twice to the law of God: in the case of the state imposing a penalty for murder, and in that of forms of marriage that contravene God's law. Interestingly, murder is seen as counter not only to divine law but also to the law of all nations. This is a shift in

the direction of natural law (*ius naturale*), which, as we have seen, has been closely related to international law (*ius gentium*) ever since the Stoics.

Almost a century later, in 1776, natural law features in section 2 of the Delaware Constitution, which refers to a natural and inalienable right to religion: "That all men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences and understandings; and that no man ought or of right can be compelled to attend any religious worship or maintain any ministry contrary to or against his own free will and consent, and that no authority can or ought to be vested in, or assumed by any power whatever that shall in any case interfere with, or in any manner control the right of conscience in the free exercise of religious worship."

The Declaration of Independence of 1776, drafted by Thomas Jefferson, explicitly refers to both natural law (*lex naturale*) and the law of God (*lex divina*) in order to legitimise secession from the tyrannical king of Great Britain, as posited by John Locke.[13] The text begins thus: "When in the Course of human Events, it becomes necessary for one People to dissolve the Political Bonds which have connected them with another, and to assume among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's God entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the causes which impel them to the Separation." The text articulates what was to become the philosophy of the new independent federation of thirteen states, referring to the creator and summarising certain self-evident truths and inalienable rights. It reads: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness." The text concludes with an appeal to "the Supreme Judge of the World for the Rectitude of our Intentions" and a solemn declaration that the thirteen states are "absolved from all allegiance to the British crown".

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[13] Some monarchs, such as Frederick the Great of Prussia, Catharine the Great of Russia and Maria Theresa's son Joseph II of Austria, tried to modernise the polity from the tops on Enlightenment lines. However, Diderot, one of the most articulate representatives of scepticism, saw this as little more than an enlightened despot leading a herd of dumb animals (*un troupeau de bêtes*) (Lokin & Zwalve 2001, 34–37).

The Virginia Bill of Rights of 1776, influenced in part by Madison, emerged from the same atmosphere. The text states that 'our creator' created all men equal and that this was the basis of religious freedom: "That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience."

The well-known Virginia Statute for the Establishment of Religious Freedom, drafted by Thomas Jefferson and enacted in 1786, contains explicit references to God the creator, to natural right (singular, *ius naturale*) as deduced from natural law (*lex naturalis*), and to natural rights (plural). Thus it is said: "Whereas Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions on either, as it was in his Almighty power to do."

The various references to God need not surprise us. After all, the constitutional documents were composed not only by advocates of the republican movement, who no longer recognised the sovereignty of the (British) crown and instead emphasised the sovereignty of the people. Proponents of the Enlightenment, whose views overlapped those of the advocates of republicanism to some extent, also had an influence. For the most part they were not hostile towards religion, as were their counterparts in France, only to religious sectarianism (Gay 1966–1969; Cislo 2000). They aspired to a deistic kind of 'natural religion' that transcended sects and oriented people to harmony and peace, which was also the ideal in England (Porter 2000; Israel 2001). Finally, diverse other groups contributed to the phrasing of the documents, especially in regard to freedom of religion, such as Puritans and evangelicals, who had fled to America as 'dissenters' because of religious persecution in England and on the continent (Witte 2000, 23–36).

Because of the coalition between Puritan and evangelical groups and groups from the Enlightenment it is understandable that references to God the creator would occupy a prominent place in the documents, but that they would also acquire a deistic character: God becomes the God of natural religion. And because of these groups'

alliance with republican groups it follows that faith in the God of natural religion, from whom human rights derive as natural rights implied in natural law, was linked with contract thinking. In this view the sovereignty of the people is based on the common will of the people and on the contract entered into by the people (cf. Witte 2000, 31–34). The seeds of this are already discernible in the Delaware Constitution of 1776, section 1 of which states that all right derives from the common will of the people: "That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole." In contract thinking, which is first explicitly apparent in the philosophy of Grotius, Hobbes and Locke, it is the actual members of society, who agree on human freedom and equality and determine the rights these entail among themselves. That makes God a deistic God and natural law a deistic law of nature. It also makes religious liberty "the most inalienable and sacred of human rights", as Thomas Jefferson put it (Witte 2000, 38).

The bloodlessness and abstraction of the deistic God image led to the gradual disappearance of God from these documents, along with natural law, leaving only references to the common will of the people as a basis of human rights. The American Constitution of 1787, for example, starts with "we, the people of the United States", and continues, without any reference to God or natural law: "in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." Even the First Amendment to the Constitution in 1789, which deals with religious freedom, makes no reference to God, creator or natural law, as is evident in the text: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof". Here the negative dimension of religious freedom, including the separation of church and state, is referred to ('no law respecting an establishment of religion' – the so-called establishment clause) as well as the negative dimension ('no law . . . prohibiting the free exercise thereof' – the so-called free exercise clause). The text continues: no law "abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances".

The contract idea observable in 'we, the people of the United

States' is also implied in the South African constitution, which like-
wise opens with the words: "We, the people of South Africa . . . lay
the foundations for a democratic and open society in which gov-
ernment is based on the will of the people." But God has not been
totally expunged from the South African constitution. In the pre-
amble he features in two ritual expressions: "May God protect our
people" and "God bless South Africa" – which, incidentally, does
not go nearly as far as the solemn incantation with which the interim
constitution of 1993 opened: 'In humble submission to Almighty
God'. Like the American constitution, the South African constitu-
tion is secular in character despite these two ritual expressions. And
it cannot but be so, because modern constitutions are firmly based
on the sovereignty and common will of the people, divorced from
faith in God of whatever kind and whether or not they are inter-
preted according to a contractual model.[14]

The question is whether the reference to God in the South African
constitution is not simply a figure of speech, to be understood as
some sort of self-evident, stereotyped ritual against the background
of the 1996 census finding that almost 82% of the population – and
according to the census in 2001 nearly 84% – declare themselves to
be religious, as we pointed out in the Introduction. Indeed, the 'God
bless South Africa' seems to be no more than figure of speech,
because it has no further impact on the actual text of the constitu-
tion. It might even be said to contradict section 15 of the constitu-
tion, which stipulates freedom of religion, belief and opinion, implying
acceptance not only of religious diversity and pluralism – the days
of the 'the Roman peril' are past! – but also of agnosticism and
atheism; even atheistic propaganda, such as religions make for their
cause, is permissible (Devenish 1999, 178; De Waal et al. 2002, 290).
With a sense of irony one could say that God's blessing is invoked
to safeguard atheistic propaganda.

We shall return to references to God in the preamble to consti-
tutions in some detail, since they pose a more deep-seated problem
that goes beyond the ritual speech aspect we have considered. For
if God disappears from the preamble, as in the case of the American
constitution of 1789, what basis does that leave for natural rights,
since natural law 'imposed by God' perforce lapses along with God?

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[14] The same evolution from divine/natural law to contract law occurred in the
history of Western marriage, as Witte (1997) clearly demonstrates.

One might argue that they are based on the will – and the con-
tract – of the people. But what is the basis of the will of the peo-
ple? Could it be based on an immanent principle – the principle of
inherent human dignity adduced by Kant, completely divorced from,
and independent of, any form of transcendence – thus putting an
end to natural rights founded in God-given natural law and trans-
muting them into human rights? (Chapter 6.)

French Declaration of the Rights of Man and of the Citizen

There is said to be a direct link between the American Bill of Rights
of 1776 and the French Declaration of the Rights of Man and of
the Citizen, proclaimed by the *Assemblée constituante* in Paris in 1789.
But this alleged direct influence of America on France is a subject
of research and debate. The Americans, it is argued, were intent on
securing their states' economic, political and religious independence
of the British crown, whereas the French wanted to solve an intra-
societal problem: the emancipation of the third estate, the citizenry,
from the first and second estates, the nobility and the clergy. Whereas
the wellspring of the American documents is said to be religious free-
dom, being an outcome of the Reformation struggle about the rela-
tion between faith and authority, the French Declaration is said to
have originated in the rebellion of urban citizens against the aristo-
cratic and clerical representatives of feudal, rural society.[15] In an
attempt to reconcile the two viewpoints scholars speak of the spirit
of the age (*Zeitgeist*) of natural law thought, rationalism and repub-
licanism during the Enlightenment, which they claim provided a sort
of common basis for the two documents.[16] They also refer to early
English and Scottish documents and legal texts that are said to have

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[15] In this debate a distinction should be made between the historical and sys-
tematic role of religious freedom in natural rights, or human rights, as a whole.
Historically religious freedom certainly takes pride of place, which should be clear
by now. But in regard to its systematic role, said to entail that all other natural or
human rights are either traceable to religious freedom or intrinsically tied up with
it, (some) American scholars emphasise this connection, whereas (some) French schol-
ars, while not (always) disputing the focal role of religious freedom, stress that not
all other natural or human rights can be deduced from religious freedom.

[16] It is said that Lafayette, one of the authors of the French declaration, was in
America when the American Declaration of Independence was being compiled. He
was also a friend of Jefferson's, the main author. Jefferson in his turn was America's
ambassador to France and discussed the compilation of the French declaration with
Lafayette (Malan 2003, 96).

functioned as common ground for both declarations. At any rate, when it comes to the origin of human rights one has to take into account developments in two different traditions: that of international law as expressed in the American case, and that of constitutional law as expressed in the French case (Hilpert 2001, 59–63).

Be that as it may, the French Declaration of the Rights of Man and of the Citizen of 1789 certainly shows resemblances to the American Declaration of Independence of 1776. Thus it does not refer to God but to a deistic 'Supreme Being' (*l'Être Suprême*), as the American text does not refer to God but to the nature of God, and to natural, inalienable, even sacred rights. The text starts thus: "The representatives of the French people, organized in National Assembly, considering that ignorance, forgetfulness, or contempt of the rights of man are the sole causes of public misfortunes and of the corruption of governments, have resolved to set forth in a solemn declaration the natural, inalienable, and sacred rights of man . . . Accordingly, the National Assembly recognizes and proclaims, in the presence and under the auspices of the Supreme Being, the following rights of man and the citizen." Whatever differences there may be between the American and the French documents, the parallels – at any rate in regard to religion and natural rights – are too flagrant to be ignored.

The French Declaration and the Catholic Church

The French declaration was responsible for most of the conflict with the churches, especially the Catholic Church. Two years after it was proclaimed the reaction of pope Pius VI, who saw it – rightly, according to historians – as nakedly anti-clerical and anti-church even though a quarter of the *Assemblée constituante* were members of the clergy, was roundly condemnatory. He condemned not just the freedom of religion it espoused but even the prohibition of persecuting any person because of her or his choice of religion. He called the entire constitution, which above all extolled freedom and equality, an absurd lie. Successive pontiffs all followed this line, until Leo XIII. In 1888 – 100 years later – the latter adopted a more pragmatic position. While not accepting freedom of conscience, religion and the press, he was prepared to tolerate it if the public order and respect for the human person required it. In the mid-20th century – 150 years later – there were signs of change when first pope Pius

XI and then pope Pius XII recognised human rights as the basis of democracy. But the real breakthrough came only after the encyclicals *Mater et Magistra* (1961)[17] and *Pacem in Terris* (1963)[18] by pope John XXIII and pope Paul VI's speech to the United Nations (1965)[19] at the end of the Second Vatican Council. Only then – over one and a half centuries after the institution of the American and French constitutions! – did the church endorse human rights (*Gaudium et Spes* 1965, no. 29), especially the right to religious freedom (*Dignitatis humanae* 1965; cf. Baczko 1987; Idensee 1987).

Dignitatis humanae is divided into two parts, of which the first contains philosophical statements about religious freedom and the second comprises theological reflections. The philosophical part contains the statement: "This Vatican Council declares that the human person has a right to religious freedom. . . . The right to religious freedom has its foundation in the very dignity of the human person as this dignity is known through the revealed word of God and by reason itself" (*Dignitatis humanae* 1965, 2).[20] One observes that this philosophical section, as evidenced by the quotation, refers not only to the principle of human dignity, in concurrence with the esteem for human rights in secular human rights circles, but also to God's revelation and 'reason itself'. This combination of divine revelation and reason cannot be viewed in isolation from the long and varied tradition of natural law and natural rights thought. Only it came at a time when this tradition had long been abandoned, at least in mainline human rights circles.

It is not that the bishops on the council were unaware of this and unthinkingly overlooked it. On the contrary, the council was actively conducting a controversy against the abandonment of this tradition. It saw tradition as a necessary counterweight to the notion of human autonomy underlying the principle of human dignity, at any rate in

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[17] The ideas of this social encyclical were so progressive that a prominent conservative Catholic author clarified his position vis-à-vis his church: "*Mater, si! Magistra, no!*" ("Mother, yes! Teacher, no!" – McBrien 1998, 382).

[18] In this political encyclical, published only two months before his death, the pope meant to contribute to reconciliation between the West and Communism.

[19] This speech, given in French, contained the passionate cry: "*Jamais plus la guerre! Jamais plus la guerre!*" ("Never again war! Never again war!" – McBrien 1998, 388).

[20] One observes a world of difference when one compares this statement with that of the Fourth Lateran Council, in which it is said: "Secular authorities . . . ought to take an oath that they will strive in good faith and to the best of their ability to exterminate all heretics pointed out by the church." (cf. Tierney 1996, 18–19).

the interpretation advanced by Kant's followers and still advanced today, as will be seen in the next chapter. The council's verdict was: the church affirms the principle of human dignity, not as interpreted from the perspective of human autonomy but only on the basis of divine law and natural law. Hence it appended, as a rider to its proclamation of human rights, that it should guard against "any kind of false autonomy. For we are tempted to think that our personal rights are fully ensured only when we are exempt from every requirement of divine law. But this way lies not the maintenance of the dignity of the human person, but its annihilation" (*Gaudium et Spes* 1965, 41).

This is not an innocent rider, for its repercussions on the interpretation of freedom of religion are far-reaching. After all, once the premise of divine law and natural law is accepted, it is only one step from declaring its exposition the prerogative of the church and hence of its doctrinal authority. For Catholics at any rate, that exposition is binding: their interpretation of freedom of religion is not permitted to contradict that of the church's doctrinal authority. Their only right is that of freely accepting the faith – the classical doctrine since Augustine, as we have seen – but once they believe and have joined the church they have to submit to its doctrinal authority. In other words, according to the council freedom of religion applies to non-Catholics but does not extend to Catholics, who have to remain obedient to the church's authority (Van der Ven 2005).[21] What a contrast to the notion in the text of the Virginia Bill of Rights of 1776 – two centuries earlier – that "religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence"!

Protestant churches

The Protestant churches patently put up less protracted resistance to natural rights or human rights thought than the Catholic Church – at any rate the Baptists, Anabaptists and Quakers among them, as well as the liberal wings in mainline Protestant churches. That does

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[21] And this interpretation is mild compared with the more extreme view, namely that according to this declaration religious freedom is founded in human nature as understood by the church's doctrinal authority, which could lead to the following inference: "In this way the person's inalienable right is transformed into an obligation to agree with the Catholic Church!" (Wackenheim 1979, 54; our translation).

not mean that a human right like religious freedom flourished in these churches from the outset. There is this comment: "It would indeed be hard to discern any seeds of religious liberty in Luther's persecution against Catholics and Jews, or in Calvin's grim-lipped defense of persecution after the execution of Servetus. Luther, Calvin, Beza, Bullinger, Melanchton all accepted the entirely conventional view of their time that heretics should be suppressed, just as their Catholic contemporaries did" (Tieney 1996, 34). Thus Huguenots were persecuted in France, Catholics and Puritan separatists in England, Lutherans in the Catholic principalities of Germany ("whose the territory, his the religion" – *cuius regio eius religio*), and every kind of dissenter from Catholic orthodoxy in Spain. The Dutch Republic, where Catholics, Lutherans and Calvinists vied with one another, provided one enclave of religious tolerance, as noted already. However, as the Spanish regent in the Netherlands, Don Juan of Austria, wrote in 1577 about the Prince of Orange, then stadholder of Holland: "The Prince of Orange has always insisted . . . that freedom of conscience is essential to commercial prosperity" (quoted in Tierney 1996, 38).

   In a more general sense the rise of early capitalism with its freedom of individual enterprise contributed to the development of human rights (Unesco 1950, 251). For their part the Protestant churches, more particularly the Calvinist churches, contributed to what Weber (1969) calls the spirit of capitalism. But this is contradicted – such is the complexity of the relation between human rights and religion – by the fact that the very spirit of capitalism prevented members of Calvinist churches, who belonged to the middle class, from championing human rights wholeheartedly where they went beyond the freedom of individual enterprise and envisaged not just the value of freedom, but also that of equality. Thus a leading exponent of Calvinist theology in South Africa writes as follows: "In the struggle for liberty, democracy, and human rights Calvinism has proved a powerful, liberating credo in legitimating the cause and providing the symbols of empowerment. But this has invariably served the interests of persecuted, exiled, or oppressed middle-class Calvinists themselves, rather than other oppressed groups of the poor. Reformed theologians of the seventeenth and eighteenth centuries, whether in Europe, New England, or South Africa, gave their energies largely to matters of doctrinal and ecclesiastical controversy and purity. A critical

awareness of the social role of the tradition or of their own endeavours was beyond the frame of reference" (De Gruchy 1991, 33).

Catholic and Protestant churches

One can identify four reasons why the Protestant churches, rather than the Catholic Church, gradually came to recognise human rights, and in each of these natural law again features. Firstly, canon law in the Protestant churches is generally less developed than the *codex iuris canonici* of the Catholic Church and is less weighed down by tradition. In addition, as noted already, natural law thought strongly influenced the development of canon law in the Catholic Church, just as the church in its turn influenced natural law thought. In some respects it also contributed to the development of natural rights and so of human rights as well. On the other hand, assigning the church's doctrinal authority the competence to expound these natural rights curtailed them, as we demonstrated with reference to the right to religious freedom. An important aspect, for example, is the scope allowed in church discipline for individual conscience. In its better moments the Catholic Church has always left some leeway for individual conscience, but often it did not know how to combine the right of truth – which boiled down to the right of the church's doctrinal authority – with the right of conscience, especially what it called the erring conscience, although Thomas Aquinas recognised what may be called the right of erring conscience. In the Protestant churches, by contrast, freedom of conscience promoted the right to individual conscience as articulated in natural rights, functioned as an important stimulus when it came to the independence of the individual vis-à-vis both state and church, motivated resistance movements against illegitimate conduct of princes and parliaments, and directly and indirectly contributed to the establishment of democracy (Tuck 1979).

In addition to canon law, including church discipline, ecclesiology was a major factor. Whereas Catholic ecclesiology regards the church as the sacrament of humankind's unity with God and one another, Protestant denominations recognise no ecclesiastic mediation whatever between human beings and God. As a result they attach less value to the church, its rules and regulations than does the Catholic Church and natural rights were not, and are not, regarded as such

a major threat to church authority. This applies all the more when ecclesiology is less dominated by monarchic hierarchism, as is the case in Protestant churches where – in contrast to the Catholic Church – the accent is more on covenantal synodalism, conciliarism and communitarianism, which, along with the right to the freedom of conscience, stimulated the development of democracy and its inherent natural or human rights.

The relation between church and state is also important. To the extent that a church on a national scale submits to the authority of the state in secular matters in terms of the doctrine of two swords or two kingdoms, as most Protestant churches do, there is a greater chance that it will endorse human rights than a church that aspires to internal consistency on a global scale, like the Catholic Church. The latter is confronted with diverse rules and practices, as well as with contextually negative reactions against (what are perceived as Western) natural rights or human rights, and it moreover sees itself as a state, a society, a public corporation, an organic social body in its own right, expressed in its claim to its own, irreducible identity and organisation, independent of the democratic societies and states surrounding it.[22] Such a globally oriented, hierarchic church will be less inclined to embrace human rights, especially the right to religious freedom, because the full development of this right would both ideologically and pragmatically damage its self-understanding. The same applies to churches, notably Protestant churches, that proceed from a theocratic conception of the state. But it also applies, conversely, to churches that have to labour under anti-church governments: they, too, are wary of natural rights or human rights, especially religious freedom, since they fear that if they were to fully accept those rights, the state would interpret them in ways that would affect the churches adversely. One could hypothesise that the first churches to support natural or human rights will be those that strive for fruitful cooperation with an accommodating state: that is a state which, while upholding its separation from the churches – according to the aforementioned non-establishment clause – nonetheless regards them as important socio-cultural institutions in civil society and therefore accommodates them as far as possible in areas like taxation, recog-

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[22] For example, in the debate on the draft of the European Convention in 2003 the Catholic Church invoked its own irreducible identity and organisation (*Ecclesia in Europa* 2003; Van der Ven 2004).

nition of church feast days and religious symbols in public settings (Durham 1996).

The fourth major factor is the churches' relationship with their cultural environment. Some churches are fairly open to this, others adopt a more insular attitude. That happens when the culture is seen as not supportive enough, as passively tolerant, negatively critical or even positively antagonistic to the church(es). It also depends on whether the church(es) occupies a majority or a minority position in the country. Thus it is argued that some Protestant minority churches were more open to certain cultural trends in the 16th and 17th centuries than majority churches, and hence more amenable to natural rights, especially religious freedom. In this respect the spirit of the times was dominated by two cultural trends. One was scepticism which repudiated the universality of natural law and natural rights, partly because the 'discovery' of America brought Europeans into contact with norms and customs that deviated from hitherto supposedly universal Western norms and customs. The other was Stoicism, which took up arms against the demolition of universal natural law and natural rights by invoking, as Hugo Grotius did, two basic principles of natural law: the individual's pursuit of self-interest and the need for cooperation to realise that self-interest (Larrère 2001).[23]

These four factors – canon law, ecclesiology, the relation between church and state and between church and culture, including the divergent conceptions of natural law – should be seen as interrelated, but their coherence probably stems mainly from the second factor, ecclesiology. Ecclesiology is characterised throughout by two other factors that are not so much theological as philosophical and anthropological, in which respect the Catholic Church differs from

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[23] Hugo Grotius tried to counteract scepticism by advocating natural law without God (as if God did not exist – *etsi Deus non daretur, as we saw*), thus reducing the trichotomy of divine law, natural law and positive law to a dichotomy, namely universal natural law and particular positive law. In the latter he included divine law (e.g. the Decalogue), putting it under the heading of positive law. This corresponds with the distinction made later on between natural religion and positive religion. Pascal, on the other hand, combated scepticism – especially that of Montaigne – by positing the certainty ("Certitude. Certitude. Sentiment. Joie. Paix" – *Le mémorial*) of faith in the God of Abraham, Isaac and Jacob (*Le mémorial*) and the God of Christianity (*Pensées* 556), corroborated in this by the calculation of probability ('Pascal's wager' – *Pensées* 233) based on the coherence argument in practical living (Pascal 1976; Jordan 1994; McKenna 2001).

the Protestant churches and Protestant churches differ from each other. The first is the extent to which human beings are seen primarily as members of a social body or as individuals. Human (or natural) rights, which, ever since Gerson's definition round 1400, had been conceived of as subjective powers or faculties belonging to each person in accordance with the dictates of right reason, relate more to the second view of human beings seen as individuals, as they are in Protestant churches, than to the first in which human beings are considered as belonging to a social body, as in the Catholic Church. The second factor turns this relationship upside down. It concerns the question whether people are regarded as naturally inclined to good, as Adam was considered to have been before the fall, or as primarily inclined to evil. Again, natural rights and human rights are more likely to be supported in the first case, like in the Catholic Church, than in the second, like in many Protestant churches. After all, ever since Gerson there has been the more optimistic view that even in their fallen state humans retained many such natural rights as powers and faculties (Everett 1996).

Conclusion

What we may learn from this history is that, ever since the Spanish Dominicans' opposition to the colonialist politics of Western countries, natural law has served as a shield against injustice and a guarantee of natural rights, which gradually came to see the light of day in all sorts of publications and official declarations. This can be seen as a great merit of ecclesiastic thinking at that time: in this way it contributed to the codification of natural or human rights, our subject in this chapter. But there is also some ambivalence, for we have noted that natural law was also used by the opposition to defend the same colonialist politics.

At all events, the Dominican tradition had some influence on Hugo Grotius, though his views on colonisation politics are not uncontroversial either. He was not clear on what was then called voluntary slavery, although he rejected the right to lose one's liberty by contract. He also had a fairly absolutist conception of authority, although this did not prevent him from invoking the principle of charity, which he cited in support of the Dutch revolution against Spain. His main contribution lies in his indelible contribution to the

developing theory of natural rights – 'as if God does not exist' – and his theory of international law.

His legacy, at least in its liberal or radical interpretation, supported resistance movements in cases where the king or the government acted illegitimately and trampled on the needs and interests of the people. It also stimulated democratic thought and the establishment of democracy, as can be seen in the documents that emanated from the American War of Independence, such as the Declaration of Independence of 1776, the American constitution of 1787 and the Bill of Rights contained in the first Ten Amendments to the American constitution of 1789. These frequently invoke God, the creator of mankind, the law of God, the law of nature, the sacred rights of men, the inalienable rights of men, the natural rights of men – all of them terms which convey the relation between faith in a deistic God and natural rights. In that body of natural rights religious freedom occupies a crucial position, not only historically but also systematically: it just about constitutes the core of it. Remarkably, religious freedom is, directly or indirectly, related to, and considered to be founded in, faith in God the creator, who created all human beings equal.

We have also seen how over time there was a growing tendency to ground natural rights in the common will and contract of the people, while references to God and natural law declined, as in the American constitution of 1787 and the first Ten Amendments of 1789. In the French Declaration of 1789, however, the reference to a deistic God is retained and the rights of human beings and citizens are qualified as inalienable and sacred. But gradually natural law and natural rights were secularised. Whereas originally they were manifestations of the divine will or divine law, by degrees they were disjoined from these religious sources (Watkin 1999, 152).

In this perspective Habermas divided the history of human rights into three phases within the overall framework of the history of Western philosophy as a whole. A true advocate of August Comte's philosophy of history, he subdivides the latter into three phases as well. In the first – the theological phase – human rights are considered to reside in God's revelation or will and are inferred from it. In the second – the metaphysical phase – they are seen as founded in natural law, which is imposed by God, and are inferred from natural law relatively independently of God's revelation or will. In the

third – the secularised phase – they are positivised, that is turned
into laws deriving from the will, and the contract, of the people;
they are human products, proclaimed and sanctioned with no reli-
gious reference whatever. Somewhat hyperbolically one might say
that God's monotheism was usurped by the 'disenchantment of law'
(*Entzauberung der Rechtswege*), resulting in the polytheism of human
rights (Habermas 1982, I, 350). The Spanish Dominicans made the
transition from the first to the second phase, and Grotius that from
the second to the third. The Spanish Dominicans took God to be
the author of natural law but they no longer traced each individual
natural right to God's revelation or will; in other words, they no
longer linked each individual natural right to a separate divine com-
mandment. Grotius for his part saw natural rights as inherent in
natural law, but proceeded as if God did not exist (*etsi Deus noin
daretur*).

But that was not the end of natural law thought. One merely has
to consider that a theory such as Rawls's, in which secularised con-
tract thought features prominently, is based on what he calls the
'natural condition' of the human being which is prior to every pos-
itivised civil law. In this natural condition people try, while still
'behind a veil of ignorance' and hence with no knowledge of objec-
tive social organisation, to reach basic 'natural' agreements on soci-
ety that every person, irrespective of his or her social position and
status, could subscribe to (Rawls 1971). In Habermas's own theory
he assigns the concept of natural law what he calls discourse-theory
meaning, which provides an answer to the following question: "What
rights must citizens . . . mutually grant one another if they decide to
constitute themselves as a voluntary association of legal consociates
and legitimately to regulate their living together by means of posi-
tive [sic!] law?" (Habermas 1996, 140).

Against this background is it understandable that the Universal
Declaration of Human Rights of 1948 no longer refers to natural
rights but to human rights. It no longer needs the concept of nat-
ural rights as an ideological basis for human rights, because they are
self-evident (Henkin 1995, 174). In addition the origin of human
nature was no longer associated with God's creation, his sovereignty
or his will. Instead terrestrial nature became the material, as it were,
from which human beings manufactured the fabric of their own life
project according to their own free choice. Besides, the confronta-
tion with alien values, norms and customs at the time of the 'dis-

covery' of the new world and in subsequent historical research cast doubt on the eternal character of the moral values and norms inferred from natural law: does it actually exist? And do natural rights actually exist?

Questions of this nature cast serious doubt on the issue of natural law and natural rights, which increased over time. We have noted already that natural rights were inherently ambivalent, as they could be used to support both parties to a conflict, as in the case of the colonisation of America or that of the legitimacy of resistance and revolution. Incidences of ambivalence date back to even earlier times, for instance in the struggle between church and state in the Middle Ages when natural law provided legitimation for papalists, conciliarists and imperialists (McKeon 1950). Another illustration of the objections to natural rights was Montesquieu's argument that a major part of the law cannot be universal, since it is dictated by such particular and contingent things as the climate of the country where that law applies, its geography, demography, religion and form of government. Bentham, again, rejected natural rights altogether, because their claims were so vague that they could not be objectively evaluated. Disputes over natural rights were never-ending and were likely to be left open or settled by force and violence. Therefore he found them not only nonsensical but also dangerous from the point of view of a stable, harmonious, peaceful society. Hume repudiated natural law because it addressed human beings as dictates of divine reason or the divine will, whereas any maxim should be (able to be) a product of human reason, irrespective of any divine command (cf. Rawls 2000, 56). Lastly in 1710, a legal practitioner like the president of the High Court of Holland and Zeeland, Cornelis van Bijnkershoek, objected that because of its abstractness natural law gave rise to judicial arbitrariness, since it gave jurists an opportunity to proclaim their subjective rationality as law (Lokin & Zwalve 2001, 49–50).

The defence by Maritain (1950a) that, whereas the theories of natural law may have fallen into discredit, its actual significance remained unaffected, is not tenable: there is no such thing as natural law independent of people's conception of it, elaborated in some theory. From a reconstructivist, epistemological perspective there is no such objective 'fact' as natural law but only natural law as schematised and conceptualised in a plurality of competitive but at same time overlapping theories of natural law. Does this mean that the case of natural

law has finally been settled and it has made way for positive law, at least as a basis for constitutional law? Not altogether, for even at the end of the 19th and the beginning of the 20th century Russian philosophers like Boris Chicherin, Konstatin Kavelin and Nicolay Derdyaev pondered on two basic natural law concepts such as personal freedom and sovereignty of the people and, within that framework, on civil society. Finally, even in the latter half of the 20th century natural law still played a major role, notably in international law, as the judgment – based on a long tradition – of German and Japanese war criminals after World War II was based on contraventions of unwritten rules of natural law (Lokin & Zwalve 2001, 31, n. 37, 52–53).

CONTEXT OF LEGITIMATION

In the previous chapter we looked at the outcome of the evolution of natural law and natural rights as a sign of God's revelation and God's will. Whereas Grotius had already dealt with natural rights without introducing God as a logical or conceptual necessity, the evolutionary process culminated in the replacement of the divine order with an order of contract, the principle of God's will with the principle of human dignity, and natural rights with human rights. We described this as a secularisation of human rights.

The question may be asked whether, after dealing with the contexts of origin and codification, this chapter on the context of legitimation of human rights from a Christian perspective does not require us to turn back the clock. Those who ask this question should heed the warning: it would not be the first time that an attempt at Christian legitimation ends up in the pitfall of hegemonic universalism – which is what we are trying to avoid in part II, in dealing with the polarity between particularism and universalism. As noted in the preceding chapters, our present topic represents a well-nigh perpetual polarity in Christianity, with hegemonic universalism as a constantly recurring danger. Hence before attempting any legitimation we need to clear the air a bit by considering three aspects of legitimation: its relevance, goal and possibility.

RELEVANCE

It goes without saying that we have absolutely no desire to replace a secular scientific approach with a theological one when it comes to legitimising human rights. Indeed, representatives of the disciplines concerned, such as philosophy, sociology and law, would not accept it, which would nip any dialogue with Christianity and theology in the bud. To most philosophers, sociologists of law and jurists the legitimation of human rights is a purely secular business, a profane enterprise that cannot, indeed should not be religious or theological. Theology should have nothing to do with such legitimation lest

one deny their real nature (Evans 1999, 10). This is because human rights are based, they maintain, on the dignity, freedom and equality of human beings as the ultimate personal holders of these rights. They are not grounded in a symbolic order, on which humans as holders of these rights are dependent, and least of all on a religious symbolic order, which would imply that a particular religious group said to represent that order is privileged and other religious groups or nonreligious people are discriminated against (Pessers 1999). In point of fact human rights were established to resolve disputes between religions and between religious and nonreligious people, not least by preventing and combating hegemonic universalism of one religion at the expense of another and of religious world-views at the expense of nonreligious world-views.

The reference to the struggle between different religious world-views, and between religious and nonreligious world-views, shows that this is not a purely academic issue, as if it were simply a matter of demarcating the territories of theology and other, secular sciences and laying down conditions for academic dialogue between them. The problem goes deeper: how can religious people consort with nonreligious people in such a way that the former can authentically think and act in terms of their own tradition without striving for religious hegemony over the latter? To say, as some do, that religion is a private matter and everyone can have their own convictions and express them is not a satisfactory answer. For even if it were true that (ideally) religion is rooted in the individual's innermost self, it also contains a universal message for the whole of society and to dispense with that would violate the very core of religion, more especially of the Christian religion. To put it in abstract terms: how can one prevent religious universalism from turning into hegemonic universalism, and how can religious universalism be reconciled with the diversity of religious and nonreligious world-views that people espouse?

One could obviate the problem by saying that there is no such thing as a nonreligious human being. Such a move is not based on a descriptive approach to who is religious (who, on their own admission, identify themselves as religious) and who is nonreligious (who, on their own admission, identify themselves as nonreligious). From a descriptive perspective, who would want or dare to tell other people whether they are religious or not? Is it not difficult enough to answer that question about oneself? The question becomes even more

complex, and more honest, when one considers the diverse aspects of religion: experiential, cognitive, affective, attitudinal, communal, ecclesial, ritual and behavioural aspects, as well as their development in the course of a lifetime. Who dare say about themselves: I have been and am truly and completely religious in all these aspects? Or even: I try to become more and more religious in all these aspects? Some people in fact do, in their own perception, become more religious; others feel guilty because they consider themselves not religious enough; others are glad that they have become less religious or have left religion behind them; yet others say about themselves: I believe less than I used to, but that bit I believe more deeply.

As we have said, such elimination – 'there's no such thing as a nonreligious human being' – stems from a normative rather than a descriptive approach. A normative view would be that human beings are religious by nature, implying that they can never be anything but religious, for example because they were created by God and owe their very existence to him and/or that life without God is an illusion, a perfidious notion, a cruel joke. In other words, human beings cannot but be religious: they have to be religious.

The counter question from a descriptive perspective would be whether human beings, in factual terms, are religious by nature at all. Are they empirically, innately religious? Do they innately have a religious disposition, quality, capacity? The question becomes even more pertinent if one does not have a global concept of human nature but views it in relation to culture. In general such concepts crystallise more clearly when they are linked with contrasting concepts, in this case, nature and culture, and in others, related ones like nature and nurture, nature and society or nature and history. The concept of nature becomes clearer when one focuses the question – which, in the case of religion, concerns the relation between nature and culture – on the role of the brain in human nature and, even more specifically, on the genetic structure, including genetic modulation of the human brain. The question would then be: which aspects of religion pertain to the genetic structure of the human brain and which are culturally determined?

It is clearly a difficult question to answer, if it is at all answerable, even if only because it is far too global and especially because we still need to find out a lot more. At all events, the fact is that so far no specific locus for religion has been specified in the human brain. Certain correlations have been established between religious

experience, either in a ritual context or otherwise, and brain processes, but a correlation is not the same as a causal relation. It merely indicates in how far phenomena occur at the same time. It tells us nothing about relations of cause and effect, and it certainly does not exclude the possibility that there is no causal relation between the two phenomena but that a third phenomenon is the actual cause. The fact that religion has (as yet) not been assigned a place in the genetic structure of the brain is all the more cogent because (all sorts of indications of) causal relations have been found for such diverse phenomena as emotional consciousness, ability to relate to other people on the principle of empathy and reciprocity, and – something quite different – capacity for mathematical problem solving (Pinker 1999; 2002). In the case of religion person and culture probably override the genetic structure of the brain, or at any rate it is a product of the interaction between genetic brain structure, person and cultural processes. As critics of old-fashioned phrenology say in relation to morality also applies to religion: "There isn't some 'Organ of Morality' inside the brain as phrenologists might once hoped for, but instead there is a complex interplay between areas that control abstract thought and social behaviour" (Winston 2003, 309). And as critics of so-called neurotheology say: "The person cannot . . . be replaced by a mass of autonomous neurons, because even if there exists a 'religious neural pathway', it takes a social animal to attach the label 'divine'" (Feit 2003).

It makes sense to distinguish between two phenomena relating to brain functioning and to see them as necessary but not sufficient conditions for religiosity. Necessary means that in the absence of these conditions there can be no religiosity, but it does not mean that the conditions themselves bring about religiosity.

The first phenomenon is the following. All people now and again ask themselves the existential question: what is the meaning and purpose of life? Why do I, or a significant other, have to endure suffering, illness, death? Strange as it may seem, such questions can be said to be under genomic control, although they cannot reduced to the genetic structure of the brain. But they are connected with the operation of consciousness, through which we experience feelings of joy and gratitude when we celebrate life, or sorrow and anger when we sense the possibility of our own or someone else's death. Evidently the person's autobiography and culture also play an important part in these experiences (Damasio 2000, 228–233; Winston 2003, 117).

The second phenomenon relates to the brain area that contains the mechanism which enables people to have part/whole experiences. By this we mean the experience in which the dividing line between me and my environment becomes blurred and we more or less merge, causing me to experience myself as part of a larger whole. The brain mechanism underlying this experience comes into operation when the self dissolves as a result of meditative techniques and is absorbed into something that encompasses and surrounds it. This is achieved not only through meditative techniques, but also through aesthetic experience when playing or listening to music or under the impact of paintings, sculpture and architectural forms, and through erotic experiences, the effect of nature, or participation in moving ritual processes within a religious tradition. If the part of the brain where this mechanism is located is injured so that it is incapacitated, such part/whole experiences are no longer possible (Janssen 2002; Winston 2003, 183–184).[1]

When these two phenomena are present, without which religiosity does not and cannot arise although they are not themselves sufficient for it, the distinctive role of religion can be illustrated with reference to processes which happen in religious rituals that, both historically and systematically, may be regarded as the source of religion, as Durkheim (1925) saw it; in theological language: rules of praying imply and lead to rules of believing (*lex orandi lex credendi*). Such rituals have certain essential components: ritual actions and symbols, religious traditions, ritual cognitions and emotions (Lawson & McCauley 1993; Lawson 2000; McCauley & Lawson 2002). A religious ritual may be regarded as a pattern of ritual acts like standing, kneeling, walking, bowing, clasping hands together, closing eyes, blessing, and especially speech acts like reading, expounding and proclaiming, including enacting commissives ('let us pray', 'go hence') and expressives ('we thank you, God', 'we beg you, God'). A key element of ritual acts is ritual symbols (scriptures, bread and wine,

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[1] Newberg investigated Tibetan Buddhist meditaters who manifested a shutdown in the posterior parietal lobe at the top back of the brain, the area responsible for the sense of being located in time and space, as people report a merging of the boundaries between themselves and the world around them (Winston 183–184; cf. Austin 1999 on interactions within the brain as a whole during 'detached', 'blank pauses' in our day-to-day activities (p. 286) and on loosening up along the boundaries of our rigid cycles of rest and activity and partial dissolution of our I-me-mine connections (367–370).

water, oil, candles, light, incense). The important thing is that ritu-
als are performed in a religious tradition, whose origins seem to go
back to mythical prehistory, thus giving the ritual an aura of sub-
limity. From the religious tradition participants draw religious cog-
nitions that are transmitted and recalled in various ways, for instance
in texts, hymns, addresses, acclamations, intercession, supplication,
praise, thanksgiving and benediction. In this way the aforementioned
existential questions are imbedded in the religious tradition, placed
in a transcendent perspective and interpreted in terms of the rela-
tion between the divine (God, the godhead, gods, Nothingness) and
the human being. Religious emotions are as important, if not more
important than religious cognitions: they accompany religious cog-
nitions, reinforce their meaning and intensity, and contribute to par-
ticipants' experience that these existential questions are *their* questions,
these religious cognitions are *their* cognitions: "It's about me" (*mea
res agitur*). On the one hand such emotions are vehicles for the
part/whole experiences referred to above and establish and con-
tribute to part/whole awareness; on the other they impart the par-
ticular colour and tone that the manifestation of the divine evokes
in people. These particular emotional colour and tone form a kind
of composition of two contrasting elements: awe and wonderment,
majesty and commitment, respect and mercy, gravity and playful-
ness – in short, what Rudolph Otto called *tremendum ac fascinosum*.

From this description of the components of religious rituals it
should be clear that religion is the product of an interaction between
natural, brain-related factors on the one hand and person-related
and culture-related factors on the other. The brain-related factors
function are necessary but not sufficient conditions for religion, hence
a great deal depends on the autobiographical self and on the cultural
(here religious) tradition the self belongs to (i.e. feels it belongs to).

What should be avoided, in any event, is to call nonreligious peo-
ple religious anyway, for instance to stretch the term 'religion' so
wide that it includes the two phenomena we have just described as
necessary but not sufficient conditions for religiosity. In other words,
the existential experience of transience and finitude and resultant
questions about the meaning of life and suffering are not religious
phenomena per se: all people have them, not only religious people.
The same applies to what we have called part/whole experiences
incurred in meditation, aesthetic experience, erotic experience and
the experience of nature. The experience of merging with a greater

whole is not confined to religious people but happens to nonreligious people as well. Calling the latter religious would be unfair on those people who, while sharing these thoughts, feelings and experiences, consciously and deliberately describe themselves as nonreligious and have no desire to be considered religious (Schillebeeckx 1966, 132, n. 1).[2] Religion is not a universal but a quasi-universal phenomenon (cf. Brown 1999). As mentioned in the Introduction: in the 1996 census 18%, and in the 2001 census 16%, of the South African population indicated they were nonreligious or did not answer the question, whereas in some European countries religious people are a minority.[3] Hence *homo religiosus* coexists with *homo areligiosus*, or rather, *homines religiosi* coexist with *homines areligiosi* (Tiefensee 2002). Neither is it true that the morality of a group, community or nation declines or takes a nose dive when large numbers in a particular generation turn their backs on religion or large numbers in the upcoming generation have never identified with it at all. Quite apart from the complex theoretical question whether religion influences morality and/or vice versa, empirical findings in a number of European countries indicate – at any rate provisionally – that morality can and in fact does exist without religion (Draulans & Halman 2003).

Goal

Against this background we can distinguish between two dimensions of the goal of the religious legitimation of human rights: an internal dimension (*ad intra*) and an external dimension (*ad extra*). The

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[2] Probably following and (partly) agreeing with Rahner in his *Schriften zur Theologie* (V, 11–32; VI, 545–554; VIII, 187–212, 329–354; IX, 498–515; X, 531–546), Schillebeeckx refers to 'implicit Christianity' – Rahner also uses 'anonymous Christianity'; but Schillebeeckx comments that one could rightly object that these terms declare all unchurched people – and, we would add, all non-Christians and nonreligious people – implicit, anonymous, but real Christians (Van der Ven 1982, 269–270)!

[3] In addition European countries have a very pluriform profile, since – at least as far as church membership is concerned – there are four categories. These are: (1) Protestant, Catholic and Orthodox countries where more than 70% of the population belong to the relevant denomination; (2) countries with a mixed Catholic and Protestant population; (3) countries with a combination of Catholics, Anglicans and Orthodox plus a substantial proportion of unchurched people; and (4) countries where the unchurched are in the majority, a combination of Catholics, Protestants, Orthodox or a combination of Catholics and Protestants constituting a minority (Draulans & Halman 2003, 382).

internal dimension has to do with the legitimation of human rights both in terms of and with a view to the religious tradition concerned. 'In terms of the religious tradition' means trying to explain the meaning and basis of human rights with the aid of metaphors, symbols, concepts and theories available in one's tradition, but not hesitating to criticise aspects of it when necessary and suggest how to correct them. We have seen plenty of examples of this in the two chapters on the context of origin and the context of codification. 'With a view to the religious tradition' means trying, after critical analysis, to explain the meaning of human rights for the continuation and future of the tradition itself and in this way nourishing and legitimising it. Other themes in the tradition may be explored in the same way – in the case of Christianity, for instance, certain themes in the doctrine of God, christology, pneumatology, ecclesiology and what is known as theology of religions, thus inseminating and enriching them.

The external dimension of the religious legitimation of human rights means that these explorations and reflections provide a basis for contributions to the discourse on human rights in other disciplines, such as philosophy and sociology of law and law itself. It does not mean replacing the secular-scientific foundation of human rights with a theological one, but of contributing from a specifically religious angle. In the process one could make room and show respect for other religious and nonreligious interpretations and explore the possibilities of engaging in dialogue with these, thus preventing any Christian hegemonic aspirations of whatever kind. At the same time one would be contributing to opinion formation in civil society and, via that, to will formation in parliament in the context of a deliberative democracy, in order to develop an authentic human rights culture (chapters 2 and 3).

In short: the first dimension entails the legitimation of human rights both in terms of and with a view to tradition, and the second dimension has to with a *contribution* by religious traditions to the legitimation of human rights in a deliberative democracy.

Possibility

This could raise the question whether Christianity or theology is capable of making such a contribution. To make a fruitful contri-

bution, theology has to inform itself of the secular sciences' basic ideas on human rights, otherwise its ideas will evaporate in a miasma of pious thoughts far removed from the reality of human rights. If this condition is met – and while easy to define, it will require an intensive learning process on the part of theology – a whole treasure of insights available in the Christian religion can be introduced into the discourse. One thinks of the rich images and metaphors in the book of Isaiah, even though they would have to be stripped of what we have called their monopolar universalism; or the struggle, both conceptual and existential, Paul went through in order to give both Judaism, which he still loved, and Christianity, to which he had pledged his heart, their full due. Both texts teach us what can and must be sacrificed – in both instances circumcision, that essential hallmark of Judaism – to show due respect for the other's otherness. This may lead one to ask what sort of circumcision can and must be relinquished in present-day Christianity in order to get dialogue with religious and nonreligious world-views going. The acme would be what we called dialogic universalism in the synoptic Gospels, which narrate Jesus' deeds and words in the perspective of God's kingdom, cutting across every conventional political and even religious division (chapter 4).

The insight we gained from the Spanish Dominicans' misgivings about the colonisation of America, their protest against subjugation and slavery and their zealous advocacy of the natural rights of indigenous peoples, is a treasure worth introducing into the discourse. The same applies to the broader philosophy of natural law and natural rights thought of the next period that formed the basis of classical democratic doctrine, to which the Protestant tradition in particular made a major contribution (chapter 5).

In other words, Christianity or theology should not allow itself to be driven into a purely religious corner, as if it had to observe the dictum "Keep silent, theologians, on an issue that is not your territory" ("*Silete theologi in munere alieno*" – Böckenförde 1990, 177).

It is not that simple. After all, human rights have always had not just judicial but also ethical and moral aspects, and especially in ethics and morality the actual context of religious communities and their traditions play a major role – a point made by such very different scholars as the anthropological philosopher Ricoeur and the social theorist Habermas. Ricoeur is of the opinion that religion entails pre-moral, radical moral and meta-moral aspects. The pre-moral

aspects concern the idea that humanness consists in the power-to-act and that a human person's identity presupposes the power to act and possessing the power to act out who he or she is. The radical moral aspect refers to the phenomenon that religion turns conventional morality upside down, especially in the area of justice (social justice instead of commutative justice) and solidarity (preferential option for 'the least of my brethren'). The meta-moral aspect relates to experiences of vulnerability and contingency where activity is superseded by passivity, taking by giving, giving by receiving, receiving by wordless presence (Ricoeur 1975; 1992a; 2000; 2000a). In his earlier work Habermas regarded religion as a fundamentally useless residue of outdated religio-metaphysical ideologies, even though they might still fulfil a useful function in practice until such time as science and philosophy can offer a rationally acceptable approach to the relevant themes. In his later work, however, he concludes that religion in fact plays an important role in regard to all sorts of social themes, notably in the life sciences and especially in genomics. He argues that religion should keep awareness of creation alive to prevent modern society from 'playing God' and radically intervening in the uniqueness of the human person, for instance in the case of reproductive cloning (Habermas 1982; 1991; 1993a; 2001; 2001a; 2001b).

In other words, if theology opens itself to the basic ideas on human rights thought and practice in philosophy, sociology and law and contributes its own ideas and concepts to the discourse with these secular sciences, it can make a meaningful input in opinion formation in civil society and, via that, in will formation in parliament with a view to the continuance and further development of deliberative democracy, of which human rights are the indispensable but fragile foundation. This presents not just a possibility but also a challenge for theology.[4]

In what follows we shall consider two concepts which, from the perspective of the Christian tradition, could shed light on human dignity as the basis of human rights. The first is the concept of human dignity per se as it has functioned in Christian tradition, in conjunction with the philosophical development of this concept (6.1).

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[4] Here we concur with Van Iersel & Spanjersberg (1993), who, in a different context, argue that the church's contribution to the (global) peace movement does not lie in directly influencing the state or the members of parliament but in contributing to – in our terms – public opinion formation and, via that, to will formation.

The second is the concept 'image of God', where we look into the religious dimension of human dignity and explain its critical significance (6.2). Then we shall consider the interrelationship of the two concepts by interpreting the concept of human dignity critically and constructively in terms of the religious meaning of the human being as the image of God (6.3).

6.1. HUMAN DIGNITY

Although the concept of human dignity has always featured prominently in the Christian tradition and continues to do so, its origins lie elsewhere and its subsequent development was and remains indebted to the interaction between philosophy and theology. We can illustrate this with reference to four authors representing four different approaches: Cicero, Pico della Mirandola, Boethius and Kant (cf. Wils 2002b).

Cicero

The importance of Cicero and the Stoics – of whom he was leading representative – lies in the notion, deriving from Aristotelian thought, that all human beings aspire to human flourishing (*eudaimonia*). This aspiration is linked with another notion: each person's concern for integrity, both bodily and spiritual. These two notions in their turn relate to that of the intrinsic dignity of the human person. While Cicero clings to the dignity associated with political office and the honour due to politicians for their administrative accomplishments, he also denigrates that honour – and here he is a true Stoic – because it deters people from achieving genuine human flourishing. When people strive for possessions, power and reputation and invest their energies in these they make themselves dependent on extraneous things. This means that if their efforts are abortive, or the hard won possessions, power and reputation eventually diminish, they are tormented by the passions of anger and grief, causing them to endure all kinds of mental anguish and impairing their human flourishing. Instead of directing one's energies to extraneous matters, which is nothing but the libido to dominate (*libido dominandi*), it is better to invest these in one's own person. In so doing the striving for economic, political and cultural honour is transposed inward into a sense of dignity and self-esteem. According to this

Stoic tradition one might say: "No longer are we winning fame in public space; we act to maintain our sense of worth in our own eyes" (Taylor 1989, 152).

Not only political dignitaries, Cicero maintains, but all people are endowed with this quality of self-government, all people are vested with this dignity: it is intrinsic to each individual. It applies across the board to both sexes: both men and women are endowed with the cultivation of *humanitas*. It also cuts across differences in social class, applying to slaves and free people alike. It should be noted, however, that the Stoics – unlike other groups among the Hellenistic philosophical schools in Greece and Rome such as the Sceptics and Epicureans – always kept their psychology firmly linked to their politics. As a result they considered a psychological phenomenon such as the passions to be politically determined because of the political beliefs and judgments embodied in them, and the passions in their turn to be potential causes of political change. In this sense they appear to subscribe to the modern slogan that nothing is as political as the individual personality. But when it comes to the position of women, whose human dignity they advocated, and slavery, a social structure confronting them, they failed to display any robust interest in changing the political realities of women's and slaves' lives (Nussbaum 1996, 504–506).

Here an important and constantly recurring question is, what does human dignity consist in? Where must we look for it in human beings? To Cicero it relates to two things. The first, as noted already, is the social and political position the person occupies and the reputation associated with it. Besides this social meaning of human dignity there is a second, which one could call its logocentric meaning. This resides in human rationality, which includes the ability to discriminate between good and evil: that is what distinguishes human beings from animals. The same rationality also gives human beings the serenity to treat with equanimity the tricks their passions play on them from within and the things that threaten or delight them unduly from outside. That is the therapeutic effect of Stoic philosophy, directed as it is to self-government of the soul (Nussbaum 1996, 316–358).

Cicero's impact on the Christian tradition was enormous – so great that, according to Wilhelm Dilthey, it was only with the aid of his writings that the Latin church fathers were able to explicate their faith conceptually so as to influence culture. This impact is par-

ticularly evident in the work of Lactantius, who used Cicero as a
source for his *Divinae institutiones*, so that Christianity could emerge
as the continuation, correction and completion of ancient philoso-
phy. Ambrose, too, relied heavily on Cicero, especially in his *De officis
ministrorum*, in which he links Cicero's *De officiis* with Christian themes.
It is mainly his doing that Cicero came to leave such an imprint on
Christian tradition, for instance on great figures like Augustine and,
partly via Jerome and Boethius, Thomas Aquinas.

Boethius

Boethius added a third meaning to the two identified by Cicero. We
could call it an ethical-aesthetic meaning, which perpetuates the tra-
dition of antiquity with its emphasis on the combination of the good
and the beautiful (*kalogathia*). In addition to the dignity enjoyed by
high officials and the use of the faculty of rational thought and judg-
ment, he broadened human dignity to include the acquisition of
moral virtuousness that makes a person 'beautiful', 'enjoyable', a 'piece
of art'. Socio-political dignity is a mere shadow compared to the
radiance emanating from ethical-aesthetic beauty (Wils 2002b, 539).

Pico della Mirandola

The context in which Pico della Mirandola lived was also influenced
by classical thought, not so much by Stocism (although this school
greatly influenced the Renaissance, which permeates his work)[5] as
by Platonic and neo-Platonist thought. Indeed, he was one of the
first exponents of Christian humanism (De Lubac 1974, 399–400).
In addition his work is marked by another school from Hellenistic
antiquity, Scepticism, which, with the rediscovery of ancient philos-
ophy, had an impact on this period. One could say that, because
of the Platonic influence, Pico assigned great weight to human ratio-
nality, but under the influence of Scepticism he tempered its impor-
tance significantly by setting intrinsic limits to human knowledge,
certainly when it came to Christian religion. Human rationality is

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[5] Three phases can be identified in the influence of Stoicism on the Renaissance:
the first – the rise of the Renaissance, which was Pico's period – was unaffected
by Stoicism; the second, the late 16th century, is associated with the name of Justus
Lipsius; and the third was a period of fragmented influence in the 17th and 18th
centuries (Moreau 1999).

not essential for knowledge of the Godhead, but it can serve a use-
ful purpose inasmuch as it affirms and supports religious knowledge
(Granada 2001). Judging by his treatise *De hominis dignitate*, regarded
as a manifesto of early modernity, it is not surprising that he bases
human dignity on rationality, which in its turn is imbedded in a
religious and theological focus on God.[6]

A remarkable feature of this rationality is that it functions in the
mode of free choice, even more specifically the mode of freely choos-
ing one's own life project, one's own life – which need not surprise
us, for Pico was a champion of *liberum arbitrium* (De Lubac 1974,
398). Thus he depicts God the creator as follows: "We have made
you neither celestial nor terrestrial, neither mortal nor immortal, in
order that you, a free and sovereign artist, may sculpt and model
yourself in the shape that you yourself prefer" (Pico 1968, 11 – our
translation). The art of modelling is the source of people's designs
for their individual life projects: it enables them to take their lives
in hand themselves, to direct and steer them according to their own
insight; it provides a kind of springboard for self-determination and
self-actualisation in the perspective of the future.

Kant

Cicero's rationality and Pico's self-reflective, creative freedom con-
verge in an unsurpassed manner in the philosophy of Immanuel
Kant, albeit from a totally different angle – that of transcendental
thought. According to Kant human dignity consists in people's tran-
scendental self-reflection, and within that in their freedom and voli-
tion. Kant was closer to Cicero than to Thomas Hobbes, who
antedates him by only a century and whose ideas he subjected to
fierce criticism. In his *Grundlegung zur Metaphysik der Sitten* Kant makes
a distinction between price and value. Price belongs to economic
traffic, in which goods are bought and sold and prices fluctuate
according to laws of supply and demand. The price of a general

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[6] Pico probably still had one foot in medieval thought with its hierarchic, cos-
mic order of creation (Taylor 1989, 199–200) and its scientific-theoretical order, in
which ethics, logic and dialectics constitute the three rungs (*philosophia tripartita*) in
the knowledge of God, specifically for purging the passions and the intellect, but
in which faith and theology alone enable people to love God knowingly (Euler
1998), and the other foot in Renaissance humanism with his proclamation of human
dignity grounded in human rationality, although in the process he reverts to Platonic
and neo-Platonic thought (Valcke & Galibois 1994).

likewise varies, not as a person but as a general: in times of war he is more expensive than in peace time; by the same token the price of a professor varies, but conversely, for in times of war professors are cheaper than in peace time – that is according to Hobbes; to which we would add: so does the price of theologians – they are cheaper in religious eras than in a secularised age, and the other way round.

But what applies to generals, professors and theologians does not apply to human beings qua human beings, says Kant. Human beings do not have a price, they have value; they represent value – intrinsic value, ends in themselves. On this basis he formulates one variant of the third definition of the categorical imperative (altogether there are about ten variants): "Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end" (Kant 1964, 96). This is a brilliant dictum. After all, there is no action in which human beings do not use both themselves and the other as means. They are always used as means but, Kant insists, they should not be used as a means only, but always at the same time as an end. Here one observes the so-called structure of motives, which is eternally present in all human activities: one cannot but act out of self-interest and in the process make it seem that one is acting out of moral conviction – either for the good of the other or for the common good. One does so by acting in accordance with duty, but that is not the same as acting *from* duty. Kant argues that however much one may – seemingly – act in accordance with duty, one is bound also to act *from* duty. Acting *from* duty means not using others purely as means but always at the same time as ends, as having value in themselves (cf. Rawls 2000, 177–180). This applies not only to others but also to one's own person: you are not to use your own person purely as a means, for instance to acquire (more) money, power or prestige, but always at the same time as something that has value in itself. That is the difference between the norms of economics, politics and society and those of morality.

The fact that human beings have value in themselves does not derive from nature, of which they are part, nor from history, in which they participate, nor from inclination, nor from a divine will. It derives exclusively from themselves, from their own moral will, their good will whose actions not only accord with duty but come from duty. That good will constitutes people's moral quality, which

stems from their autonomy, their self-sovereignty. Moral self-sovereignty implies that human beings do not submit to anybody or anything outside themselves, but without lapsing into licentiousness. Here the criterion of universalisability applies, which leads to the first formulation of the categorical imperative. It stipulates that one should always make sure that one wants the law on which one's own actions are based to apply to the actions of everybody else in a similar situation, with due regard to the consequences of such action for others and for oneself: "Act only on that maxim through which you can at the same time will that it should become a universal law" (Kant 1964, 88). When the criterion of universalisability is met, human beings realise their autonomy by being the authors of the moral law to which they submit themselves. It is this genuine autonomy – being a law (*nomos*) to oneself (*autos*) and submitting oneself to it – that constitutes human dignity.[7]

Here one may distinguish between individual autonomy and political autonomy. The former refers to people's ability to organise their own lives, the latter to their ability as citizens to take part in their own government, which is the basis of democracy (Ingram 1994, 106–112). Both aspects imply the dignity of human beings, which is the very basis of human rights. What this means is explained by a much quoted passage by Feinberg: "Having rights enables us to 'stand our ground as human beings', look others in the eye, and feel that we are fundamentally equal to everybody else. The notion that one has certain rights of one's own is not improper, but gives one a certain pride and the self-respect that is necessary in order to

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[7] This universalisation claim calls for critical comment on the bigoted and superior Eurocentric particularism in Kant's work. He ascribes human dignity only to whites, not to non-white peoples – red, black and yellow peoples, as he calls them deprecatingly; these he knew only from books and the stories of sailors in the harbour (cf. Eze 1997; Serequeberhan 1997). The same particularistic spirit of superior bigotry that declares itself the criterion of universality is apparent in Hegel's work, not only in regard to the African population but also in relation to the Asian (oriental!) and Graeco-Roman period (prehistory) as well as the American period (post-history). He wrote: "African men are not real human beings . . . The human being, that is the European [male] citizen [in a constitutional state]. The universal history, that is the oriental and Greek-Roman prehistory of Europe, Europe's own history and its American posthistory. All that is situated beyond these frontiers and resembles humanity and history, is really located between the animal and the human being, and cannot be mediated with history," as Heinz Kimmerly critically summarised Hegel in his *Die Dimensionen des Interkulturellen* (Amsterdam 1994, p. 110), quoted by Hengelbrock (2004, p. 3).

receive love and respect from others. In fact, respect for people . . . is simply respect for their rights, so that the one is impossible without the other; and what is called 'human dignity' is simply the acknowledgment that people are entitled to rights" (Feinberg 1980, 151).[8]

The enigma of autonomy The fact that human rights can be legitimised on the basis of human dignity, and that human dignity is grounded in human autonomy and not in God, does not mean that they have shallow foundations. Human autonomy grounded in the self has a profundity that assumes enigmatic features. The notion that there is nothing besides human beings themselves, who make their own laws and submit themselves to these, borders on the ultimate, reaches to infinitude, touches on the sublime. For this reason it merits unconditional respect and esteem; it commands humility and deference; it calls for reticence and reverence. For it has to be protected and shielded against violation and violence in order to remain intact and unscathed in its sublimity. The enigma is human beings themselves: their dignity, their moral will, their autonomy.

Do we stop there or do we invoke religion/theology to clarify the enigma further? It depends. If we stay with the Kantian discourse, opinions diverge: it depends how narrow or how broad one's interpretive framework is. Here there are three views: a stringent, a broad and an intermediate view.

If we confine ourselves to Kant's text on human autonomy, one could say that the enigma resides in human autonomy itself without any call for religion. That would undermine both human dignity as an end in itself and the intrinsic value that makes a person a human being, her moral will, her autonomy. It would conflict with Kant's distinctive approach in his *Grundlegung zur Metaphysik der Sitten*, from which the text on autonomy derives (cf. Wils 2002, 540).

The intermediate view goes a step further. The text on autonomy is interpreted by relating it to ideas from Kant's other works on the ultimate, the infinite and the sublime that inspire awe and wonder. In terms of these notions it is said that human autonomy verges on the ultimate, the infinite and the sublime, and that this opens up a perspective on the mystery that is God, who likewise evokes this

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[8] J. Feinberg, The nature and value of rights, in: *Rights, justice, and the bounds of liberty. Essays in social philosophy*, Princeton 1980, 151; cf. A. Honneth, *Kampf um Anerkennung. Zur moralischen Grammatik sozialer Konflikte*, Frankfurt 1992, 194.

(or similar) awe and wonder. That gives human autonomy a reli-
gious tincture or tone and puts it in a religious sphere (Santeler
1962, 273ff.).

As a representative of this intermediary view we could cite Derrida
(1996) when he refers to a 'Kantian gesture' (*geste kantien*) – 'gesture'
connoting an interpretation that goes beyond a strict reading of the
text. Derrida interprets this gesture by drawing on the findings of
research into the meaning of the words 'sacred' and 'holy' in Indo-
European languages.[9] The word 'sacred' (*sacer*) refers to feelings and
attitudes like reticence, hesitancy, respect, circumspection. It indi-
cates a certain quality in things, animals or people that calls for
solicitude, humility and deference (Benviste 1969, 269–270). The
word 'holy' (*sanctus*) refers to wholeness, health, physical integrity,
which has religious overtones (Benviste 1969, 186–190). Derrida adds
that 'holy' is a dynamic word, also connoting things like healing,
bringing about health and recovery. On the basis of the conjunc-
tion of the words 'sacred' and 'holy' in the course of history Derrida
concludes that it boils down to deference and concern for life, human
life, which should remain unscathed, sacrosanct, which should be
restored when it is impaired, and which calls for constant protec-
tion and healing.[10] Sacrosanctness, says Derrida, assumes the qual-
ity of religion (Derrida 1996, 34). In other words, when it comes to
human integrity and human dignity we tread on sacred ground.[11]
And when they are violated and restored the horizon of salvation
opens up (Derrida 1996, 64–65, n. 25).

The broadest view is that Kant needed God as a basis for his
morality, but that this was the God of reason, not the God of rev-
elation (Manenschijn 1999, 67ff.). Even if this were true, it is far
removed from Kant's text on autonomy.

We ask ourselves: do we stop short at the enigma of human auton-
omy or do we invoke religion/theology to clarify this enigma in
greater depth? In the framework of the section on human dignity

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[9] The Indo-European languages extend from Central Asia to the Atlantic and
comprise language families such as the Indo-Iranian, Greek, Latin, Celtic, German,
Baltic and Slavic families.

[10] Whereas Levinas relates the word 'sacred' to Graeco-Roman paganism and
the word 'holy' (*kidouch*) to Jewish law, Derrida (1996, 24) links them together.

[11] In the case of our responsibility for the inviolability of human beings, too, we
tread on holy ground, as emerges from the etymology of the word 'respond' in the
sense of 'promise to . . .' and 'promise that . . .' (Benveniste 1969, 209–215).

in *Grundlegung zur Metaphysik der Sitten* we stop short at the following point: the limit of the enigma of human autonomy is the enigma itself. The next two sections on the human being as the image of God, where this notion is related to human dignity, offer sufficient opportunity for theological reflection.

Absolute and relative autonomy But we do not stop short of a further problem, a perennial one in philosophical discourse, that needs to be discussed. That is the formalism that characterises Kant's thinking, also on this issue. The problem may be defined as follows: does human dignity in fact reside wholly and exclusively in human autonomy, which consists in humans making their own laws and submitting to these? Or does it reside in the extent to which people acquire human dignity and actualise it in concrete relationships in their life history, hence in the extent to which they manage to realise their human dignity? The first view pertains to human dignity as an a priori dignity, an absolute, dichotomous value; the second pertains to a dignity a posteriori, a relative, proportional, continuous value. The first is a matter of yes or no (dichotomous), the second allows for a certain proportionality, up to a certain point (continuous). The first is associated with the term 'self-determination', the second with 'self-realisation' (Habermas 1993, 129).

The distinction is of more than just theoretical importance. The first, absolute interpretation offers an (apparently) irrefutable hold: prohibition of instrumentalising human beings and an (apparently) absolute guarantee of their right to protection. The second, relative, proportional interpretation raises the question of which criteria one may or chooses to use to determine to what extent human dignity has been realised, and to what extent one cannot yet, or can no longer, speak of human dignity: at the limits, the beginning or the end of life.

Political and economic criteria A good hundred years after Kant inferred his theory, Hobbes provided two sets of criteria: political and economic ones. Human dignity can be measured by the official position the person occupies, with concomitant dignity, and thus earns a particular political price – reminiscent of Cicero's definition of human dignity. Another criterion might be the extent to which people participate in economic traffic, thus earning a certain economic price on the commodity and labour market (Negt 2003). In concrete

terms: should everyone wait their turn to undergo a serious opera-
tion when there are waiting lists because of a shortage of medical
and financial amenities (surgeons, nurses, hospital beds, operating
theatres, medication, budgets) and is it legitimised by the fact that
all human beings are equal on the basis of the absolute principle of
human dignity? Or should those who occupy high political positions
or fulfil important economic functions take precedence, quite apart
from the fact that a greater number of people, including colleagues,
subordinates and the general public (voters and consumers), are
dependent on their health?

Social criteria In addition to political and economic criteria one could
apply social criteria. These relate to the value people represent to
the social contexts they belong to, such as their family, professional
and recreational contexts. Or are they a burden on these contexts
and does that reduce their value and hence their price? Clearly this
is not a purely academic question, especially if one considers how
modern society deals with those who are on the fringes of all sorts
of social contexts: the area of life and death in the case of the unborn
and terminal patients; health care for those with severe mental hand-
icaps and psychoses; and the labour market in the event of long-
term unemployment and disability. The critical question in this regard
is, to what extent can one discern a trend in modern society to
exclude endangered, imperfect, accidental, vulnerable, suffering lives
(Ammicht-Quinn 2003)? To what extent is there a trend to exclude
people who cannot yet or can no longer function adequately, either
mentally or communicatively? Should people not be respected in
their very 'indignity'? Should they not be regarded and treated
respectfully in their non-humanity or even inhumanity? This applies
also to 'inhuman' human beings: "We honour ourselves when we
honour criminals or paedophiles without identifying them with their
crime or delict; just as we honour ourselves when we do not iden-
tify the dying with their suffering and seek to assist them in a rela-
tionship of solidarity and helpfulness in the experience of that
portentous moment" (Valadier 2003, 59; our translation).

Psychological criteria In addition to social criteria there are psycholog-
ical criteria. These pertain to the value people attach to their lives,
where they draw the line between glory and misery, splendour and
extinction, honour and decay, decorum and humiliation (Verspieren

2003). This clearly plays a role in the case of euthanasia: what does 'dying in dignity' mean? Does it mean dying with due regard to the absolute, inviolable, intrinsic value of human life, which prohibits any assault or outside intervention? Or does it mean that people must be free to decide for themselves – on condition they follow a carefully worked out procedure – to depart this life, at any rate when they clearly and continually experience that it is no longer worth living because of irreversible debility and decline resulting from not only subjectively experienced but also intersubjectively controllable, hopeless terminal suffering? When is life no longer worth living? Clearly the problem of dying in dignity is located in the polarity between 'formal', 'absolute' human dignity as an inviolable, intrinsic value on the one hand and 'relative', 'proportional' human dignity as a value that can be experienced psychologically on the other.

We would be denigrating the seriousness of these fundamental issues – issues involving no less than our perception of what makes a person a human being – if we accuse those asking such questions of 'dignity fundamentalism' or 'dignity liberalism'. As often happens, social labelling and stereotyping does not further substantive clarification and reflection but merely leads to (mutual) vilification, which denigrates the gravity of such questions (cf. Junker-Kenny 2003, 63 and 66).[12]

In our opinion this leads to the insight that the concept of human dignity is indispensable for adequate clarification of, and reflection on, the questions we have posed. But it also leads to the insight that the polarity between the absolute interpretation and the relative, proportional interpretation can and must be maintained. Put differently, human dignity is a limit category (Häring 2002, 269). As Kant pointed out, its substance consists in the intrinsic value and inviolability of human life: human dignity is grounded entirely in itself. But that does not detract from the fact that in this respect it borders on various other dimensions of human life. Thus it borders on the judicial dimension, without itself – being pre-judicial – becoming a judicial concept, which does not mean that it does not have a regulative

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[12] A complex problem in this regard, which we shall not dwell on here, is the distinction between the dignity of the human being and the dignity of the person. This distinction is relevant in discussions on both genetic technology and reproduction technology, in which the criterion is the dignity of the person rather than human dignity (cf. Junker-Kenny 1998), and in debates centring on the value and rights not just of human beings but also of animals, Here the aim is to combat species-based discrimination and advocate animal liberation, thus further complicating the concept of human dignity (Gruen 1994).

function. It also touches on the religious dimension without itself being a religious concept, although this does not mean that it has nothing to do with religion. And it touches on the social and psycho-social relations in which people live their lives, as noted above, without itself being a social or psychological concept, which again does not mean that it has nothing to do with these domains.[13]

Human dignity in constitutions

The fact that human dignity is a limit category is also evident in frequent references to it in the preambles to bills of rights and/or constitutions, sometimes only in the preamble, as in the Nigerian Declaration of Human Responsibilities of 1999.[14] Sometimes human dignity figures in both the preamble and the actual body of the bill of rights and/or constitution, as in the Universal Declaration of Human Rights of 1948, the African Charter on Human and Peoples' Rights of 1981 and the Charter of Fundamental Rights of the Union in the draft European Constitution of 2003. Sometimes a middle course is adopted, as in the South African Constitution, in which human dignity is not mentioned in the preamble but appears in chapter 1, which contains "the founding provisions". There it is said

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[13] What human dignity as a limit category means and does not mean, at least in religious discourse, can be explained with the aid of a parallel concept: limit experience. The term 'limit experience' is not in itself a religious category. It takes people to the limits of the purely human but cannot be called religious in the strict sense of the word, such as experiences of contingency, evoking positive feelings of joy, gratitude and precious fragility as at the birth of a child or in lovemaking, as well as negative feelings of vulnerability in the face of finitude, suffering and death. Within the overall category of contingency experiences Luhmann (1977, 30–31) distinguishes between limit experiences of identity (the fragile self – positive: the loved self; negative: the wounded self) and limit experiences of time (positive: gratitude for the past, hope for the future; negative: grief because of unfulfilled expectations, powerlessness to control time; cf. Van der Ven 1998b, 238–239). When such limit experiences turn into religious limit experiences – which can but does not necessarily happen – the experiences themselves undergo a fundamental transformation in that they change from a limit-*of* experience into a limit-*to* experience, thus opening the way to experience of the divine (Tracy 1986, 160–161).

[14] This does not mean that if human dignity features only in the preamble it loses its importance, since the function of the preamble to a constitution is laid down in section 31(2) of the Vienna Convention on the Law of Treaties of 1969, thus articulating a rule of international law, namely that all norms contained in a constitution should be interpreted also in terms of its preamble (Van Dijk et al. 2002, 454–471; Frankenberg 2001, 515, n. 18).

that "the Republic of South Africa is one, sovereign, democratic state founded on the following values: human dignity, the achievement of equality and the advancement of human rights and freedoms", whereafter the ensuing sections refer to other values such as non-racialism and non-sexism, the supremacy of the constitution and the rule of law, universal adult suffrage, a national common voters' roll, regular elections and a multiparty system of democratic government. Section 7 of the bill of rights in chapter 2 cites human dignity as one of the three democratic values, along with equality and freedom. Section 10 of the bill of rights states: "Everyone has inherent dignity and the right to have their dignity respected and protected." And section 39 reads: "When interpreting the Bill of Rights, a court, tribunal or forum must promote the values that underlie an open and democratic society based on human dignity, equality and freedom."

Why is it noteworthy that human dignity sometimes features only in the preamble and sometimes in both the preamble and the actual text of these documents? It is not so much a question of the importance, even focal importance of human dignity in comparison with other rights, but whether human dignity is considered fundamental to these rights. When it is fundamental, it is referred to in the preamble. When it is important it is referred to only in the actual text. When it is mentioned in the preamble it is said to have pre-judicial or super-judicial value, or pre-positive or super-positive value, because it precedes or transcends the judicially positivised actual text of the constitution. When it appears in the actual text, it is fully incorporated into the positivised actual judicial text as one category alongside other categories in this text, albeit (possibly) occupying a focal position among them. When it is referred to in both the preamble and the actual text it fulfils both functions: a pre-positive or post-positive function as well as a positive function.

This fundamental issue is a topic of debate in constitutional and international law at present (Marhaun 2001, 242–246, 263–271). The Dutch constitution does not contain a single reference to human dignity or any other legitimising concept, implying that it should be interpreted entirely in terms of positive law (Kortman 2001, 23–25). Cynics might quip, "As if that makes a difference!" After all, the debate on human rights and the position of human dignity in them is conducted no differently in Dutch public discourse and parliament than in any other country, whether or not the term occurs in the

constitution. Whatever one may think about the results of the actual
debate on human rights – for instance on topics like abortion, euthana-
sia and same-sex marriage – in the Dutch parliament, such a com-
ment negates the essence and meaning of each and every constitution
or bill of rights, because it touches on the regulatory function it
fulfils, in addition to its constitutive and attributive functions. The
regulatory function refers to the curbing of government power, and
here the fundamental rights – including human dignity, which under-
girds them – play a major role: they are the most substantive com-
ponent of the rule of law. The constitutive function relates to the
institution of official positions by the constitution, whereas the attribu-
tive function refers to the assignation of powers to these positions
(Kortman 2001, 40–53).

When human dignity is mentioned in the preamble it implies that
it is "above all price and so admits of no equivalent", as is said of
the South African Constitution in terms of Kantian philosophy (De
Waal, Currie & Erasmus 2001, 231). The position of human dig-
nity in chapter 1 of that constitution, "The founding provisions",
gives it foundational significance. That this significance is practical
as well is evident in the behaviour of the apartheid regime, under
which "blacks were treated as means to an end and hardly ever as
an end in themselves; an almost complete reversal of the Kantian
imperative and concept of priceless inner worth and dignity," as
L. Ackerman, a member of the South African constitutional court,
said with explicit reference to Kant (Cowen 2001, 43).

The fact that the term 'human dignity' occurs in the founding
provisions, or in the preamble as in other constitutions, means it
cannot be weighed against the other rights mentioned in the docu-
ment. If there were to be some conflict between human dignity and
other rights (e.g. the right to property, free expression or religious
freedom), its absolute value would remain inviolate. But if human
dignity does not appear in the preamble but only in one of the
sections, even if it is the first one, then in any conflict with other
rights – which are bound to arise – it will be subject to a process
of weighing, appraisal and decision; that means it may have to yield
to some other right or at any rate play second fiddle to it. When
that happens human dignity changes from an absolute value to a
right on a sliding scale.

Because of the growing emphasis on positive law ever since the
Enlightenment a case is being made that even when human dignity

is mentioned (only) in the preamble, it should not be regarded as an absolute value but as a relative, positive right. Because of the sliding scale character this assigns human dignity, it would pave the way for constitutional balancing of this right against rights that conflict or are seen as conflicting with it in concrete situations, as in the case of euthanasia. Here the conflict becomes extremely acute, for in the legitimation of euthanasia human dignity as such is at stake, which is said to be the 'right of dying in dignity' (Israel Yearbook on Human Rights 2000). Against this background the debate in Germany is understandable. There human dignity is referred to as inviolable (*unantastbar*), not in the preamble but in foundational section 1 of the constitution, and certain commentators now claim, counter to constitutional tradition, that the human dignity referred to in that section should be interpreted as a positive right. Advocates of the absolute, foundational character of human dignity fear that, because of the sliding scale character of all other norms in positive law, the door will be open not only to euthanasia but also to abortion, suicide, heterogeneous insemination, therapeutic cloning and reproductive cloning. All this has triggered heated debate, especially in Germany, which is understandable in the light of its specific history.[15]

Here one observes the importance of Kant's notion of the absolute character of human dignity, which cannot be bought at any price but constitutes an intrinsic value. But it is also evident that in the practice of everyday life with its inherent contingency and finitude one cannot bypass the polarity between the notion of its absolute value and the actual conditions of human life, which can turn it into a relative, proportional value. On the one hand loudly proclaiming the absolute value of human dignity without being prepared to enter into the misery of human life merely adds to the misery. On the other hand absolute libertinism that permits and condones any intervention in human life, however arbitrary, plunges society as human society into an abyss.

The absoluteness and relativity of human dignity do not present a contradiction but a contrast, implying that the two poles cannot

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[15] E.-W. Böckenförde, Die Würde des Menschen war unantastbar. Abschied von den Verfassungsvätern: Die Neukommentierung von Artikel 1 des Grundgesetzes markiert einen neuen Epochenbruch, in: *Frankfurter Allgemeine Zeitung* 03.09.2003, no. 204, S. 33; R. Leicht, Menschenwürde. Wahret die Anfänge! Bislang galt die Menschenwürde als uantastbar. Ein neuer Kommentar des Grundgestezes bricht das Tabu, in: *Die Zeit* 11.09.2003, no. 38.

exist independently but require each other in order to exist. Do we
have any option but always, in every real-life situation, to weigh and
decide, in terms of the polarity between absoluteness and relativity,
what is good, just and wise in this particular situation, and to explain
our reasons, thus clarifying the decision, however fragile it may be?
Is there any option other than what, following Ricoeur, one could
call a kind of attestatory judicial decision – a term summing up the
entire process of deliberating and weighing arguments for and against
and the direct effects and side-effects, including the realisation that
the situation is so pressing that a decision has to be taken, without
delay – a decision consonant with honour and conscience (Ricoeur
1992a; 2000a)?

6.2. The human being as the image of God

A point worth noting in the aforementioned debate in Germany is
that it is not confined to the position of human dignity within the
spectrum of human rights. In public opinion the concept is also
linked with a biblical metaphor of the human being as the image
of God. Along with human dignity, the human being as the image
of God is at stake – that is the gist of it.[16] Because of the intimate
connection between the two notions, it makes sense to examine this
biblical metaphor more closely. Although we call it a biblical metaphor,
the influence of Mesopotamian and Egyptian religion on P, the
priestly document in Genesis where the metaphor occurs, is undis-
puted in present-day exegesis of the Hebrew bible. Hence we shall
start there.

Religious hegemony

But before we turn to the meaning of the metaphor 'image of God'
we want to clear up a possible misconception. Above we mentioned
the position of the theme of human dignity in the preamble to the
constitution and/or in the actual text of any constitution, be it a
section reserved for foundational provisions or the very first section
of the text. This could give rise to the misconception that, because
the themes of human dignity and the image of God are so closely

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[16] This appears in the article by Böckenförde, cited in the previous note.

linked, we are also advocating the inclusion of the second theme (the image of God) in the preamble to constitutions. That is not the case. Firstly, establishing such a connection – strange as it may sound – would violate human dignity itself. Human dignity demands not just passive tolerance but respect for all people, whatever their religion or belief, also if that belief is non-Christian or nonreligious. It would also infringe one of the most fundamental rights in any constitution, the right to non-discrimination, specifically as defined in the right to non-discrimination on the basis of religion and belief in the South African constitution: "The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including . . . religion, conscience, belief . . .", these grounds being mentioned in addition to others like race, gender and sexual orientation (section 9(1)). Finally it would contravene the right to religious freedom, as defined in the South African constitution: "Everyone has the right to freedom of conscience, religion, thought, belief and opinion" (section 15(1)). Religious freedom includes the right to propagate one's religion or conviction, be it religious, nonreligious, agnostic, atheistic or anti-theistic. Inclusion of the metaphor 'the image of God' in either the preamble or the text of the constitution would flagrantly contradict all these provisions.

Against this background inclusion of the metaphor 'image of God' in the preamble to any constitution will attest that which we are not only trying to avoid in this chapter but which we are also advocating should never happen again: religious hegemony. Earlier we located such hegemony in the polarity between religious particularism and universalism, and among the various forms of universalism we mentioned hegemonic universalism. It does not mean that we reject all forms of universalism – on the contrary, and especially not what we have called dialogical universalism, which the synoptic Gospels consider characteristic of Jesus' ministry in the perspective of the kingdom of God. Rejecting this dialogical universalism would be tantamount to cutting out the very heart of Christianity (chapter 4).

But what we are keenly alert to is the pitfall of hegemonic universalism, in which Christianity has all too often landed in the course of its history (Häring 2001). We have dwelt at some length on the consequences arising from the fact that Christianity was declared the official religion of the Roman empire in the 4th century, and to the religious pillaging and conquests that commonly occurred during the decline of the Roman empire and the centuries that followed.

Nor need we dwell on the crusades that sowed death and destruction in the Middle East. And the mere mention of the practices of the Inquisition is sufficient to indicate that we have no desire to see the return of religious hegemony, even if it were possible (chapter 5).

In other words, in a society characterised to the core by a plurality of religious and nonreligious world-views inclusion of the metaphor 'image of God' – however rich it may be, as we shall see – would mean being guilty of hegemony, not only over religions to which the metaphor is not just alien but possibly abhorrent, such as classical Buddhism, but also over fellow citizens who do not wish to identify with any religion and have embraced purely immanent convictions, beliefs, values and norms instead.

The same objections apply to any reference to God – on its own or in conjunction with the metaphor 'image of God' – in the preamble to a constitution. As mentioned already, the South African Constitution of 1996 mentions God twice in the preamble, in the rhetorical invocations "May God protect our people" and "God bless South Africa" – the latter in six different languages. Both invocations have a structure of longing for divine benediction (*benedictio Dei*). The references to God in the preambles to other constitutions have a different structure, as in the Swiss constitution where God's presence is invoked thus: "In the name of God almighty" (*invocatio Dei*); and in the German constitution, which calls for awareness of human responsibility before God: "Conscious of their responsibility before God and men" (*nominatio Dei*); this also appeared in the preamble to the South African interim constitution of 1993, albeit in a different form: "In humble submission to Almighty God" (Devenish 1999, 178).

The question is, which God is being invoked in these constitutions? Is it the Christian God – if there is *a* Christian God rather than a plurality of names and interpretations of God – or a kind of deistic divine being, as in the French Declaration on the Rights of Man and of the Citizen of 1789 cited in the previous chapter, which refers to 'the supreme Being' (*l'Être suprême*)? It is not just a matter of whether Christian churches and their members could identify with such a deistic image of God, but whether Christian groups that do identify with it would be right to do so – which, after all, is a normative question. But the fundamental objection to any reference in a constitution to God, whether biblical or deistic, is that it is unjust to the many religions and nonreligious world-views whose adherents are no less members of the constitutional state than Christians, such

as adherents of official Buddhism (which, in contrast to folk Buddhism, recognises no God) or groups in society who regard themselves as atheists or even 'missionary anti-theists'.

One could argue that any reference to God in the preamble to a constitution is not meant to ground that constitution in God, supposedly representing some sort of primordial origin of nature and history, but falls in the ambit of the religious hope that in the eschatological future at the end of time God will reconcile and consummate nature and history: God all in all. On the strength of this religious hope that embraces the whole world and all humankind, especially those who died or were killed in vain, there are advocates who want to have some reference to God included in the preamble: not a kind of primordial God but an eschatological 'preamble God' (Essen 2001a). But this, too, does not solve the problem of the pluralism of religious world-views and of religious and nonreligious world-views.

In this respect the 1997 constitution of Poland, a nation in which Catholics form a dominant majority, presents an interesting solution: "We, the Polish nation – all citizens of the Republic, both those who believe in God as the source of truth, justice, good and beauty, as well as those not sharing such faith but respecting those universal values as arising from other sources, . . . hereby establish this Constitution of the Republic of Poland as the basic law for the State . . .".

Hence it is appropriate that in the United Nations' Universal Declaration of Human Rights of 1948, the scope of which is global, God has disappeared from the preamble. It also no longer refers to human rights as sacrosanct, as did the French Declaration of 1789, but only as inalienable – which, incidentally, stems from natural law thought, as we saw in the previous chapter. We may say 'only as inalienable', but in terms of their intention and structure the human rights in the Universal Declaration require no foundation other than human rights and human dignity: they refer to themselves, they are self-evident (cf. Fuchs & Stucki 1985; Henkin 1995, 174).

What we would consider legitimate is for the preamble to a constitution to refer to the cultural, philosophical, spiritual and religious traditions that have significantly influenced the history of a particular political entity, for instance South Africa – including the three major Abrahamite traditions, Judaism, Christianity and Islam, that worship 'the God of Abraham, Isaac and Jacob', as well as traditional religions that worship 'the God of our forebears' and Hinduism

that worships the one and only God present in a pantheon of Gods. This would accord with the fact that the preambles to constitutions or declarations of human rights frequently mention the history of the country or countries concerned. It could be pointed out that the theme of human dignity is imbedded in these religious traditions and for that reason they should be seen as contributing to the reflection on the very meaning of human rights – albeit critically, in view of the travesties of human dignity and human rights perpetrated by the various religions, both in the past and to this day. The draft of the European Constitution of 2003 wrongly omits to mention the three major Abrahamite traditions existing around the Mediterranean (*mare nostrum*), even though Europe was largely shaped by these traditions. It merely refers to the inspiration derived from "the cultural, religious and humanist inheritance of Europe, the value of which, still present in its heritage, has embedded within the life of society the central role of the human person and his or her inviolable and inalienable rights, and respect for law." In the preamble to Part II of this draft, containing the Charter of Fundamental Rights of the Union, the reference to this heritage is even more generalised and bleak, almost vacuous: "Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity."

Hence we are not advocating either the inclusion of the metaphor 'image of God' or a reference to God in the preamble to any constitution. When we explore the meaning of this metaphor below we merely want to see what implications the theme of human dignity has from the inside perspective of the Christian tradition. We do so by examining what explanatory and critical light this tradition's texts and interpretations of 'the image of God' cast on our theme. The aim is partly that members of Christian churches should champion a true human rights culture not merely on profane but also on religious grounds. But it is also meant as a conscious contribution to the development of what has been called an overlapping consensus, in this case in the area of human rights (Rawls 2000). Adherents of diverse religious and nonreligious world-views participate in the development of such an overlapping consensus and are also vehicles of it – at least, they ought to be. In so doing it is important that these groups not only demonstrate their participation in such a consensus, but also explicitly, deliberately and publicly present their own traditions' distinctive images, concepts, inspirations, motives, reasons

and legitimations for such consensus. This is important in order to prevent these traditions from disappearing from the public eye, for in the long run that would undermine the very basis of the consensus (Stout 2003).

Image of God: an infrequently used metaphor

From the angle of the Christian tradition, we start with a somewhat startling discovery, namely that the focus on the metaphor 'image of God' is, to say the least, extraordinary, for at least two reasons. Firstly, it occurs in only three places in the Hebrew bible: Genesis 1:26–27; 5:1–3; 9:5–6. Of these the most important is Genesis 1:26–27, which reads: "Then God said: 'Let us make humankind in our image, according to our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the wild animals of the earth, and over every creeping thing that creeps upon the earth.' So God created humankind in his image, in the image of God he created them; male and female he created them." Psalm 8, which does not contain the expression 'image of God' but does connote it, is regarded as the best commentary on our Genesis verses available: "Yet you have made them a little lower than God, and crowned them with glory and honour" (Ps 8:5). In the Hebrew bible the expression 'image of God' is an almost unique metaphor, but despite that it is considered focal to modern exegesis and theology.

Secondly, the expression appears to contradict the fact that biblical thought, in contrast to contemporary Egyptian and Mesopotamian thought, allows little scope for images depicting the deity, mainly because of the prohibition of images. This does not means that Israelite religion made no use of images, as the traditional view wrongly supposes. There were the cherubim, the ark, the throne or footstool, even a composite image comprising human and animal elements, the so-called 'mixed being' (*Mischwesen*).

Besides, insofar as images were not used at all, one has to distinguish between actual non-use of images (de facto an-iconomism) and the prohibition of the use of images (programmatic or de iure an-iconomism). The prohibition can also be viewed from two angles: an external angle on the relation between Israel's religion and that of neighbouring peoples, and an internal angle on the relation between the king and God within Israelite religion. From these two angles a God-related and a king-related aspect may be distinguished.

From the external angle the prohibition of images may be interpreted as intolerance towards the religions of neighbouring peoples, where images of deities featured prominently; also as expressive of religious ethno-centrism, taking not only an intolerant but even an aggressive stance towards 'the other' and regarding it as alien and even hostile, hence as expressive of a friend/foe mentality (Assmann 2000, 262–264). It could also be interpreted as criticism of the monarchic ideology of the neighbouring peoples in which the king was said to be the image, the representative or the son of God.

From an internal angle one could interpret the prohibition of using images as expressive of faith in the transcendence of the biblical God and the monotheism it entails. In this context one could ask whether the description of the human being as the image of God in Genesis should in fact be interpreted as criticism of the monarchic ideology in Israel itself and as expressive of a religiously legitimised attempt to abrogate the absolute sovereignty ascribed to the monarch in that ideology: not (only) the king is the image of God, every human being is (Schmidt 1995). Let us examine what the expression 'image of God' implies.

Image of God in Egypt and Mesopotamia

On the basis of modern exegetic research one can assume that the expression does not come from original biblical thinking but, as mentioned already, from that of Egypt or Mesopotamia.[17] Some scholars believe it derives from Assyria and that the priestly writer (P) imported it into Jewish tradition from Mesopotamia shortly after the exile, whereupon it ended up in the book of Genesis. Others disagree, maintaining that the expression dates back further. Since the Hebrew word '*selem*', meaning 'image', had the negative connotation of 'idol' since the 8th century B.C.E., and there is no direct evidence that it was used during or after the exile to indicate the human being as the image of God, the expression must date back to pre-exilic material in Genesis. Accordingly it is argued that it derives from Egypt and its introduction into the biblical tradition must be viewed in the context of interaction between Egypt and Israel at that time, such as Egyptian hegemony in Canaan up to the 12th or 11th century B.C.E., as well as close contacts during the reign of Solomon

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[17] Unless otherwise indicated this section is based mainly on Curtis (1984).

and the invasion by Shashak after the death of Solomon. In other words, there were plenty of opportunities over a period of several centuries for Egypt to have influenced Israel's use of the expression 'image of God'. Yet others maintain that the expression was imported into P from Mesopotamia shortly after or during the exile, but that Assyria had been subject to earlier Egyptian influence (Koch 2000, 19–20).

From research in Egypt, where material is far more plentiful than in Mesopotamia, it appears that the term 'image of God' was originally applied to statues depicting the relevant gods, particularly since the Nineteenth Dynasty (ca. 1300 B.C.E.). These statues were not regarded as inanimate objects, as the Jewish prophets thought them to be, but as living, sentient beings. When a statue was crafted a ritual was enacted, a (nocturnal) ceremony of 'mouth washing and opening', associated with the opening of eyes and ears, which endowed it with life, whereupon "the gods entered into their bodies, of every wood, every stone, every clay, everything that grows upon him, in everything which they came to be" (Curtis 1984, 98). It was in these cultic images that the god's spirit was considered to be actively present. The statue was not the god, however, but merely served as a place for the god to assume visible form and manifest himself. In this manifestation the god was considered to have the same needs as ordinary human beings, such as the need to eat and sleep. Hence the table in front of the god carried water for the god to wash himself and food and drink to partake of. A bed was made so the god could be carried to the bedchamber to sleep. Sometimes a sacred play of a divine marriage was performed, in which a divine couple entered the bedchamber and remained there for several days and nights. The statues were carefully tended: they were washed, cleaned, perfumed with incense and beautified with cosmetics.

Some statues fulfilled (in diverse ages and places) not just a manifestation but also a representative function. This is evident in the stereotyped execution of such statues. The accent was not on physical likeness to the god but on the role the god played and the physical accessories required for that role, which were also depicted, for instance an animal or a weapon.

Images were made not only for the gods, but also for the dead. The underlying belief was that one could not believe in life after death unless the deceased's body remained intact. Hence enormous effort was invested in preserving the body through mummification.

Once the body had been identified with an inscription and magically animated by the 'opening of the mouth' ceremony, it replaced the body of the deceased. Kings especially were mummified after their death and placed in splendid tombs, which became places of pilgrimage and exercised a cohesive social and cultural influence.

Statues of kings were also made to serve as centres for a royal cult. They were placed in a temple to commemorate the king's servitude to the particular god. Some statues, known as votive or dedicatory, were dedicated to a god. They acted as mediators between people who came to pray to the god and the deity. There are instances where sacrifices and offerings were made to the statue of a king, the latter acting as a representation of the god. In some cases such statues were put up on the borders of the kingdom, symbolising a division between the cosmos of the kingdom and the chaos of barbarism beyond it, with the king's presence as protection against it, whether more or less in person or as a representation. Statues of kings were also put up in territories conquered from enemies to make it clear that sovereignty had passed to this king.

The earliest application of the expression 'image of God' to the king was in the Seventeenth Dynasty. Thus the god Amun-re told Amenophis (1402–1363 B.C.): "You are my beloved son who came forth from my body, my *hntj* ('image') whom I have set up on earth" (quoted in Curtis 1984, 87). The expression also occurs in coronation inscriptions. Thus the king became the god's earthly manifestation, in the same way that statues of gods fulfilled a manifestation function. The king is seen as the embodiment of the god, especially the creator god, above all when he officiated in cultic ritual. This close connection between gods and kings was probably strengthened by the fact that the god was also called king, not in relation to people but in relation to other gods. The world of the gods was conceptualised as a socio-morphic phenomenon: just as that god was king over other gods, the pharaoh, the god's representative, was king over the people (Assmann 2000, 110).

There are a few texts in which people other than kings were called images of God. Thus a Memphite priest is called 'image of Ptah', and a late-Ptolemaic priest of Amun says: "I am your image (*snn*) who originated from you" (quoted in Curtis 1984, 92). This happened mainly when the priest officiated in a cultic ritual.

An exceptional case is the Instruction for King Merikare, possi-

bly composed in the First Intermediate Period (ca. 2150–2050 B.C.E.). Here human beings are called images of God, without any reference to king or priest. One creation hymn declares: "They are his image (*snnw*), who came from his body" (quoted by Curtis 1984, 91).

Genesis In Genesis P takes over this royal title. Exegetes agree that, whereas the Hebrew words used in this connection – *selem* ('image') and *demut* ('likeness') – differ etymologically, there was little or no substantive disparity between them (Gross 1995). It is argued that the Priestly writer did not simply take over the title 'image of God' from the religions of Egypt and/or Mesopotamia but transformed it critically by putting it in an apparently new creation-theological framework and giving it an apparently new democratic meaning. From our cursory outline above, however, it is clear that this transformation should not be exaggerated, for there are known Egyptian texts, as we saw, with a definite creation framework and at least one text in which not just the king but all humans are called images of God.

Nonetheless the creation-theology framework is relevant, because from it one can infer the meaning of the expression 'image of God', also in a universal sense as referring to all people. Most exegetes no longer regard P as a schematised, sterile collection of texts with a ritualistic purport. Instead it is seen as a compilation of earlier narrative texts based on creation theology (P^g), with later supplements (P^s) which give it the character of a ritual law code (Zenger 1999).

The real question is what the image of God means in terms of creation theology. Despite the theological interpretation that became rooted in Christian tradition over centuries, virtually all exegetes are agreed that this is not an ontological concept of the essence of human beings designed to convey their creaturely or even divine nature. A divine nature is entirely out of the question, for if anything is clear from the broader context of the creation story, it is the overriding transcendence of God in contrast to human creatureliness. But the idea of an ontological definition is equally unacceptable, since the accent is squarely on the function that human beings, *as* images of God, fulfil on God's behalf in relation to the rest of creation, as implied by their representation of God (Gross 1995). On the other hand exegetes generally agree that this functional relation of humans to God – or of God to humans, as Barth cum suis would have it –

remains abstract; its concrete implications cannot be deduced either
from the creation story or from Genesis (Jónsson 1988).

Image of God and connective justice

Here we turn once again to Egyptological research into the 'image
of God' metaphor. In the available Egyptian texts one encounters
what is known as the trinitarian model, which contradicts the cliché
'oriental despotism' (Assmann 2000, 37–42). This model reflects the
interrelationship of god – king – *ma'at*. *Ma'at* has two dimensions: it
effects both a proper relationship between people and god in the
cult and people's proper relations with each other in law. The king
is responsible for establishing *ma'at*, so that his actions are both
priestly and political. The significance of this politico-judicial dimen-
sion is that as God's earthly representative the king must create the
same order and harmony on earth that prevails in heaven. Put
differently: the creation proceeding from God in heaven should be
continued by the king's politico-judicial actions. This ongoing cre-
ation is enacted in his administration of justice. Hence he is not just
priest but also judge.

Administering justice is not a matter of blind neutrality but of res-
cuing the weak from the clutches of the strong. This hinges on a
concept of justice interpreted totally from the perspective of the poor:
it is directed to widows, orphans, the poor. The king, who is the
judge, is a good shepherd in that he keeps the flock together and
looks after the weakest sheep, defends the flock against external vio-
lence and protects it against internal divisions and domination, as
the Instruction for King Merikare puts it (Assmann 1991, 201–204).
That also makes the king a saviour, for he saves his flock from the
evils of anger, vengefulness, hatred and aggression. The world would
indeed be 'out of joint' – to use Hamlet's expression – if this jus-
tice, which is called connective justice, is not realised (Assmann 2000,
203). Two axes can be discerned in this connective justice, parallel-
ing the two functions of the king as a judge in law and a priest in
the cult: a horizontal axis pertaining to just relations among human
beings, which binds people together, and a vertical axis pertaining
to the relationship of humans, individually and collectively, with God,
which binds human beings and God together and religiously guar-
antees and legitimises just relations among human beings (Assmann
2000, 63–69; Groenewald 2003, 105–110).

Hebrew Bible

It has been pointed out that such connective justice is the real concern of all oriental wisdom literature in Egypt and Mesopotamia, and that the Hebrew Bible Torah, especially Deuteronomic law, is nothing but a theologised form of this ancient oriental wisdom (Assmann 2000, 65). Against this background we can determine people's functional relation to God as his images and representatives more precisely. As God's representatives human beings, created in God's image, should ensure connective justice among people, particularly in respect of solidarity with, and charity to, widows, orphans, paupers and aliens. This entails justice not from the perspective of the rich, the powerful, the reputable, but from that of the indigent. As God's representatives human beings, created in God's image, should act as good shepherds of the entire flock by way of – to use the modern term – a preferential option for the poor.

If one takes this to be the Hebrew bible meaning of the expression 'image of God', then it is amazing that so many highly diverse meanings have been ascribed to the metaphor in subsequent Christian tradition, leaving us floundering in a sea of confusion. This is all the more remarkable if one considers the scanty textual and substantive basis of this metaphor in the Hebrew bible.

Christian tradition

New Testament The confusion already started in the New Testament, where not just one but four traditions are discernible. Firstly, there is only one text that perpetuates the general theme of humans as the image of God, albeit in a less portentous context. We find it in the Letter of James: "But no one can tame the tongue – a restless evil, full of deadly poison. With it we bless the Lord and Father, and with it we curse those who are made in the likeness of God" (James 3:8–9). The other texts restrict the theme of the image of God. The second tradition, for example, confines the metaphor to males: men – not women! – are images of God in the first Letter to the Corinthians (11:7), in contrast to Genesis (1:27), where man and woman together are presented as images of God. The third tradition regards Christ – not human beings! – as the image of God (2 Cor. 4:4; Col. 1:15). The fourth tradition, finally, sees believing Christians – not unbelievers! – as the secondary image or depiction (*Abbild*) of Christ, who is the primal image (*Urbild*) of God (Rom.

8:29). According to this tradition Christians' role as images of God consists in sharing in Jesus' role as image of God. Here creation theology makes way for christology.

Patristics In this christological framework patristics, under the influence of neo-Platonic thinking, came to split the unity of body and soul, which is presupposed in P, into a physical and a spiritual component. The image of God was associated not with the body but with the spirit, hence with spiritual freedom. Not the human being but the human spirit was the image of God (*imago Dei*), the body being merely a trace (*vestigium*) of that image inasmuch as it was considered to be a reflection of the spirit.

In addition, following Clement and later Origen, and under the influenc of neo-Platonism, a distinction was made between image (*sele, eikon, imago*) and likeness (*demut, homoiosis, similitudo*). The aforementioned insight, arising from modern research, that the two words, while etymologically different, are substantively almost identical was alien to them, as was the insight that both words should be interpreted in terms of creation theology. The church fathers, however, interpreted them not just christologically but also soteriologically. Humans could never cease being images of God, they claimed, for that was part of their creatureliness. But likeness, it was said, referred to the original relationship to God that was forfeited because of sin, restored by Christ, and could be perfected in ever closer likeness to God-in-Christ, growing to ever greater perfection. Thus 'image' was put in a creation theology framework and 'likeness' in a christological, soteriological and eventually even an eschatological framework.

Hence we have a kind of inversion. Whereas in Genesis 1:26 'image' (*selem*) has a powerful connotation and 'likeness' (*demut*) could be seen as watering it down – human beings look like God but are not his equals – patristics, under neo-Platonic influence, inverts it: 'likeness' (*similitudo*) is considered to be the consummation of the 'image' (*imago*) of creation theology, in the sense of ever greater perfection of humans' relationship to God. Thus 'likeness' acquires a more profound theological meaning than 'image'.

Scholasticism In later times this trend continued. The term 'likeness' retained its deeper theological meaning. But now 'image', too, is given a more profound theological aura by – strangely enough –

introducing a dichotomy between a 'natural' and a 'supernatural' component of the image. The 'natural' component refers to humankind as the 'natural' image of God in Adam's primordial state before the fall. Because humankind forfeited this 'natural' side through the fall in paradise, the 'supernatural' component came into operation thanks to Christ's salvation: through Christ's 'supernatural' grace people once again became 'images' of God. Along with this the metaphor 'likeness of God' retained a dynamic eschatological connotation, referring to the increasingly intimate relation between people and God in the perspective of consummate glory (Seibel 1968).

As if this is not mind-boggling enough, trinitarian theology also enters into it, namely in the work of Augustine and, following him, that of Thomas Aquinas. According to Augustine the image of God is located in a trinity within human beings, just as God exists in a trinity. In human beings this is – how else? – a spiritual trinity. Human beings are images of God in their ability to remember God (*memoria* or *mens*); their knowledge of God (*intelligentia* or *notitia*); and their love of God (*voluntas* or *amor*). Here Thomas elaborates on Augustine, using Aristotelian concepts. According to him human beings are images of God in their recognition of their creaturely relation to God, their knowledge of God, and their love of God (Krämer 2000).

Finally, besides creation theology, christology, soteriology, eschatology and trinitarianism, there is also a spiritual, mystical approach. Spiritual authors who are said to draw on biblical tradition distinguish between four aspects of the metaphor of the image of God: humans are God's reflection, representatives, disciples and covenant partners (Waayman 2000, 444–451). Following patristic themes in Gregory of Nyssa and Augustine, Bonaventure considers the will and the love of God to be the locus of the human being as the image of God, rather than other aspects of the human mind such as memory or intellect. Here, too, a distinction is made between God's image and likeness. The image of God relates to their initial situation in relation to God (created as image of God), whereas the likeness of God refers to the end situation of the spiritual transformation process (created 'into' the likeness of God). The spirituality of the image of God is that of purifying the heart, requiring resolve and discipline; the spirituality of the human being as the likeness of God is that of contemplation, the product of God's operation in human beings (Waayman 2000, 507–510).

Again: The Hebrew Bible

The only way the image of the human being as the image of God
can tell us anything in the context of legitimation of human rights
is if we return to its original meaning in the Hebrew bible. However
insightful and meaningful the aspects we have dealt with – from the
christological and trinitarian to the mystical and eschatological – they
serve no purpose when it comes to human rights and assigning the
metaphor universal meaning applicable to all human beings: not just
to members of the male sex as in the First Letter to the Corinthians,
not just to believing Christians as in the Letter to the Romans, and
not just to those who follow the route of spirituality and mysticism.
Equally foreign to the Hebrew bible meaning of the image of God
is the notion that people can forfeit this quality because of sin, as
was argued in patristic and scholastic times. The metaphor of the
image of God is inherent in humans' creation by God; their func-
tion as images of God is part of their constitution: the royal com-
mand to practise connective justice. In addition a theme such as
'restoration of the image of God through Christ', considered the key
to Calvin's anthropology (De Gruchy 1991, 135), has to be inter-
preted in terms of the basic, creation-related meaning of our verse
in Genesis. This is quite feasible, for however much Calvin tended
to play down his insistence that human beings are made in God's
image, he nonetheless proclaimed the endurance of the divine image
in fallen humanity, implying that at least remnants of that image
persist (De Gruchy 1991, 136).

6.3. HUMAN DIGNITY AND THE IMAGE OF GOD

We have noted that the metaphor of the image of God also fea-
tures in the debate on human dignity, as is happening in Germany
at present. The two concepts are seen as inextricably linked. Let us
see what substantiation there is for such a view in the Christian tra-
dition, especially from the perspective of human rights.[18]

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[18] The conjunction of these concepts should not lead to confusion of one with
the other. That danger looms when they are not distinguished clearly enough, as
in the case of Moltmann (1999, 117–134), or when ethical and theological reflection
are assumed to be in a '*wechselseitige Entsprechungsverhälnis*' (Kasper 1981a, 288).

Rise and fall We have also seen that, while speculation on the theme of the image of God abounded ever since patristic and scholastic times, it was also associated with human dignity. The association, indeed, is obvious. The connecting link is the human spirit: the Stoics located human dignity in the human spirit, and so did patristics, which was influenced by Stoicism in many respects. But there were significant differences in emphasis. The Stoics assigned the human spirit as the matrix of human dignity mainly practical moral importance, in the sense that it embodied the ability to distinguish between good and evil. Patristics saw its importance as the location of God's image mainly in terms of trinitarian theology: the threefold ability to recognise, know and love God.

This intertwinement of the Stoic concept of human dignity and the patristic and scholastic approach to a person as *imago Dei* also occurs in the thinking of Pico della Mirandola, who cites as the source of human dignity the story of humankind's creation by God "in the first pages of the Bible" (Pico 1968; De Lubac 1974, 398).

During the Renaissance and the Enlightenment the connection gradually lost ground and was no longer taken for granted. This was a result of developments in philosophy, which started dissociating itself from theology. Philosophy lost sight of the image of God and its reflections on human dignity were (relatively) independent of theology. The accent was on human freedom of choice between alternatives (*liberum arbitrium*), independently of God and religion, and on the striving for happiness as a concomitant of freedom of choice. The focus was on people's equality in exercising freedom of choice; in this respect everyone was equal: they are all free to choose. As a result freedom and equality came to be regarded as co-original, inalienable human attributes, despite the fact that in actual individual and social life they often conflicted. Human dignity was seen as the basis of this 'natural' structure of freedom and equality, and of the concomitant 'natural', human rights. In other words, the theme of human dignity was gradually secularised, in the sense that it was dissociated from human beings as images of God – more precisely, dissociated once again, for at the time of its origin in Stoicism the association (at least in a Christian sense) obviously did not exist.[19]

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[19] In the educative writings of the Stoics one finds a relation between God and humankind, which should shape (*formare*) or mould (*Bilden*) itself in the form (*forma*) or image (*Bild*) of God. This kind of *Bildung* oriented to God as the prototype (*tupos*) features prominently (Gamm 1979, nn. 33–34, pp. 276–277).

Patrology in Vatican II Against this background it is remarkable that
the link between human dignity and the notion of the image of God
should be making a comeback, more especially in recent documents
of the Catholic Church. The theme of human dignity made its
appearance in this church's official statements much earlier, notably
in its social doctrine since pope Leo XIII's encyclical *Rerum Novarum*
in 1891 (Cerrato 1991). It is surmised that the linking of the two
themes, human dignity and image of God, dates to the resurgence
of patrology in the mid-20th century and the input of patrologists
like Yves Congar and Jean Daniélou in the drafting of the Constitution
on the Church and the World (*Gaudium et Spes*) at the time of Vatican
II in 1965 (Delhaye 1996, 211 n. 1, 215, n. 7).

  This Constitution explicitly links human dignity with the human
being as the image of God in the very first chapter, entitled *De
humanae dignitate*. There it refers to Genesis 1:26 and Psalm 8:5–7,
which we have already quoted (*Gaudium et Spes*, no. 12). Interestingly,
it also mentions a notion that we encountered in the work of the
humanist Pico della Mirandola, namely that human dignity resides
in people's ability to design their own lives: "For God has willed
that man remain 'under the control of his own decisions'" (*Gaudium
et Spes* 17). The reference, however, is not to Pico but to Jesus ben-
Sirach 15:14: "It was he who created humankind in the beginning,
and he left them in the power of their own free choice." Five para-
graphs later one finds the New Testament notion that human dig-
nity is found only in Christ, the true image of God who restored
the *similitudo divina* of the human being (*Gaudium et Spes*, no. 22). A
few paragraphs earlier one cannot miss the neo-Platonic influence,
which we encountered in the church fathers: it is clearly discernible
in the notion that human beings' likeness to God is situated in the
human mind and free will (no. 17). This exposition is interrupted
by a lengthy discourse on present-day atheism (nos 19–21), which
occupied only three or four lines in the draft of 1963.[20] The aim is
to show that the swing away from God, said to be the hallmark of
atheism, requires the reinstatement of the image of God by Christ,

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[20] Delhaye (1996, 212, n. 2) observes that compared with the draft of 1963, some
paragraphs in the final text of 1965 sometimes reflect a hostile attitude towards
atheism, which could give the impression that they do not really fit (Delhaye 1996,
228).

his original image. Finally the metaphor of the image is again confined, in patristic fashion, to Christians, who are now equated with the image of the Son ("*Christianus autem homo, conformis imagini Filii*" – no. 22).

The dogmatic handbook written in the perspective of salvation history, *Mysterium Salutis*, published shortly after Vatican II (although it had been in preparation ever since the late 1950s), is influenced by the Council documents, and both were influenced by contemporary developments in patrology. This is evident in the explicit connection between human nature and the human being as the image of God in this text.[21] But whereas patristics and scholasticism located the human being as the image of God in the human spirit – whether conceived of in trinitarian terms or otherwise – this dogmatic handbook locates it in human dignity (Seibel 1968, 279).

Wild speculation in liberation theology This rather recent development of patristic thought on the image of God has had an impact on even more recent liberation theology. Not surprisingly, the latter does not merely draw on the Hebrew Bible approach to humankind as the image of God, but also adopts a trinitarian approach, which, ever since the patristic age, has led to wild speculation. Thus it maintains that human beings, created in the image and likeness of the triune God, should be guided, in fulfilment of their task of conforming to that image, by the community between Father, Son and Holy Spirit so as to build the human community (Boff 1988). From the community of the Holy Trinity, viewed as the prototype of the human community, it infers the injunction that human beings, in conforming to the image of God, should reject a society consisting only of isolated individuals, such as that propagated by the Enlightenment: "being in the image of God cannot possibly refer to atomistic individuals" (De Gruchy 1995, 241). But they should also oppose a collectivist approach that negates the individual: "trinitarian theology cannot support a collectivistic understanding of human nature" (De Gruchy 1995, 241). Instead they should strive for an almost communitarian society in a trinitarian perspective, a community of

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[21] Küng (2003, 177) mentions that in the late 1950s a new salvation-historical dogmatic handbook was planned, which would attempt to synthesise new exegetic, patristic and theological insights (Feiner & Löhrer 1967, 19).

people who promote each other's unconditional, God-given dignity and respect their rights of difference (De Gruchy 1995, 242–243).

Human dignity and the image of God in the context of legitimation

The metaphor of the human being as the image of God can only have relevance in the context of legitimation of human rights if, as we have argued, it adheres to the original meaning assigned to it in the Hebrew Bible. On that basis three aspects can be highlighted, from which the fundamental nature of human dignity can be discovered that may otherwise remain implicit, or at any rate understated. The first is the theme of creation in which that metaphor is imbedded; the second is the universalism it implies; and the third is the moral injunction it contains.

Creation The creation theme in which the metaphor of the image of God is imbedded is not just an ornament that we can polish up or relegate to the junk room at will. It is essential to our understanding of the metaphor. The fact that the human being is the image of God, including the aspects of universalism and morality flowing directly from this, is rooted in God's creation of human beings. This means that the autonomy, which according to Kant's interpretation underlies human dignity, and which acquires religious significance in the metaphor of the image of God, derives from God's autonomy, which is absolute. Human autonomy is inconceivable without God's absolute autonomy, also called theonomy, because God is an absolute law unto himself (Tillich 1967, 249–265). Human autonomy is not absolute. Rather it regulates the direction in which humans have to shift the boundaries of their actual autonomy, which is always limited by nature and history, and even extend them, without being able to abrogate them fundamentally. God is the meaningful ground or foundation (*Sinngrund*) of human autonomy in the midst of the contingency of finite autonomy, without which this finite autonomy is inconceivable. That does not negate human autonomy. On the contrary, God's absolute autonomy is the precondition for human autonomy: in his absolute autonomy God created humans to enjoy the most complete autonomy possible.

For the sake of clarity we should point out that by grounding the incomplete/complete autonomy of human beings in God's absolute autonomy we are in no way advancing a proof of God's existence.

All we are saying is that human autonomy is inconceivable without the creative act of God's autonomy. In other words, we are merely saying that human autonomy only exists as a quest for an absolute ground and meaning inasmuch as this quest is directed to God, its completion. The creation of humankind in God's image may be regarded as an answer to this quest, its meaning evanescing into the infinite mystery of God's own absolute autonomy (Essen 2001, 242–260).

Complex universalism As for the universalism contained in the metaphor of the image of God, we have emphasised throughout that the metaphor should not be given any meaning beyond what it has in the verses of Genesis, otherwise it loses its universal dimension, which applies to Christians and non-Christians, to religious and nonreligious people alike. One cannot narrow down human dignity – which constitutes the crux of human rights and as such has universal scope, encompassing all countries – and the metaphor of the image of God, the religious implication of that principle, to those who see themselves as a depiction (*Abbild*) of the primal image (*Urbild*) of God, which is Christ, nor to those who, in their imitation of Christ, strive for spiritual or contemplative union with the likeness of God in Christ, nor to those who live their lives in communion with the triune God and in the mirror image of this God in social communitarianism as liberation theology would have it. This would result in the kind of monopolar universalism we encountered earlier in Isaiah. Applied to Muslims, for example, such a universalism would have a devastating effect: "To insist in this context that Muslim groups must not be defined in terms they regard as essential to themselves is in effect to demand that they can and should shed the narratives and practices they take to be necessary to their lives as Muslims" (Asad 2003, 175).

The universalism on which human rights are or should be based is rooted in the creation of human beings, which is implied in the first creation story in Genesis, in the narratives about Noah and Abraham, before his circumcision, prior to the Jewish religion of Abraham, Isaac and Jacob, and prior to the gospel of Jesus the Christ, as we have seen (chapter 4). Even an ecclesiastic document such as the Vatican's *Dialogue and Proclamation*, which, because of its missionary orientation, is characterised – verbally if not substantively – by support for genuine dialogue with other religions, roundly

endorses this form of what can be called creation-related universalism. Thus the document says: "The whole of humankind forms one family, due to the common origin of all men and women, created by God in his own image" (*Dialogue and Proclamation* 1991, 28).[22]

In our view it is necessary not only to develop such creation-related universalism, but also to see it as the matrix of what might be called a decentred, complex universalism, recognising the plurality of universalisms peculiar not just to the Christian religion but (possibly) to other religions as well, which accords with the narratives in the synoptic tradition reflecting what we have called Jesus' dialogical universalism.[23] The 'accords with' implies a dialectic relationship, in the sense that complex universalism presupposes a dialogical approach and the dialogical approach presupposes an attitude which evaluates complex universalism positively. Complex universalism entails three aspects: complex space, complex time and complex authority. Complex space implies thinking in terms of intersecting boundaries, overlapping bonds and combined identities, as practised in the age of genuine tolerance in medieval Christianity and Islam. Traces of such a multiple religious identity are still discernible today (Valkenberg 2004).[24] Complex time implies thinking in terms of a simultaneity of heterogeneous temporalities, in which differences in openness to past

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[22] *Dialogue and Proclamation* (1991) recognises eight types of universalism, two of which are forms of what we called in chapter 4 undifferentiated universalism: creation-related universalism (19, 25, 28) and Noah-related covenant universalism (25). The nature of the other six types is unclear, as they are not conceptually analysed, and moreover confuse all kinds of particularism and universalism: Moses-related covenant universalism (25); Christ-related universalism, both pre-existent before incarnation (25) and through incarnation (25, 28, 35), Spirit-related universalism (28, 35), ecclesiastic universalism (33), and a kind of moral universalism, albeit not called by that name (44).

[23] For 'decentred', which refers to perspective exchange, see chapter 1 and for Jesus' dialogical universalism see chapter 4.

[24] This dual adherence should be analysed carefully to determine whether it includes having gone through the initiation rites of both religions; that is to say, one has to distinguish between dual adherence with and without dual initiation rites. Thangaraj (1999, 345) points out that the Hindu Gandhi was inspired by Jesus but never went for baptism, and the same applies to the Jewess Simone Weil. One should also consider in how far it is a matter of a double bind, which could lead to either religious paralysis because of dual religious loyalties or to prioritising one religion above the other in one's own biography so as to avoid a conflict of religious loyalties. Or does one truly combine two religious 'systems' in a kind of personal union?

experiences and horizons of future-related expectations are fully accepted. Complex authority means no longer thinking of authority in terms of 'power-over' that speaks with a voice of hierarchical exclusiveness and absoluteness, but of authorities with 'power-in-common' in the sense of subsidiarity, connectedness and networks. In short: complex universalism is open to patterns of overlapping space, time and authority (Asad 2003, 179).

Morality In addition to a creation aspect and a universal aspect deriving from the metaphor of the image of God, human dignity also has a moral aspect, relating to the injunction contained in the metaphor. The fundamental meaning of this injunction emerges clearly when one examines the relation between the two themes more closely. For if the metaphor of the image of God is seen as the religious context of human dignity, it also reveals more specifically the religious meaning implicit in human dignity. Kant, we have noted, saw human dignity as rooted in moral autonomy, whereby human beings are authors of the law to which they submit themselves. The criterion for this law, we saw, was the principle of universalisability, which means that the only norms which deserve or ought to be elevated to law are those that are rationally acceptable to everybody – both to everybody else and to me.

  We can now define the actual content of such a law more specifically in terms of the metaphor of the image of God: it centres on the command to practise connective justice, as emerged from the Egyptian context of the verse in Genesis. The image of being created into the image of God is expressed in the practice of connective justice with a preferential option for the poor, especially widows, orphans, aliens, the desperate. Calvin taught us what this means when he insisted that we were all made in the image of God: we violate God not only when we abuse our fellow human beings who are made in his image; we also do it by rejecting those who injure us instead of treating them as God's image in them; and finally, by acting thus "I violate the image of God which is in me" (quoted in De Gruchy 1991, 137).

  We can now explain how the two concepts, human dignity and image of God, complement and galvanise each other. They do not replicate each other or coincide, but they do display some overlap, which is necessary, since otherwise they could not even complement

each other.[25] On the one hand the emphasis in human dignity is on the inviolable value of human beings, grounded in their moral will and autonomy, beyond any instrumentalism. On the other hand the metaphor of the image of God focuses on the practice of connective justice in everyday life with a preferential option for the destitute. In the perspective of complementarity the insight may dawn that the concept of human dignity should not remain confined to a kind of ontological statement: human beings *are* bearers of inherent dignity, but the fact that they are entails a moral injunction and a duty, as Kant himself put it in his *Grundlegung zur Metaphysik der Sitten*: "Act in such a way that you always treat humanity ... never simply as a means, but always at the same time as an end" (Kant 1964, 96). This is as good as saying: on the one hand people's dignity is the very essence of their humanness; on the other, treat both the other person and yourself on the basis of this dignity and with due regard to that dignity. In other words, human dignity implies not only an ontological description ('the human being is an end in itself'), but also – that is what 'image of God' teaches us – a moral precept ('be a human being to the other who is in need').

   Does this not quite naturally bring to mind an association from the Christian tradition, that of the question, 'Who is my neighbour?' – a question Jesus fully honoured but which he turned around in the parable of the good Samaritan to read: 'Who make themselves a neighbour?' Here we have not only the philosophical dialectics between ontology and morality, but also the theological dialectics between theological anthropology and theological ethics or, in religious terms, the dialectics between being created in the image of God and acting on the basis of and towards becoming the image of God.

Regulatory principles The fact remains that not just the theme of human dignity but also the metaphor of the image of God is essentially abstract. What do they mean in practice? Their only function, albeit a real and very important one, is that they could serve as a regulatory principle – more pertinently, as a counter concept, a contrast category, a counterfactual indicator. They can fulfil this function for the very reason that they are abstract and hence not tied to vari-

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[25] The insight into the relationship between complementarity and overlap we owe to the epistemological principle of interpretive charity in Davidson (1985).

able concrete contexts and situations, which would preclude any possible meaning they had in the past or can have in the present and the future. At the same time they comprehend a network of meanings that derive from rich religious traditions with an interpretive history of three to four millennia, which probe the depths of the conditions of human existence and indicate perspectives for moral action. But they only become effective as counter concepts, contrast categories or counterfactual indicators in descriptions of concrete experiences and empirical analyses of violations of human dignity and crimes against humanity in the here and now. Then they function as more than just ritual figures of speech and intensify, reinforce and legitimise the stimulus to change that emerges from such experiences and analyses (Wils 1989, 42–45; Hilpert 1998, 133).

PART THREE

EFFECTS OF RELIGION ON HUMAN RIGHTS:
A SOUTH AFRICAN CASE

INTRODUCTION TO PART THREE

In the first two parts we were constantly faced with two polarities: the one between individualism and collectivism, the other between particularism and universalism. In part I we focused on the first polarity, in part II on the second, although we made no sharp division between the two. It was more a matter of emphasis, as we pointed out in the Introduction.

INDIVIDUALISM AND COLLECTIVISM

In Part I we explored the question whether, on closer scrutiny, human rights – historically a product of the West's growing concern with the individual, especially the individual's right to freedom and property – are by definition individualistic. The question is justified, since historical development in itself tells us nothing about the validity of its outcome; overlooking that point, we said, amounts to a logical fallacy. Hegel's overview of mutual recognition revealed the basis of human beings' identity and difference in interpersonal relations, namely a symmetric relationship of mutual recognition. We also noted that human rights serve to protect the principles of human rights implicit in this symmetry: human dignity, freedom and equality. They do so by explicating, generalising, legitimising, positivising, formalising and universalising these principles (chapter 1).

We said that human rights continually need to be rescued from extinction because they are always under threat from all sorts of forces and powers emanating from the economic system and the system of state bureaucracy – the systems of money and power – and need constant critical sustenance and protection from the life world, in which people live their lives. Rivalry between the two systems and the life world in the sphere of human rights is understandable, because in a parliamentary democracy based on human rights they are located in the border area between systems and life world. That makes them vulnerable and necessitates support from a deliberative democracy, more specifically in the processes of opinion formation and will formation (chapter 2).

To this end a human rights culture rooted in the life world and civil society is prerequisite. Such a human rights culture should protect the global human rights movement from sliding (further) into possessive individualism, utilitarianism and a petty contract mentality. At the same time global human rights should not be depicted in a purely one-sided way. After all, they do not comprise just a first generation of individually oriented civil, political and judicial rights ('blue' rights). These are augmented by a second generation of collectively oriented socio-economic rights, which, as noted already, should actually be viewed in the framework of the state's judicial obligations towards its citizens ('red' rights). Finally there is a third generation of what are known as collective rights – *nomen est omen* – in which the community is focal, especially peoples, indigenous communities and minorities. Among these environmental rights ('green' rights), albeit with a character of their own, feature prominently with their focus on moral obligations in the interplay of collectivities, communities, groups and individual citizens (chapter 3).

Our question was: what role did and does Christianity play in the overall picture of these developments? The biblical texts we reviewed show time and again that the relation between individual and community, or between individual and collectivity, should be viewed from the angle of the community or collectivity rather than that of the individual. We need merely recall the concern in the law books in the Pentateuch for the *personae miserae*, the widows, orphans and aliens, or the solidarity with the poor advocated by the prophets and their protests against exploitation of peasants and land workers. We also recall Paul's constant appeal in his letters for mutual support within and between congregations; and the narratives about Jesus' ministry and his message of the kingdom of God, which offers a preferential place to the 'nobodies' of this world: children, tax collectors, prostitutes, destitutes, 'the least of my brethren'; and his message that it is better to leave the 99 sheep unattended so as to restore the lost sheep to the broader context of the flock. This is an important point, because for twenty centuries these texts have been cogitated and recogitated Sunday after Sunday in Christian church services and week after week in Bible study groups and catechetical sessions in a tight network of congregations and parishes around the world. Where, one may ask, are the safeguards and guarantees for the individual person within the community expressed more clearly than in these documents?

One might say that this very fact has made and still makes Christianity's attitude towards human rights ambivalent. On the one hand it cannot but support the mutual recognition and concomitant community building which, as we have seen, form the basis of human rights. It cannot but reinforce and propagate the principle of solidarity. It cannot but protest against asymmetric relations, which cause, stimulate and endorse the exploitation and humiliation of people and groups. The churches also raised their voices – albeit sometimes too little and too late – to protest against the exploitation of groups and individuals during the rise of industrial society and, more recently, the global society, in which the gap between rich and poor is steadily widening.

On the other hand Christian communities – many of them, at any rate, and certainly at first – were hesitant about human rights because of the inherent individualising tendency, especially in the first generation of human rights thought and practice. In this regard it should be noted that Christianity has never objected, for instance in medieval theological and judicial thinking, to the subjectification of the concept of 'right' (*ius*): in fact, it may be said to have originated there, more particularly in canonical circles. As mentioned already, this concept in Roman law refers to the objective order which needs to be upheld and to which the *ius* concept in fact contributes. But under the influence of processes operating in the feudal system with its multitude of subordinate relationships, Gerson transformed it into a subjective, individual quality and capacity, and even an individual claim right. But to some churches, notably the Catholic Church, the individualising effect it has had, partly as a result of the rise of bourgeois cities and the concomitant market economy, was and still is a thorn in the flesh. This did and does not apply – at least not to the same extent, if at all – to certain other churches, notably the Calvinist churches, which in fact claimed the right to property and free enterprise, as Weber (1969) demonstrated in his unsurpassed work on the Calvinist spirit of capitalism in the 17th century, even though these days the differences between Catholics and Calvinists in this respect have (largely) disappeared, at any rate in the Netherlands (Ter Voert 1994).

PARTICULARISM AND UNIVERSALISM

Complex as this overall picture is, it becomes even more complex when we bring in the second polarity mentioned in the Introduction: that between particularism and universalism. In part II we saw that the biblical texts that we studied in the context of origin display a whole spectrum of forms of particularism, universalism and inter-mediate forms, some of which conflict with the polarity between par-ticularism and universalism that inhere in human rights. This applies particularly to the plain particularism in Ezra and Nehemiah, which also cropped up indirectly in Isaiah, and the hegemonic particular-ism in the law books in the Pentateuch. But however open, rich and profound the metaphors and images that Isaiah used to depict the pilgrimage of all peoples to Jerusalem, the underlying monopolar universalism needed to be broadened the way Paul did when he opened up a perspective for the bipolar universalism of Judaism and Christianity in his letter to the Romans, and even more radically by Jesus' perspective of dialogical universalism. Dialogical universalism is imbedded, in the first place, in the archetypal universalism of the creation narrative and the narratives about Noah and Abraham before his circumcision, as well as in consciously and intentionally transcending any economic, political, social, cultural and even reli-gious convention and demarcation whatsoever (chapter 4).

Whereas the biblical texts do contain instances of hegemonic par-ticularism but none of hegemonic universalism, the latter kept rear-ing its head in the subsequent history of the church, ever since the time when Christianity became the official religion of the Roman empire and during the many ruthless 'conversion' wars that followed, not to mention the crusades and the inquisition. In our context the mere mention of these historical atrocities suffices to refresh our memories and crystallise the intention: never again! At the same time we encountered examples, especially in the context of codification and the position of natural law thought within that context, of the struggle of Christian groups – notably the Spanish Dominicans dur-ing the 'discovery' of America after Columbus – on behalf of the rights of indigenous peoples, such as the abolition of slavery and the right to freedom and property.

But before any Christian group claims credit for this, we also noted the activities of groups, both within the church and in the state headed by a 'Catholic prince', who legitimised the conquest of

America and the subjugation and extermination of indigenous peoples by invoking God-given natural law – a law which a believing Christian like Grotius felt no need for, either logically or conceptually (‘*etsi Deus non daretur*’), while for the rest he expressed no explicit view on slavery. This makes the history of natural law and natural rights thought extremely complex and profoundly ambivalent. The ambivalence becomes even more pronounced when we consider that certain Protestant groups – sometimes counter to other Protestant groups, especially within the Anglican Church in its capacity as ‘the Conservative Party at prayer’ – actively contributed to the birth of democracy, including its constitutionalism and civil rights, more particularly the rights to freedom, property and religious freedom, as well as its political and judicial rights (chapter 5).

Another ‘conservative party at prayer’, the Dutch Reformed Church in South Africa under the apartheid regime, consistently opposed human rights until the introduction of democracy in 1994. But before pointing an accusing finger at this church only – not that we want to gloss over the historical guilt of omission and opposition by certain churches – we should remember that it took the Catholic Church more than 150 years after the French Declaration of the Rights of Man and of the Citizen in 1789 to recognise human rights, and even then only outside the church, not within it. It is still satisfied, moreover, with a half-hearted Declaration on Religious Freedom made on the very last day of the Second Vatican Council in 1965 after three years’ wrangling during this council (Van der Ven 2005). We need to be alert to the danger of hegemonic universalism that keeps surfacing in – at least some – churches, as in the debate on the ‘preamble God’: should God be mentioned in the preambles to constitutions in multicultural societies or not? To anyone who takes the pluralism of religions and religious and nonreligious world-views at all seriously the question is rhetorical (chapter 6).

Relevance of empirical-theological research

Is it in fact self-evident that Christianity, via (some) Christian churches, fulfils a positive function when it comes to human rights and the cultivation of a human rights culture? We could satisfy oneself with the answer that such a function is ambivalent, were it not that differentiated empirical-theological research enables us to answer the

question more explicitly: ambivalence to be sure, but that does not preclude a positive effect in some aspects and under certain conditions; neither does it preclude a negative effect in other aspects and under other conditions; and finally, it does not preclude zero function in yet other aspects and under yet other conditions, implying that Christianity and human rights have nothing to do with each other and are totally divorced, like ships passing in the night.

As noted above, with the aid of empirical-theological research we can explore the question whether the Christian religion actively stimulates people who identify with Christianity to promote human rights. Does it actively motivate them to support human rights (which is important, considering the always precarious state of deliberative democracies generally and of human rights in particular)? Without a vital human rights culture rooted in the concrete life world and in civil society human rights degenerate into ritual statements solemnly recorded on paper but with no impact on the actual lives of people, more specifically the needy. To give just one example: does Christianity actually help to nurture a human rights culture to alleviate the plight of millions of people in Southern Africa as a result of the HIV/aids pandemic? One of our studies indicates that the answer depends on which churches, and more especially which kind of churches, one is speaking about: churches that are open-minded or narrow-minded in regard to society and culture. Open-minded churches in fact support people's rights, narrow-minded ones do not (Van der Ven, Dreyer & Pieterse 2003).

Hence the cardinal question in part III can be formulated generally as follows: does the Christian religion in our day stimulate and motivate the observance and development of a human rights culture? Since this question is too broad, we need to make it more specific in three areas: 'Christian religion' is narrowed down to 'religious attitudes in the Christian religion', 'human rights culture' to 'human rights attitudes' – which, we have noted, are prerequisite for a human rights culture (chapter 3) – and 'stimulate' and 'motivate' to 'effects'. Thus the question we shall try to answer in part III reads as follows: what are the effects of religious attitudes in the Christian religion on human rights attitudes?

This still leaves us with a complex question that cannot be answered off the cuff, despite our three specifications. It needs to be broken down into more components in order to make it empirically researchable. But before we can do so, we need to consider two terms intro-

duced in our specification that play a key role in our research: what are religious attitudes and what are effects of religious attitudes on human rights attitudes? Once we have clarified the meaning of the terms 'attitudes' and 'effects', we must specify the population or populations among whom we want to trace, describe and analyse such attitudes and effects. In fact the question has been answered already in the Introduction, when we said that it concerns two grade 11 student populations at two kinds of schools: multicultural, Anglican and Catholic private schools (abbreviated to multicultural schools) and predominantly monocultural, Afrikaans medium public schools (abbreviated to monocultural schools) in the Johannesburg/Pretoria region. But we still have to explain why we settled for these two kinds of student populations, the one multicultural and the other monocultural. That will enable us to formulate more specific empirical-theological questions, which we can then, so to speak, fire at the two populations (chapter 7).

In the chapters that follow we shall report the main results of our empirical-theological study. Each chapter focuses on a fundamental theme in the Christian religion, in the sense that we determine students' religious attitudes towards these themes, as well as the effects of these attitudes on their human rights attitudes. There are six themes, four of them centring on the fundamental symbolism of the Christian religion: God, the evil of alienation, Jesus and salvation. To these we added Christian communities and interreligious interaction.

First we look into the question whether attitudes towards God and towards human rights have anything to do with each other and, more pertinently, whether religious attitudes have any effects on human rights attitudes. The question is important, as is evident in the choice of a title for this book: *Is there a God of human rights?* It is narrowed down in the chapter entitled 'Human rights in the name of God' (chapter 8). The focus then shifts to the situation of alienation, destruction and evil in which human beings find themselves, as a result of which the whole of creation displays a well-nigh intrinsic ambivalence. Ricoeur, following Kant, puts it in a nutshell: human beings have a predisposition (*Anlage*) to good, but a propensity (*Hang*) for evil (Ricoeur 1992a, 216). This theme is focused, specifically with a view to the South African context, on the evil of violence. Here the question – at first glance maybe a strange one – is whether attitudes towards evil have any effect on human rights attitudes (chapter 9). We then turn to the person and work of Jesus. We have

already dwelt on this at length in part II in the context of the polarity between particularism and universalism (chapter 4), but here we do so more systematically under the heading, 'Imitation of Jesus in the perspective of human rights' (chapter 10). Next we deal with the theme of salvation, which, while intrinsically linked with Jesus' life, words and deeds, also transcends these inasmuch as it is a fruit of the Spirit of God and of Jesus that is active in human beings. Our question in this regard is whether salvation acts as a motive for human rights (chapter 11).

Finally we get to the two themes that we added to the fundamental symbolism of the Judaeo-Christian tradition. The first is Christian communities. When reading history one may well be struck more by the endless conflicts between different Christian communities, and between Christian and other religious communities, than by the attempts at peace and reconciliation that they have equally undertaken. At all events, for modern society their stance on human rights is crucially important: are they mediators of human rights (chapter 12)? We need not deal with the second theme, that of inter-religious interaction, at any length. All modern societies and cultures are confronted with religious pluralism and the crucial question is how to deal with this problem in a way that will have a positive impact on human rights attitudes (chapter 13).

The answers to the empirical-theological inquiry as a whole are summarised at the end. There are three questions: What are the effects of religious attitudes on human rights attitudes? What are the differences in effects between students at multicultural and mono-cultural schools? And what are the effects of population characteristics on human rights attitudes (chapter 14)?

EFFECTS OF RELIGIOUS ATTITUDES ON
HUMAN RIGHTS ATTITUDES

As indicated above, this chapter deals with four questions: What are religious attitudes (7.1)? What does it mean that religious attitudes have certain effects on human rights attitudes, be they positive, negative or zero (7.2)? Why do we choose to investigate these effects among two student populations, one at multicultural schools, the other at monocultural schools – why this distinction (7.3)? Finally, what are the specific research questions we seek to answer with the aid of the data gathered among the two populations (7.4)?

7.1. RELIGIOUS ATTITUDES

As explained in the Introduction, the religious attitudes we want to explore among the two student populations relate to the fundamental symbolism that permeates the entire Judaeo-Christian tradition and to this day has a tremendous motivational and orientational influence on society and culture, not merely in the West but also in sub-Saharan Africa. The symbolism is threefold: creation, alienation and salvation. Even agnostics, or at any rate scientists who (have to) describe themselves as methodologically atheistic, admit, as Habermas (2002a, 129, 147–167) does, that their thinking is not comprehensible without this fundamental symbolism, however secular their interpretation of it in their work. The threefold symbolism is worked out in more detail in the themes to be discussed in the next four chapters: God, creator and sustainer; the alienation of evil, more specifically the evil of violence; Jesus and the kingdom of God; and salvation. To these, as mentioned already, we added a further two themes: Christian communities and interreligious interaction.

First we consider these religious themes. Then, via what we call a semiotic procedure, we turn to religious attitudes.

Religious themes

Our choice of religious themes may create the impression that they
adequately cover the basic structure and inestimable richness of the
Judaeo-Christian tradition, but there are plenty of catches. Thus one
might question both the choice of the first four themes (God, evil,
Jesus, salvation) and our interpretation of them. Regarding the choice,
for example, why did we not add the theme of the Spirit as well?
And the word 'add' already sounds odd, as if we're speaking of a
kind of appendix that we overlooked, whereas the bedrock of Christian
religion, at least since the time of the biblical texts in which the bap-
tismal formula is focal, is characterised by 'the name of the Father,
the Son and the Spirit'.

   This question at once raises another: that of interpretation. Expe-
rience gained in earlier empirical research made us doubt, via what
one might call critical correlational feedback, whether a separate
chapter on pneumatology in our study was warranted. However
beautiful articles and books on pneumatology may be, and however
inspiring for the spirituality of individual believers, in the empirical
trade pneumatology raises certain perennial problems that have not
yet been resolved. First, there is a considerable overlap between the
theological ideas about God, Jesus and salvation dealt with in this
third part of the book on the one hand, and ideas about the Spirit
on the other. In the curriculum of a theology faculty that is fine. In
fact, one can use it to show students the many angles from which
the broad subject matter of theology can be approached and how
the various components interrelate from different angles of approach,
with the additional advantage that they also learn to analyse the
interrelated subject matter from different angles.

   An empirical study of the themes of the Christian religion is a
different matter. The people to be researched (in our case grade 11
students) are not theology students nor theologians in the making.
Duplicating questions in a questionnaire – for, one way or another,
that is what such interrelationships result in – not merely makes for
an excessively long questionnaire that respondents find off-putting,
but the unavoidable repetition also causes aversion. That this is not
just speculation will be affirmed by anyone who has ever had a go
at operationalisation. This entails pinning down theological ideas in
human behaviour (operations) and in 'ordinary human language' that
meets the requirements of concreteness, unambiguous meaning, and

adherence to the pluriform (religious) socialisation the respondents have undergone/are undergoing and contemporary (religious) practice – inasmuch as they take part in it – which in its turn differs from their socialisation. One soon discovers that there is an enormous overlap between operationalised items on God, Jesus and salvation on the one hand and the Spirit on the other.

Consequently we treated the Spirit as implicit in the meaning of God, Jesus and salvation and did not deal with it separately. It could be called – and no doubt was – a pragmatic decision, so as not to jeopardise the collection of questionnaire data and thus sabotage the entire study: for without data you get nowhere. In making it we were guided by a theological insight. In the early synoptic texts the Spirit is always the Spirit of God and the Spirit of Jesus, never in any sense a 'separate' Spirit. This is the Spirit that consistently permeates the jesuology in these texts – a jesuology, moreover, in which 'the Son' is not a personalised metaphysical entity but a functional messianic title, which in all likelihood Jesus never applied to himself (Vermes 1973; 2001). These texts certainly contain no trace of the christological, pneumatological and trinitarian meta-reflection in which the Christian tradition has been steeped ever since the councils of Nicea and Chalcedon – a conciliar tradition to which we shall return in due course (chapter 10).

As for interpretation, we decided to include as broad a range of approaches as possible in our research and hence in our questionnaire as well. Why? We could obviously have settled for the approaches current in present-day systematic theology. But what are they? There are as many approaches in theology today as there are trends in and between churches, even though one could, for the sake of necessary simplification, identify four main groups: on the right fundamentalist and conservative trends, on the left the liberal trends, and in the centre what is known as middle orthodoxy. The liberal trends in their turn must be subdivided into individually oriented interpretations and politico-theological and liberation-theological interpretations. In the fourth place there are evangelical, charismatic and pentecostal trends, which are creating a furore in many denominations on many continents – Europe, America and Africa, especially in South Africa – and which cannot simply be lumped together (Jenkins 2002).

The adage that all research calls for choices applies *a fortiore* to empirical research. One can't get away from it: whatever choices

one makes and whatever 'good reasons' one advances for them, they always reflect something of the researcher's – necessarily – selective knowledge and personal predilections. In our case, moreover, there were three researchers, from different Christian denominations, each with a specific background: a Catholic background shaped by the *aggiornamento* of pope John XXIII, notwithstanding the conservative counter-trend in the Vatican under pope John Paul II; and a Calvinist background shaped by the South African Dutch Reformed Church, which has only just been liberated from apartheid.

Which trends did we leave out of account? The extreme ones, which often border on each other – that is, fundamentalist trends on the one hand and evangelical, charismatic and pentecostal trends on the other. In between we chose from the remaining interpretations those that struck us as relevant to our themes, which does not mean that every interpretation was considered in respect of each theme: we merely spread them as evenly as we could over the various themes. In so doing we hope to have done justice to the (possible) diversity of beliefs and views to be found in our two research populations, for they likewise vary among themselves. Suppose students at multicultural schools were presented only with interpretations deriving from conservative trends; they would soon switch off, because they would not recognise themselves in these notions and would also feel that their own beliefs were being slighted. Suppose, furthermore, that students at monocultural, Afrikaans medium public schools were presented only with interpretations deriving from liberation theology; it would arouse similar feelings of lack of recognition and unfairness. One of the rules of empirical research is to present as broad a range of interpretations in the questionnaire items as possible so as to cover the entire substantive domain optimally. Of course this always entails choices and limitations: as broad a range as *possible* and *optimal* coverage.

We did not confine ourselves to the aforementioned four themes. To the themes of God, alienation, Jesus and salvation we added two more: Christian communities and interreligious interaction. Inclusion of the theme of Christian communities struck us as essential, since faith in God and in Jesus is concretised in communities that at least try to enact it in liturgy and ethics. Even though, from a dogmatic point of view, there is a kind of Christianity outside the church in the sense that Christian belief is also found among groups and individuals that do not belong to any Christian community (either have

never belonged to one or have turned their backs on it), empirically they are probably always a very small percentage: in the Netherlands it amounts to only about 3% (Felling 2004, 28). At all events, the vast majority of people who, to a greater or lesser extent, partially or wholly identify with the Christian religion belongs to some Christian community, either as core members attending at least one service a week (in some European countries one per month) and engaging in church activities as well, or as conventional members who confine themselves to one service a week (in some European countries one a month), or as marginal members who attend a service at least once a year, for instance at Christmas or Easter.

Whatever the situation regarding church membership, Christian communities indisputably have a great impact on their members, steeped as they are in the religious socialisation which the church continues to provide, in conjunction with the home and the school. Besides, Christian communities exert a significant influence on all sorts of social institutions and hence on society as a whole. Here it makes a difference if one is dealing with open-minded or narrow-minded Christian communities – at least, we assume that such a difference affects attitudes towards human rights, which is what our research is about. To put it boldly: trying to research the Christian religion and its effects on human rights attitudes without involving Christian communities in the study is rather like trying to swim on dry land.

As mentioned already, we also added the theme of interreligious interaction to the list. This theme is important, not only because present-day Christians and Christian communities are increasingly confronted with religious pluralism and are often unsure how to deal with other religious – and nonreligious – world-views. It is also important because in many countries religious diversity with the attendant problems has society in its grip and all sorts of social institutions have to contend with it. What still holds a society together when religion ceases to function as a cohesive force or unifying bond? How does one deal with a plurality of religions that eye each other askance, are locked in a cold war or a cold peace, end up in a perpetual conflict situation and combat each other, either verbally or even by force of arms? What makes the theme even more salient is the question whether a human rights approach could help to solve problems of this nature. Can such an approach possibly foster awareness that the striving for hegemony that is practically ingrained in some religions,

at any rate in particularism, should make way for a striving for uni-
versalism that leaves scope for a plurality of religions?

That brings us to a polarity which, along with that between indi-
vidualism and collectivism (part I), runs throughout this book: the
polarity between particularism and universalism (part II). The theme
of interreligious interaction, at all events, is determined by it, as will
be seen below, but so are such themes as belief in God, imitation
of Jesus and salvation, especially from a liberation-theological per-
spective. But the first polarity, that between individualism and col-
lectivism, also offers a perspective which we shall use wherever possible
when dealing with these themes, for instance in the case of the evil
of violence and, again, salvation.

A semiotic procedure: from religious themes to religious attitudes

One could write a lengthy definition of the term 'religious attitudes',
highlighting all the conceptual and empirical aspects, but here we
confine ourselves to a few key ideas. As indicated in chapter 3, we
regard an attitude generally as an affectively governed evaluation of
a statement referring to a particular state of affairs. The definition
seems more complicated than it is, for applied to religious attitudes
it boils down to the following. A religious attitude, like all attitudes,
comprises two components: a cognitive and an affective component,
which together constitute an evaluation. An evaluation of what? An
evaluation of a statement relating to our perception of the world,
for example as creation, a place of beauty. One example of a reli-
gious attitude would be: "I agree that God can be experienced in
the beauty of creation." The clause, "that God can be experienced
in the beauty of creation", is the cognitive component, while the
clause "I agree" is the affective component, indicating the affective
significance of the statement. The two components together consti-
tute the evaluation.

It should be noted that attitudes always represent an evaluation
of a statement. That is, they relate to a statement referring to a par-
ticular state of affairs, and not to the state of affairs itself. Why not?
Because we have no direct access to any particular state of affairs;
that is to say, we do not have any 'facts out there'. All we have are
data, themselves imbedded in conceptual schemes, in terms of which
they are, so to speak, interpreted and defined and outside which
they cannot exist for us. So what we have are not facts but data,

together with the conceptual schemes implied in them. From an epistemological perspective it is this body of data with their conceptual schemes that forms the object of statements referring to a particular state of affairs. The statements rather than the particular state of affairs are the objects of evaluation.[1] Against this background attitudes may be regarded as evaluative statements.

This is important, because viewed thus there can in principle be as many attitudes as there are statements about a particular state of affairs. There is not just one attitude towards creation; there are as many attitudes as there are statements about creation, which naturally do not all accord with each other. One can distinguish between at least three types of relations between statements. They could overlap: 'Creation is a place of goodness and beauty.' They could contrast with each other: 'Creation involves both goodness and badness.' And they could contradict each other: 'Creation is the place of animate and inanimate nature.' For this reason our study incorporates various statements about each of the religious themes dealt with in Part III (e.g. God, evil, Jesus, salvation), which form the objects of our students' attitudes, so as to determine how they evaluate the themes in terms of the various statements.

A semiotic spiral Without statements attitudes cannot be measured, that much is clear by now. But what kind of statements are we talking about and how and where do we find them? Our answer to these questions is a semiotic procedure, to be conceived of as a kind of spiral with several windings. To this end we draw on the semiotic ideas of Umberto Eco – who in his turn was greatly influenced by the semiotics of Charles Sanders Peirce – and combine them with certain other notions. Key terms in this procedure are themes, primitive codes, deep codes and signs (Eco 1979, 48–150).

First winding: themes One thing is clear: our research, as indicated in the Introduction, involves statements referring to the fundamental symbolism that is actively present in every myth and story in the Bible, in every network of symbols and concepts in preaching and liturgy in the Christian tradition, in all Christian education and Bible

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[1] We derive this idea from the epistemological theory of truth and interpretation of Davidson (1985).

study: the symbolism of creation, alienation and salvation. This symbolism belongs to the very core of the Christian religion and has shaped its identity through the ages; Christianity is steeped in it and it will remain fundamental to the Christian religion in time to come, as one of the authors explains elsewhere (Van der Ven 2003). We analyse this symbolism into four themes: God, the alienation of evil, Jesus, and salvation. In other words, we want to know whether and to what extent our students' attitudes towards God, evil, Jesus and salvation have an effect on their human rights attitudes. This list of four themes is not a foregone conclusion: there may be reasons to compile a different list, or to add other themes, such as the Spirit. But, as we said, our point of departure is the fundamental symbolism of the Christian religion: God, evil, Jesus, salvation, in which, according to the early synoptic texts at any rate, belief in the Spirit is implicit, since it is the Spirit of God and of Jesus. To these religious themes we add two others: Christian communities and interreligious interaction. We want to know to whether and to what extent Christian communities, which always contribute significantly to the formation of religious attitudes and religious identities (including, we assume, those of our students), contribute to a human rights culture. In so doing we distinguish between open-minded and narrow-minded attitudes within these communities. To this we add, not surprisingly, the theme of interreligious interaction. Here our question is whether our students display particularistic or universalistic attitudes towards other religions, and whether the universalistic attitudes are what we have called hegemonic or dialogical. This leads on to the question: what are the effects of these interreligious interaction attitudes on their human rights attitudes? But first we need to take a few other steps.

To determine our students' attitudes towards these six themes we have to work out the themes in more detail. A study that confines itself to questions like 'Do you believe in God?' or 'Do you think there is evil in the world?' – which commonly occur in religious research – does no justice to the complexity of religious attitudes and offers, if anything, only superficial information. The next question is how to work out our themes.

Second winding: primitive codes The next winding in the semiotic spiral, once one has identified the themes, concerns primitive codes. Without launching into an erudite discourse, all we did was to make sure that our six themes rest on foundations that have a three-dimensional

structure, which in effect forms the geological substratum for our closer analysis. The three-dimensional structure comprises, needless to say, three axes: height, length and breadth, as suggested by Haarsma (1967, 329, 337) and Ricoeur (1992a; 1992b; 1995; 1998). The latter refers to the vertical, longitudinal and latitudinal dimensions as superiority, anteriority/posteriority and exteriority (cf. Van der Ven 2002b; 2005). In fact this three-dimensional structure was not specially designed for religion or religious attitudes. We derive it from a list of primitives concepts compiled on the basis of meticulous comparison of semantic structures in a variety of languages and to which all words in the researched languages can supposedly be traced. It is a cross-linguistic set of primitive concepts that includes, among others, 'above' and 'below' (vertical dimension), 'before' and 'after' (longitudinal dimension) and 'near' and 'far' (latitudinal dimension). These were all researched by Wierzbicka (1992; 1997) in a programme extending over some 30 years. For the sake of clarity: people, whatever their language, need not know the concept 'three-dimensional structure' to be able to perceive real-life situations in terms of 'above' and 'below', 'before' and 'after', and 'near' and 'far', and to act in terms of these concepts.[2]

Height Within this framework our six themes will have to be worked out in terms of the dimension of height, which has transcendence and immanence as its upper and lower limits. We speak of limits, because in religion neither transcendence nor immanence is ever absolute. There is always tension between the two, in such a way that their interrelationship appears to vary from one era of Christian history to the next. Thus so-called classical theism, with its greater emphasis on transcendence, occupies a different position from so-called pantheism, which focuses more on immanence, whereas panentheism

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[2] The languages Wierzbicka and her associates investigated are English, Russian, Polish, German, Japanese, Mandarin, Malay, Spanish, Korean, the Papua language Mangaabe-Mbula and the indigenous Canadian language Cree. So far her list of primitive concepts comprises 60 or possibly 61 concepts (report on an interview with Wierzbicka in *NRC Handelsblad* 20.09.03, Science and Education section). We believe it is justified to cite Wierzbicka's semantic research and incorporate some of its findings in the semiotic procedure we are proposing, inasmuch as the latter as developed by Umberto Eco may be described as a semantics-based semiotics, structured by what Eco (1979, 75) calls semantic axes. Other primitive concepts from Wierzbicka's list could also serve a useful purpose in the study of religion, for example 'same' and 'other', 'true' and 'false', 'good' and 'bad', 'live' and 'die'.

("everything exists through and in God, just as God exists through and in everything") transcends this tension altogether, as explicated elsewhere (Van der Ven 1998b). Religious attitudes express the extent to which the various positions on the vertical dimension are valued either positively or negatively, or are met with ambivalence.

Length The second dimension is the length dimension of time, which does not relate to the linear sequence of past, present and future, but to the dialectic between present and past, between present and future and between past and future. The myths and rites of Christian religion contain many stories about a primordial beginning, referring to a prehistoric, proto-historic, primordial enigma. This anteriority is not chronological but qualitative, in that it speaks of something qualitatively new that happens or may happen at every new moment. There is not just one beginning but a series of new beginnings, as we learn from the narratives: creation, covenant, exodus, promised land, exile, return. We could call it a chain of beginnings, each clarifying the other through a kind of inter-signification. At the same time there is the enigma of an ultimate future, which was proclaimed in the past, which we may anticipate in the here and now, and in which, enigmatically, the final judgment will be pronounced and perfect reconciliation will occur, described in the anthropological image of the resurrection of the body, the geological image of Mount Zion, the urban image of the new Jerusalem and the cosmic image of the new heaven and the new earth. Religious attitudes express the extent to which the various positions on the longitudinal dimension of time are valued either positively or negatively, or are met with ambivalence.

Breadth The third dimension is the breadth dimension of the domains in which people live, act, meet one another, like the personal, social and natural domains, and listen to one another, hearing the voice of the other who constitutes them as recipients of the ethical commandment: "You will love me." The other could be a beloved other with whom you share your life; a significant other, whose life you follow with empathy, albeit at a distance; a friend, neighbour or colleague – an other with whom you share a friendship of care, pleasure or usefulness; an anonymous other coming from your own neighbourhood, city or region; and finally the alien, a stranger from distant, foreign parts whom you do not meet face to face but whose

voice is mediated institutionally by remote relations, as Ricoeur (1968) puts it. Religious attitudes express the extent to which the various positions on the latitudinal dimension of the personal, social and natural domains are valued either positively or negatively, or – again – are met with ambivalence.

This means that when we measure our students' religious attitudes the three dimensions should feature in the measuring scales we apply. Because of the reflective character of religion, and hence of religious attitudes, the vertical dimension of transcendence and immanence, the longitudinal dimension of present, past and future and the latitudinal dimension of the personal, social, natural and cosmic domains should be represented. Of course, this does not mean that the six themes in terms of which we study religious attitudes should all be equally determined by the three dimensions, nor that these are the only three characteristics that may feature. All we are saying is that the whole field of religious attitudes is determined by these three dimensions, without in principle excluding others.

Third winding: deep codes or theme-dependent codes The third winding in the semiotic spiral is constituted by what we have called deep codes. They differ from primitive codes in that the latter form the geological substratum of religious (or any other) attitudes, simply because they are part of the very conditions of human life and thus exist independently of the six religious themes under investigation. After all, they permeate every possible theme, not just religious ones but also, and especially, all possible nonreligious themes. But the deep codes are theme-dependent, which is why we shall use this as an alternative term in our discussion below. They constitute the infrastructure rather than the geological substratum or bedrock of the themes; they constitute the semiotic or conceptual network implicit in each theme. Although underground, they are not a geological substratum but the foundation of the architecture of the themes.

It sounds very abstract, and so it is, but it is readily explicable with reference to the example of belief in God. Any belief in God obviously has to do with the dialectic between iconic and aniconic belief. Iconic belief is expressed in material or artistic images of God; aniconic belief confines itself to abstract notions of God, such as 'the One', 'the 'All', 'the Holy', 'the Eternal', 'the Other', and may even prohibit the use of iconic images or linguistic expressions altogether. Another example is the dialectic between belief in God as personal

or non-personal. Like the dialectic between iconic and aniconic belief, the dialectic between God as personal or non-personal greatly influences the way people address God in everyday life, for instance in prayer or when they feel called by God to accomplish some task. Why do we speak of infrastructure rather than an (observable) structure? The answer is simple. These two examples show that a dialectic such as that between iconic and aniconic or between personal and non-personal usually does not surface in the conscious mind – not even a theologian's – when people put their belief in God into actual practice. But that does not mean that it is not presupposed or, as it were, foundational.

We need to point out a similarity between primitive and deep codes. Both consist in binary opposites or antonyms. The opposites they embody can assume three different antonymous forms, as we pointed out in another context above. They can be contradictory (e.g. 'personal God' versus 'non-personal God') with no possible mediation between them; they can be contrary (e.g. 'transcendent God' versus 'immanent God') with possible mediation between them; and they can be complementary or implicative (e.g. 'giving forgiveness' versus 'receiving forgiveness'), entailing an inferential relation of the type 'if . . . then'. The kind of opposition will depend on the linguistic and cultural context, so much so that in different contexts the identical term can and must be interpreted in terms of different kinds of oppositions (Eco 1979, 81–82). For example, one cannot say in one and the same context, "God is transcendent and not transcendent" (contradiction), but one can say: "God is transcendent and immanent" (contrast); one can also say: "The forgiveness we receive as a transcendent gift implies a task to be accomplished among one another" (implicative opposition). In each of these sentences the word 'transcendent' plays a different role, depending on the oppositional relationship involved.

In the ensuing chapters we shall consistently use these antonymous pairs of binary oppositions to determine the codes underlying the meanings of the six themes under investigation: God, evil, Jesus, salvation, Christian communities and interreligious interaction. Consequently we shall develop a semiotics of religious binary codes or antonyms for each theme.[3]

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[3] One possible objection to a semiotic procedure is the absence of a historical dimension. When one concentrates on antonyms, as we shall be doing, it leaves no

Fourth winding: signs We now come to the fourth and last winding in the semiotic spiral. It relates to the actual metaphors, symbols, images and ideas people use to express their religious attitudes in everyday life. In semiotic terms these are called signs. Here the relation between code and sign is crucial. Things, places, situations, plants, animals, persons and actions can all function as signs, as can ideas, words, sentences and texts when, on the basis of some – unconscious, unintended, unspoken – code or code system they come to refer to 'something else', as Peirce puts it, in our case to God's creation, God's salvation and Jesus' kingdom of God.[4] Again a few examples will illustrate the point. People may say, with reference to their faith in God, "I believe that God will not forsake me" or "I experience God's presence in the beauty of nature" or "To me God is all in all". Why do we call them signs? It is because in a semiotic procedure signs are always connected with underlying codes, in terms of

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room for the history involved in the concepts that make up the opposition, such as transcendence or immanence, personal or non-personal. Thus one loses sight of the polarity between historical continuity and discontinuity – themselves antonyms! – as well as the simultaneity and non-simultaneity of the (historical) concepts and their interpretations, hence their contextuality. We believe that we can handle this justifiable objection to some extent by proceeding in a historical-systematic or hermeneutic way when choosing the antonyms, implying that in analysing the antonyms we allow for their history inasmuch as that history is interpreted with due regard to present-day understanding of these concepts in the Christian religion. At all events the objection cannot be dismissed by invoking the hackneyed ethno-philosophical notion – said to apply to black students – that traditional African religions do not have any real concept of time and history. They were said to lack any conception of a long past and a remote future and to recognise only an intense, vital and dynamic present – a kind of 'instant' present (Mbiti 1971, 24–31; 1975, 15–28; 1975a, 12–13). This notion is increasingly contested, particularly with reference to the Akan (Gyekye 1987; Olupona & Sulayman 1993). It stems from the fact that ethnophilosophy proceeded from a highly linear concept of time and, in our view, showed little regard for the dialectic in time and history: the tension between present and past, present and future and past and future, marked by a partly retroactive operation of the future on the present and a partly anticipatory operation of the future in the present. Neither did it show any regard for the reciprocal implication of time and action as expressed in acts like forgetting, remembering, forgiving and promising. Finally it had no regard for the dialectic between time and eternity, in which the extension of time over past, present and future is transcended and transformed into a whole (Ricoeur 1984–1988; 2000a).

[4] Peirce (1985, 5) gave the following classical answer to the question of what a sign is: "Something which stands to somebody for something in some respect or capacity." This means that there is 'something' (a sign) that stands for 'something else' (the *denotatum*), to somebody (the interpreter), in some respect or capacity (on the basis a code), a code being a whole set of cultural rules and institutionalised habits 'on the basis of which' we interpret something to be a sign of something else (Van der Ven 1996, 104–111).]

which they are understood, usually unconsciously. There are no signs
without underlying codes, which, in whatever context or situation,
imparts a particular signification to things, situations, actions or per-
sons. The codes turn things or actions into signs: they signify them
into signs. In our research we incorporate, so to speak, these signs –
including their underlying deep codes – into the questionnaire items
that we present to our students to measure their religious attitudes.[5]

Again: a semiotic spiral We feel that the image of a spiral aptly conveys
our meaning and that it can also prevent or remove a persistent
misconception. A distinctive feature of a spiral is that one can pass
through it in two directions: from top to bottom and from bottom
to top. Usually one does so in both directions: now via one wind-
ing from the bottom upwards, then from the top downwards. In this
way we counteract the drawback that may inhere in our description
above, where we might appear to be imposing some sort of direc-
tive that one must always automatically operate from the top down-
wards – deductively as it were – when measuring attitudes. Far from
it. One often collects concrete statements that people make in every-
day life and then look for the deep codes underlying them, for these
determine the statements' meaning: without these codes one cannot
understand them, or rather, they could mean anything. Then one
looks for the primitive codes that constitute what we have called the
geological substratum to determine whether and what implications
that has for one's choice and interpretation of themes. But again we
have followed a particular sequence – this time an inductive one –
as if imposing a new dictate.

   We are describing both the deductive and the inductive sequence
for reasons of presentation, one might say for didactic reasons. In
reality, in the workplace where attitudes are measured, one does
both: often it is a mishmash of movements up and down the spiral,
and this is essential if statements from the concrete practice of faith –
that is, signs – and the theoretical aspects contained in that prac-

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[5] These items should meet three sets of requirements: they should deal with
important aspects of the themes, primitive and deep codes; they should be easy for
students to interpret; and they should meet certain psychometric requirements like
construct validity and reliability. Construct validity is the extent to which items may
be considered to operationalise the concept one wants to measure, while reliability
refers to the extent to which the items, when administered at different time inter-
vals, are invariable in respect of essential aspects (De Groot 1968, 265–296).

tice – that is, codes – are to be mutually fructifying. Anyone who swears by an exclusively downward movement would be guilty of what we might call deductionist fundamentalism, and anyone who swears by an exclusively upward movement would be guilty of the reverse: inductionist fundamentalism. The former badly needs to do some observation and participation; the latter should immerse themselves in what is classically known as Hume's problem: pure induction produces no scientific knowledge.[6]

Religious attitudes in the theoretical and empirical domain

The empirical study in the next few chapters will look into the religious attitudes evolved according to the foregoing semiotic procedure at two levels: those of the theoretical and the empirical domain. In the theoretical domain it is a matter of semiotically developing attitudes which, on the basis of theological reflection, may be supposed to exist in the minds of grade 11 students. In the empirical domain we need to determine whether these theoretically developed religious attitudes are corroborated by the empirical data collected by means of the questionnaire.[7]

In some cases the data definitely support the attitudes. Other cases are less clear-cut, as when we discovered that the distinction made between certain attitudes on theoretical grounds – for instance between the transcendent and immanent presence of a non-personal God, which many claim to be typical of modern people – was not borne out by the empirical data. It appears that the distinction is not made in the case of a non-personal God image but it does apply to a personal God image, as will be seen below. Why is that? It is an interesting question that we shall consider in due course. Another pertinent example is the pantheism we found among students: there was no 'shallow pantheism', as it is sometimes called, which contains no reference whatever to God's transcendence; what we did find was what

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[6] In chapters 8–13 we confine ourselves to the themes, deep or theme-dependent codes and signs (items), while chapter 14 deals with primitive codes – the reason for this is explained in that chapter.

[7] To this end we use the statistical method of factor analysis (van der Ven 1993). For the sake of the commensurability of the 1995, 1996, 2000 and 2001 data we took the 1995 factor solutions as our point of departure for the factor analyses in subsequent years, while confining ourselves to determining the statistical reliability of the scales of the other three years.

we call 'complex pantheism', which – counter to our theoretical sur-
mise – does contain such a reference (chapter 8). These examples
show that attitudes from the theoretical domain are sometimes cor-
roborated by those from the empirical domain and sometimes not.
This belies the bias that 'what one feeds into an empirical study at
the beginning is what one finds in the end'.

7.2. THE EFFECTS OF RELIGIOUS ATTITUDES ON HUMAN RIGHTS ATTITUDES

How can religious attitudes possibly affect human rights attitudes?
Is there something about religious attitudes that explains why they
could have such effects? The question can be viewed from two per-
spectives. The first is formal, in that it pertains to religious attitudes
as religious *attitudes*, whereas the second is substantial, in that it per-
tains to religious attitudes as *religious* attitudes.

Religious attitudes from a formal perspective Besides the cognitive and
affective component discussed previously, attitudes, including religious
ones, also have a conative or actantial component. This is an impor-
tant component, for it contains what one could call a mechanism
that motivates and stimulates people such as our grade 11 students
to identify actively with human rights. What kind of mechanism is
this and under what conditions does it switch on?

For a long time it was thought that this mechanism switched on
of its own accord, as it were, in attitudes, including religious ones;
that it was activated like a kind of automatic pilot that sets people
who have these attitudes on a particular course and maps that course
for them. However, empirical research has shown that attitudes can
sometimes lead to conations and actions: if something strikes us as
important, we want to make it happen. But there are so many fac-
tors operative in the whole process starting from the attitude, with
its cognitive and affective components, to its conversion into action
that the notion of simple causation was abandoned. That is to say,
it is no longer taken for granted that attitudes, as it were by nat-
ural necessity, spontaneously trigger particular actions or even make
people aspire to them.

The main factors militating against immediate conversion into
action are personal and situational. Among personal factors one thinks

of the possibility that two or more attitudes may be in competition and as it were vying for priority. They could also be in direct conflict: for instance, if a person who is positively disposed to the use of condoms to prevent the spread of HIV/aids is also a committed member of a church which strictly forbids this, then one or the other attitude will bite the dust. Another major factor is the extent to which we believe ourselves to be capable of realising an attitude through our own actions. Some things cannot be realised, either because one does not have the talent or because it cannot be realised single-handed and there is no support group. This is known as the factor of personal efficacy.

There are plenty of situational factors that hamper or complicate effective realisation of attitudes, including religious ones. The presence of one or more other people may be seen as an obstacle to effective realisation of the attitude, for instance if a superior or someone on whom you are dependent does not want you to put the attitude into practice. Sometimes the normative expectations of the group you belong to make you feel that the actualisation of the attitude is undesirable or even illegitimate. At all events, all this has put paid to the notion of a causal relation between attitude and action, so that now one only hears of a possible predictive relation. A prediction does not state that an attitude will perforce result in a relevant action but only indicates the degree of probability that an attitude will convert into action. Consequently we speak of a predictive orientation to act that is inherent in attitudes, including religious ones (Ajzen & Fishbein 1980; Fishbein & Azjen 1975; Jaspars & Van der Vlist 1981; Nauta 1982).

Thus our entire study of the effects of religious attitudes on human rights attitudes hinges on predictive orientations. In other words: what is the likelihood that our students' religious attitudes could be regarded as predicting the action that concerns us, namely acceptance of, and agreement with, human rights? This likelihood may assume one of three forms: positive or negative (and in both cases it could be strong or slight), or nonexistent.

But, one might ask, is a predictive relation the same as an effect relation?[8] Lest we end up with a detailed statistical technique, we merely make a simple distinction between two kinds of conditions

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[8] For the asymmetry between prediction and causation, see Ricoeur 1979, 64.

that are at issue here: necessary and sufficient conditions. A predictive relation may be seen as a necessary condition but not as a sufficient condition. Thus in a predictive sense rain (variable A) may be regarded as a necessary condition for the chance that people will use an umbrella (variable B), but not as a sufficient condition, for umbrellas are also used when it is not raining, for instance to protect one against sun or strong wind, or at a festive gathering like a carnival or a sports contest. In this sense a predictive relation as a necessary condition may be said to have an effect in this sense that there is a chance that variable A has a limiting influence on the variation of variable B, for if it rains, there is a greater chance that one will use an umbrella than allow oneself to get soaked.[9] Moreover, methodological literature reflects consensus that when there is a solid *theoretical* basis for the effect of one variable on another – in our case, the effect of religious attitudes on human rights attitudes – one can, on the basis of empirical prediction, infer an *empirical* effect, at least in terms of a necessary condition (Blalock 1979).

Religious attitudes from a substantial perspective Is this study restricted to the exploration of the predictive value of our students' religious attitudes? No, this entire study centres on the theoretically grounded question whether and to what extent Christianity, narrowed down to 'religious attitudes in Christianity', has an effect on a human rights culture, narrowed down to 'human rights attitudes'; and in investigating this we also took into account the polarities between individualism and collectivism and between particularism and universalism. We need not dwell on this, for in previous chapters it was repeatedly demonstrated that, and why, the Christian religion, by virtue of its view of human beings and society and by virtue of its mission, should contribute to – and if necessary fight for – a world of human dignity, freedom and equality, all of them fundamental principles of human rights. When it fails to do so it is ignoring its mandate and ceases to be a religion that follows in the footsteps of the Old Testament prophets (consider the *personae miserae*) and the escha-

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[9] In the survey research in this study our concern is to infer effects (in terms of a necessary condition) from similarities and differences between groups, whereas in experimental research effects are assumed to be a result of intervention in the same group(s), which permits stronger inferences in terms of effect (Verschuren 1991, 27–41).

Figure 7.2.1. *Predictive model of religious attitudes and human rights attitudes*

Religious attitudes	human rights attitudes
God	
evil	
Jesus	civil rights
salvation	
church	
interreligious interaction	

Controlled for:
demographic
gender
age   political rights
familial
home language
political
political communication with parents
political agreement with others
importance of politics   judicial rights
political preference
cultural
ethnicity/trans-ethnicity
materialism/post-materialism
religious socialisation
religious steering by parents   socio-econ. rights
religious transfer by parents
religious communication with parents
religious practice
religious salience
Bible reading
church membership   collective rights (i.e. envir. rights)
church participation
church rites of passage

+ / − / 0

tological prophet Jesus, hence it ceases to be a Christian religion. That was what these prophets taught, as we saw in the texts of Isaiah and the early synoptic texts: those who disregard ethics and morality have no place in the temple. Our overall conclusion is that there is strong ambivalence, partly on account of the complexity of all these relations. Empirical research enables us to differentiate the ambivalences more clearly between religious attitudes and human rights attitudes. But whatever the outcome – a positive, negative or zero effect, or a combination of these, leading to some sort of ambivalence – it is traceable to, and has to be interpreted in terms of, the complex relations between the two sets of attitudes in the course of history and in our own day and age, which we explored in earlier chapters.

The predictive model in figure 7.2.1 shows what we have in mind. At the top of the left-hand column are the religious attitudes we shall be studying: attitudes towards God, evil, Jesus, salvation, Christian communities and interreligious interaction. Below these are the population characteristics, to which we shall return below. The right-hand column contains the human rights attitudes: attitudes towards civil, political, judicial, socio-economic and environmental rights. The two columns are linked with an arrow indicating the expected effect relations, which could be positive (+), negative (−), or zero (0).

One last point in table 7.2.1 needs clarification: the term 'controlled for'. We are not researching just the relation between religious attitudes (independent variables) and human rights attitudes (dependent variables), but have added a string of population characteristics to these. Some of these characteristics were mentioned in chapter 3: demographic (gender, age), familial (home language), political (political communication with parents, political agreement with others, importance of politics, political preference), and cultural characteristics (ethnicity/trans-ethnicity, materialism/ post-materialism). To these we have added a few more, mainly ones pertaining to religious socialisation and religious practice, to be discussed below.

Why should we control the effects of religious attitudes on human rights attitudes for these population characteristics? It would not be the first time that we believed we have found effects of religious attitudes (e.g. our students' belief in God, Jesus, etc.) on social attitudes (e.g. their human rights attitudes), only to discover that these are in fact pseudo-effects, because factors such as gender or political preference turned out to play a more decisive role that 'explains away'

the supposed effects of the religious attitudes. In other words, introducing population characteristics into the predictive model may help to eliminate pseudo-effect relations between our students' religious attitudes and their human rights attitudes. It also means that the more relevant population characteristics one includes in the predictive model, the more robust the effect of the religious attitudes, if any, may be considered to be. This accords perfectly with empirical research methodology: to explore a certain expectation (here the effect of religious attitudes on a human rights attitudes) one has to subject it to the most stringent conditions possible to see whether the expectation holds water and whether the effect remains intact.

We mentioned that we added two further categories of population characteristics: religious socialisation and religious praxis. Under religious socialisation we classify the following: religious steering by parents, religious transfer by parents and religious communication with parents. The population characteristics listed under religious practice are the following: religious salience, Bible reading, church membership, church participation and church rites of passage.

We approach the two categories, religious socialisation and religious practice, from an intergenerational perspective, which highlights the relation to the two polarities incorporated in this study, namely the tense relationships between individualism and collectivism and between particularism and universalism. Let us first consider the intergenerational character of religious socialisation. By that we mean that religious socialisation is determined not only by the influence parents exercised and still exercise on our students, but also the influence their parents had on them. That is to say, the religious socialisation of the current generation – like all socialisation – is greatly influenced by the educational structures and processes that impacted on the previous generation in their time. It does not mean that the religious beliefs and practices of the present generation of students can be reduced to the attitudes of past generations. That would infringe on the concept of generation as such, which refers to the aggregate of individuals in a population who experience the same events in the same time interval in a different way than the previous generation experienced them (Mannheim 1964; Van Dam 1992). Although this tells us nothing about the extent to which one generation experiences events differently from another (genuine generation gaps across the board are rare), it does not detract from the fact that much of the influencing of the younger generation by the

older generation occurs via the traditional educational structures and processes that the older generation itself was exposed to. In this regard Herder speaks of a golden chain of generations (*die goldene Kette der Bildung*), thus expressing the present generation's link not just with the previous generation but also with earlier generations, as well as with future generations (Gamm 1979, 79–80).

Much the same may be said of religious practice. The meaning our present-day students assign to the Christian religion (salience) and the way they read and interpret the Bible cannot be divorced from their parents', and that in turn was influenced by their parents before them. In regard to the de-traditionalisation process in every sphere of society, including the religious sphere (even in South Africa, where this process is less entrenched than in European countries), it could be that on the whole the ties with tradition still tend to be stronger than is commonly assumed and maybe even stronger than the tendency to shed them (cf. Felling 2004). The churches in particular play a dominant role in religious practice. It is they who have passed on the ancient biblical narratives, together with the traditional interpretations, from one generation to the next, Sunday after Sunday, week after week, in preaching and liturgy, in Bible study groups and weekend retreats, in Sunday school classes and catechesis; and they still seek to steep parents and their children – our students among them – in these meanings. Despite all sorts of signs of erosion of this religious memory (religious 'amnesia') (Hervieu-Léger 1993), the imprint that Christian and church history have left on the collective memory of humankind, and are still making and reinforcing, is not easily erased and its influence cannot simply be undone.

Does this apply also to our black students, whose parents and grandparents may be influenced by traditional African religions? Certainly the influence of traditional religions should be taken into account – as we will do, for example in the next chapter – but to the extent that Christian students are raised in Christian families that were and still are deeply influenced by the original missionary churches, they also grow up in the Christian and ecclesiastic contexts referred to above.

7.3. RESEARCH POPULATION

As we said in the Introduction, we want to examine the effects of religious attitudes on human rights attitudes among grade 11 students at schools in the Johannesburg/Pretoria region. Initially we wanted to do research among students at four types of schools in this region: two types of private schools and two types of public schools. In the case of private schools we were thinking of Anglican and Catholic schools, and among public schools we were looking at English medium and Afrikaans medium schools. In the first round of our survey project in 1995/1996, about which more anon, we managed to research all four types of schools, but in the second round in 2000/2001 we came a cropper. The principals of English medium public schools in particular refused us access in 2001 – because of a new policy of the Gauteng ministry of education, under which the Johannesburg/Pretoria region falls – on the grounds that the separation of church and state no longer permitted the conduct of research whose substance derived from a specific religion, in our case mainly the Christian religion. This new, unforeseen political development compelled us, for the sake of the commensurability of the results of our first round in 1995/1996 and the second round in 2000/2001, to excise the entire data set of English medium public school students collected in 1996 from the study.[10]

As a result we had to restructure our comparative study. We abandoned the idea of a comparison of students from four types of schools and settled for just two types of schools: firstly, private school students, where we combined Anglican and Catholic school students into a single research group; and secondly, students from Afrikaans medium public schools. Our point of comparison was the similarities and differences between students at private schools, which have always had multicultural student populations, and those at Afrikaans medium public schools, which have always been exclusively monocultural and still have a predominantly white student population. In this comparison between monoculturalism and multiculturalism we focused on similarities and differences between students from the two kinds of schools in three respects: their human rights attitudes, their

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[10] The removal of the 1996 data on English medium public school students from our database means that the research results reported in this book may differ from those in earlier partial studies, which included these data.

religious attitudes, and the effects of their religious attitudes on their human rights attitudes.

It should be clear from the foregoing that we confined ourselves to religious beliefs rooted in, and nourished by, the Christian tradition. We would have liked to have involved a variety of religions in our study so as to broaden its scope, which is necessary in view of the fact that present-day multicultural society is also multireligious. But there were practical reasons why this was not feasible. We have mentioned the fact that principals of English medium and some Afrikaans medium public schools refused us access in the second round of our research in 2001. As a result of this refusal, and the consequent removal of the entire student population of these schools from our database, we also had to forfeit the data on a fairly large group of non-Christian students, since there were obviously more non-Christian students at English medium public schools than at the two kinds of church-affiliated private schools (Anglican and Catholic) and at Afrikaans medium public schools with their predominantly Dutch Reformed student population. Thus we had to give up our multireligious structure. Another reason was statistical feasibility, for even when the populations of the other schools did include adherents of other religions or ones who claimed to be nonreligious, the numbers were so small and the data generated so meagre – partly because, on our instruction, they refrained from answering questions pertaining to specifically Christian themes – that we had to leave them out of account in our data analysis.[11]

We had to impose yet another limitation on the student populations of both private and public schools. We selected students only from schools in the urbanised environment of the Johannesburg/Pretoria region, omitting schools in the townships, some of which have had to close down because of the efflux of township children to urban schools. The reason for our decision was that in the early 1990s, when tensions between population groups sometimes flared dangerously, several pedagogues advised us against including township schools in our sample, both for security reasons and for political, pedagogic and methodological reasons. The security and political reasons emanated from the aforementioned tensions; the pedagogic

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[11] This also means that the research results reported in this book may differ from those in earlier partial studies, which included non-Christian students.

reasons related to the possible effect of these tensions on school climate and on teacher-student and student-student relations within these schools; the methodological reasons were that all these factors could seriously impair the reliability and validity of the data, and thus of the entire study.

To sum up: the overall research population on which we report in the ensuing chapters has the following characteristics: (a) it comprises grade 11 students who define themselves as Christian; (b) they attend two types of schools: multicultural private, Anglican and Catholic schools and predominantly monocultural Afrikaans medium public schools. We have adequately explained why we confined ourselves to students who defined themselves as Christian. But we still need to explain why we opted for two sub-populations (multicultural and monocultural). The reason has to do with the relation between ethnicity and religion.

Ethnicity and religion

This relationship is far from simple, not to say highly complex. It has three aspects. The first pertains to what ethnicity actually entails, the second to what religion entails, and the third to the relationship between the two.

To start with the first aspect, the nature of ethnicity: ever since the 1960s there has been a controversy between those who believe that ethnicity displays a fixed pattern and is not subject to change in regard to its deep structure, and those who believe that in many respects it is influenced by external factors. The first group is known as the primordialists. They maintain that members of ethnic groups are indelibly marked by their origins and tribal ties and that, through the transfer of beliefs, values, norms and customs in the intergenerational chain, these are unchanging. Once a Westerner, always a Westerner; once a Xhosa, always a Xhosa; once a devotee of traditional African religion, always a devotee. This may seem like an exaggeration, but there are sufficient indications of how profound the influence of tribal and religious socialisation can be and how difficult it is to shake off its effects, however much people may want to. The second group is known as the circumstantialists. They believe that the identity of ethnic groups is determined by interaction with their circumstances and hence with changes in that interaction when circumstances change. If economic circumstances change, for example

as a result of either growing poverty or declining poverty and grow-
ing affluence, the ethnic group will respond. The same applies if the
political structure changes: again altered power relationships will
influence the way an ethnic group defines itself, both internally and
to the outside world in their dealings with other groups in the envi-
ronment. By the same token changes in the culture to which the
ethnic groups belong affect their self-understanding.

In addition to all this there is a further controversy about what
is meant by the terms 'individualism', 'collectivism' and 'universal-
ism'. Are individual members of an ethnic group wholly governed
by the collectivity of the group, or do other factors enter into it as
well, such as genetic predisposition, biography, family, socialisation
and relationships, and how do these collective and individual factors
affect each other in their ever changing interaction? Added to this,
there is a second question: to what extent is the collectivity of an
ethnic group determined by assimilation and acculturation processes
in relation to other ethnic groups, and ultimately to society as a
whole? There were and probably still are scholars who believe that
all ethnic groups and peoples are heading for a universal life world
in the melting pot of a global modern world, in which all ethnic
attributes will be modified and eventually disappear.

The current approach, which is the one we adopt, is that the
primordialist and the circumstantialist views can be combined by
way of constructivism, a kind of middle ground between the two
extremes – but not a middle ground that smacks of compromise. It
implies that the primordial rootedness in a distinctive ethnic group
with myths, rites and customs from bygone times is reconstructed
anew each time in accordance with changing circumstances, includ-
ing the tension between individuality and collectivity and between
collectivity and universality – both of which are likewise subject to
constant change. Such reconstruction relies heavily on constant reap-
praisal of the boundary with other ethnic groups and with society
at large: "It is at the boundary where ethnic identities are most
clearly articulated and defined in response to changing circumstances"
(MacKay 2000, 105).

The second aspect pertains to the nature of religion. Difficult as
it may be to determine what constitutes and ethnic group, it is even
harder to pinpoint the nature of religion, let alone what influence
religion has on a group's ethnicity. There was a time when every-
body knew what religion was. That was in the days of particular-

ism when people were only aware of the all-pervasive power of their particular religion in the lives of individuals, families, groups, collectivities: their own religion and everything pertaining to it – myths, rites, customs, behavioural patterns, leadership structures. The moment they realised that there were other ethnic collectivities with other myths, rites and customs – as the Spaniards found when they 'discovered' America – and opened their minds to these, the singular term 'religion' turned into a plural, 'religions'.

But what is it that makes them religions? The problem was compounded when, in the 16th century, the three rival religions – Judaism, Christianity and Islam – were joined by a fourth: 'idolatry'. It marked the beginning of a trend to characterise the 'idolatrous', newly discovered ethnic collectivities in the 'new world' as having no religion: indigenous peoples were considered to live without any religion or, for instance in the 19th century, to have a 'primitive religion'. This was a reversion to the simplistic schemes that had been current ever since the 4th century, in which a distinction was made between 'our' religion and 'theirs': heathenism, paganism, idolatry, superstition, magic – a distinction we already encountered in the books of the Old Testament prophets. This indicates that 'religion' is anything but a 'natural' concept and should rather be seen as a construct that betrays the biases and ideology of those using the term and, often, their concomitant (religious) aspirations to power (Van den Heever 2002). Religious pluralism underwent a further development in the 19th century when the list was expanded to seven religions, which included Buddhism, Hinduism and Chinese and Japanese religions. An even further development was when people started speaking about 'the religion of': the religion of the Xhosa or the Akan. The last step in this development was Tillich's definition of religion in terms of 'ultimate concern', as a result of which religion could no longer be distinguished from any other ideological category and came to signify something like world-view with the accent on the cognitive aspect, thus marginalising the ritual aspect which was the original matrix of religion (Smith 2000).

To cut a long story short: what is religion if one assumes that it has some sort of relation to ethnicity? If one no longer regards traditional African religions as 'idolatry' but as religions, does one do the same in respect of ethnic groups who do not pray to God or praise him as the Xhosa do (Fast 1993), but 'merely' think about and meditate on him (Damman 1963, 31; Horton 1995, 169–175;

Wiredu 1998, 187, 192; Bond 1991)? Put differently, the term 'reli-
gion' is not part of the first-order vocabulary of those who listen to
myths, perform rituals, mystically experience nature, receive spiritual
powers, join in gatherings and show their children the way to live:
such people do not use the word 'religion'. It is scholars of religion
that call it (all or a part of it?) by that name and do so in terms of
their descriptive, comparative, classificatory, generalising, reconstructive
'secondary vocabulary' – a technical, scientific language in which *they*
set the boundaries of what is religion and what is religious.

The problem becomes even more acute when one considers that
all religions, including the Christian religion (especially that of South
African and other ethnic groups, which is marked by syncretism),
are living entities, and that it is scholars of religion who decide not
just what is religion, but also what is syncretism and anti-syncretism.
Is a syncretist Christian religion in fact a Christian religion? Is a
non-syncretist Christian religion not a fiction? Is an anti-syncretist
Christian religion more Christian than a syncretist one? Those who
ask these (extraordinary) questions – and they are asked, for they
are unintentionally implied in a lot of theological thinking! – must
take cognisance of the fact that 'religion' is a construct of scholars
of religion (chapter 8).

Our premise was simply that the religion of students who, in our
questionnaire data, defined themselves as Christian display the prin-
cipal features of the Christian religion. That may sound as if the
Christian religion is a static, rigidly defined entity with immutable
dogmas and equally immutable doctrinal authority, instead of a
dynamic network of often loosely linked elements with a polycentric
structure. Hence we hasten to describe the constructivist approach
to this problem as well. The development of a personal biography,
also when it is impregnated by (Christian) religion, can only be con-
ceived of as a continuous process of reconstruction (Ricoeur 1992a).
Syncretism, too, has a place in this, whether it remains peripheral
or has penetrated to the core of that 'personal' religion.

It should be obvious that the third aspect – that of the relation
between ethnicity and religion – is fraught with problems. Quite
apart from the difficulty of pinpointing these two concepts, the rela-
tion between them is an object of debate between those who believe
that a group's religion influences its ethnicity, and those who main-
tain the exact opposite: that a group's ethnicity determines its reli-
gion. To put it in methodological terms: is religion the independent

variable and ethnicity the dependent variable, or vice versa, is ethnicity the independent variable and religion the dependent variable? This problem can easily be resolved by conducting an empirical study, in which religion and ethnicity feature in turn as independent variables. But whatever empirical insight this yields, one still needs to provide a theoretical analysis and interpretation. Empirical research can only be said to offer a solution – if it does so at all: often its goal has been accomplished once it is able to formulate the problem more clearly – when the data and data analysis are put in a theoretical framework. Data in themselves mean nothing nor do they speak for themselves; one has make them speak: "Data without generalization is just gossip." (Pirsig, Lila: An Inquiry into Morals, quoted in Manley 1995, 17).

Clearly anybody who ventures into the relation between ethnicity and religion is entering a conceptual and empirical minefield. This is all the more so if we consider that the Christian grade 11 students under investigation are from two types of schools, one of which is predominantly mono-ethnic – in the educational context, mono-cultural – and the other multi-ethnic or multicultural. In the first case – that of Afrikaans medium public schools – we were dealing with a predominantly monocultural group: white Afrikaners. In the second case we were dealing with a mix of cultural groups, about half comprising white students and the other half students from predominantly black cultures.

What were our assumptions? We mean assumptions in an empirical methodological sense: theoretical premises that have not been empirical tested, and that cannot and need not be tested. There were two. The first relates to the primordiality of ethnic culture, the second to its reconstruction at the boundaries.

The first assumption is that Christian religion has less impact on the cultures of ethnic groups than the other way round, in that these groups' cultures influence their attitudes towards the Christian religion. Our reasoning was that these groups' primordial ethnic cultures, at any rate those of the black groups, antedate their membership of the Christian religion (which was only introduced in South Africa 300 years ago) by hundreds of years. Reverting to the methodological terminology we used above: we regard the ethnic groups' cultures as the independent variable and their attitudes towards the Christian religion as the dependent variable.

The second assumption is the following. When students of different

ethnic groups mix in a multicultural school, this can lead to differences between their religious attitudes and those of students at monocultural schools. This is because the multicultural setting gives students an opportunity to redefine the ethno-cultural boundaries dividing them, so they can reconstruct their ethno-cultural identity. Students at monocultural schools have no such opportunity.

The logical conclusion to be drawn from the two assumptions brings us to the research question that guided our study. Our reasoning is that if such differences exist between the religious attitudes of students at multicultural and monocultural schools, it could lead to differences in the effects of these religious attitudes on human rights attitudes. Hence one of the key questions in our study is whether such differences in effects in fact exist.[12]

Composition of research population

As mentioned already, we approached our grade 11 students in the framework of a survey research project and presented them with a questionnaire on two occasions with an interval of five years in between. The questionnaire contained a wide range of questions about their human rights attitudes, their religious attitudes and their political and cultural views; in addition there were a few questions on demographic and familial attributes. In the private schools we conducted our survey at the beginning of 1995 and 2000, and in the public schools at the beginning of 1996 and 2001. This was to ensure that the data collected on the first occasion (1995 and 1996 for private and public schools respectively) would not be contaminated by chance factors associated with the social and educational turbulence that was rife at the time. Collecting our data in two rounds in 1995/1996 and 2000/2001 enabled us to compare those of the first round with those of the second round. Hence in reporting the research results we shall consistently present the principal data for 1995 and 1996 and for 2000 and 2001.

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[12] The multicultural versus predominantly monocultural composition of the two sub-populations relates to the apartheid and post-apartheid periods, and hence to certain other features of these schools: the legal status of the schools (private or public); the teaching medium at the school (English or Afrikaans); the religious tradition with which they are formally (private schools) or informally (Afrikaans medium public schools) affiliated – Anglican/Catholic or Afrikaans Reformed churches; finally, in the post-apartheid period Afrikaans medium public schools are no longer exclusively but only predominantly monocultural.

Table 7.3.1. *Numbers of students of multicultural, Anglican and Catholic, private schools and predominantly monocultural Afrikaans medium public schools in the Johannesburg/Pretoria region*

multicultural schools				monocultural schools		
year *1995*				*year* *1996*		total
Anglican	246	(54%)				
Catholic	206	(46%)				
Total	452		(63%)	260	(37%)	712
year *2000*				*year* *2001*		
Anglican	237	(60%)				
Catholic	158	(40%)				
Total	395		(41%)	559	(59%)	954
Total	847			819		1666

In 1995 we collected data from 452 students at multicultural private schools in the Johannesburg/Pretoria region: 246 students at Anglican schools (54.4%) and 206 at Catholic schools (46.6%); in 2000 the total came to 395 students, of whom 237 were at Anglican schools (60%) and 158 at Catholic schools (40%). In 1996 we collected data from 260 public school students and in 2001 from 559 public school students. This comes to 847 private school students and 819 public school students, totalling 1666 students.

7.4. RESEARCH QUESTIONS

Against this background we classify the questions we seek to answer by way of empirical research into questions pertaining to our students' human rights attitudes and those pertaining to the effects of their religious attitudes on their human rights attitudes.

The students' human rights attitudes were discussed at length in Part I, chapter 3. In the ensuing chapters, therefore, we confine ourselves to two issues: (a) the students' religious attitudes towards God, evil, Jesus, salvation, Christian communities and interreligious interaction; and (b) the effects of these religious attitudes on their human rights attitudes. In the process, as noted already, we shall look out

for relevant differences between students at multicultural and mono-
cultural schools. This led to the following four questions:

1. What are our students' religious attitudes?
2. Are there differences between the religious attitudes of multicul-
   tural and monocultural school students?
3. What are the effects of these religious attitudes on the students'
   human rights attitudes?
4. Do the effects of these religious attitudes on the students' human
   rights attitudes differ between multicultural and monocultural
   school students?

To these questions we want to append a comment on the kind of
empirical research we envisage. In empirical methodology research
is normally classified into three categories: descriptive, exploratory
and explanatory. The first aims at the description of data, the sec-
ond at exploring the factors underlying the data and at correlations
and predictions, and the third at testing explanatory hypotheses. The
research reported in part III of this book is exploratory, implying
that the aim is an exploratory search for explanatory hypotheses,
with the accent on 'exploratory search'; for we are not concerned
with testing hypotheses but with discovering, finding and formulat-
ing them, so as to make the data we describe comprehensible (Van
der Ven 1993, 125–127). It is important to emphasise this goal,
because we were (as yet) unable to make use of earlier research into
the effects of religious attitudes on human rights attitudes and explana-
tory hypotheses in fact still have to be discovered, found and for-
mulated. In addition the limited sample of grade 11 students at two
types of schools in the Johannesburg/Pretoria region does not per-
mit us to generalise our results to the total population of grade 11
students at all secondary schools, let alone to youths of the same
age both in and outside these schools. That is why the subtitle of
this study proclaims it 'A South African case'.

HUMAN RIGHTS IN THE NAME OF GOD

When one links the two themes – God and human rights – as we propose doing in this chapter, one enters a minefield where one has to step carefully. To some people God has nothing to do with human rights, because he belongs in the innermost soul where one has to descend to hear his voice. In contrast to this kind of pietism, which is widespread in South Africa, others maintain that belief in God and human rights are extensions of each other because God is a God of freedom and justice, and human rights are the historical product of a moral evolution that started with the Old Testament prophets and was uniquely embodied in the person and work of Jesus. Yet others claim that belief in God has had its day, having been superseded by secularisation – an all but irreversible process, since it is an epiphenomenon of the rationalisation process that has permeated every dimension of modern society, including the religious dimension, for centuries. Then there are those who say that secularisation is not such a bad thing, since there are signs of 'God's revenge' (*Revanche de dieu*) everywhere, as is evident in the calls for 're-evangelisation' and 're-islamisation' all over the world. Finally there are those who not only compare human rights with a belief in witches and unicorns (MacIntyre (1984, 69–70), but also reject them as a secular faith which has the whole world in thrall – a secular global faith (Van der Vyver & Witte 1996, XI–XLVII) – but lacks the sense of transcendence that characterises genuine religious faith.

The relation between religion and human rights, especially its complexity, has been explored sufficiently in previous chapters to make one realise that there are plenty of pitfalls. Because of the overall tenor of this book it will come as no surprise that, while we assume belief in God to have a positive impact on human rights attitudes, we are not blind to the possibility that it may equally well have a negative impact, and in some instances no impact at all. The circumspection we have in mind is prompted by our initial study of the contexts of origin, codification and legitimation, which showed how ambivalent this field is (chapters 4–6).

There is a further point that is particularly pertinent to the South African situation. The question about faith in God in itself is proper to South African society as a whole, since, as pointed out in the Introduction, it is a deeply religious and even a deeply Christian country. But belief in God is not proper to the context of the South African state, for since 1996, when South Africa got its new constitution, it has been a secular state. In a formal sense that is nothing new, for the earlier constitutions of 1910, 1961 and 1983 did not recognise any kind of official religion either. The only difference, at least in this respect, between the new constitution of 1996 and its predecessors is that the latter all contained a constitutional confession of faith, for instance the statement in section 2 of the 1983 constitution: "The people of the Repulic of South Africa acknowledge the sovereignty of Almighty God." To be sure, 'the only difference' is an understatement, for de facto this constitutional confession had a hidden purport which assigned the Christian religion a preponderant position. In apartheid South Africa the Christian religion was privileged above all other religions, evidenced by examples in the preamble to the 1983 constitution that explicitly mention the upholding of "Christian values", by the idea of 'Christian national education' in the National Education Policy Act of 1967 (section 2) and the Education and Training Act of 1979 (section 3), and by censorship laws that referred to the upholding of a Christian view of life, which in practice was dictated by so-called Christian morality and, more specifically, a particular (Calvinist) brand of Christianity.

The privileged position of Christianity was also evident in other ways. Public religious broadcasts, especially on television, and state subsidies for theological training (especially Dutch Reformed theological training) greatly favoured Christianity (Van der Westhuizen & Heyns, 99–100). The religious status of Muslims and Hindus in the apartheid context with its 'racist institutionalisation of all aspects of life' was inferior, because nearly all Muslims and Hindus were black in the socio-political sense of the black consciousness movement (Saayman 1993, 41–42). Thus one concludes that, although in the main other religions were tolerated, religious freedom did not really exist, as public life operated on the assumption that Christianity is superior to other religions and Christian political power ensured that this dominance was maintained in all spheres of public life. In actual fact there was considerable overlap between the South African Dutch Reformed Church and the National Party, which ruled the

country from 1948 until 1994. The former provided the latter with the religious tools to legitimise apartheid. There is good reason for the saying, by analogy with the Anglican Church in England, that the Dutch Reformed Church was 'the National Party at prayer'.

Naturally this did not apply to all churches, for instance the Methodist, Anglican and Catholic Churches. But whereas the Dutch Reformed Church publicly sided with the apartheid regime, most of the others did not get beyond issuing papers and declarations against the policy of the regime and making compromises – the exceptions being a few church movements operating on the lines of the Belhar Declaration, as will be seen below (chapter 12). In other words, if one poses the question about belief in God, one cannot disregard the historical context in which this question is steeped in the actions of the apartheid system and reactions against it. To some critical, militant groups in South Africa at any rate, the question of belief in God is a dramatic one – so much so that one shies away from it.

That makes the question of the relation between belief in God and human rights a contentious issue in South Africa. To put it bluntly: what kind of God, having first legitimised apartheid, would suddenly turn round and give human rights his blessing? Can such a God be trusted – implying, of course, can the *people* who believe in such a God be trusted? The question is not just dramatic but also tragic, especially for those who in their heart of hearts knew all along that the apartheid system was absurd, socially schizophrenic, immoral and anti-religious and who always opposed it tacitly – out of ignorance, fear or cowardice – but are now confronted with their own religious negligence and feel guilty about it. The question about God is dramatic; that about the relation between God and human rights is tragic.

Against this background we shall first work out a theological frame of reference for the study of our grade 11 students' attitudes towards God, with special reference to any possible influence of syncretism (and, maybe, anti-syncretism) on these attitudes. We then look for a theological concept that offers a key to describing the different images that people in general, and our students in particular, have of God. The concept we end up with is participation by God and human beings (8.1). Finally we proceed to the actual empirical study on the question: does God make a difference in the area of human rights? (8.2).

8.1. IMAGES OF GOD

The issues associated with apartheid and postapartheid by no means exhaust the problems. There are altogether different factors, quite apart from apartheid and postapartheid, that determine images of God. This is important for our study, because we are dealing with two different student populations: one comprising grade 11 students at multicultural schools, the other comprising their peers at mono-cultural schools. Is it at all acceptable to present these two populations with the same questionnaire? The problem is not – primarily – denominational: do Anglican and Catholic students at multicultural schools and predominantly Dutch Reformed students at public schools in fact fit the same *denominational* mould? It is actually religious: do students at multicultural schools and those at predominantly mono-cultural schools fit the same *religious* mould? Do they correspond from a religious point of view? Do they display a similar faith in God? Is their God in fact the same?

Belief in God between syncretism and anti-syncretism

These questions are probably phrased too categorically, but that is because some 30% of our students speak one of the official black languages at home, such as Sotho, Xhosa or Zulu. Research indi-cates that both the originally white public schools and the private schools that have been multiracial from the start are all more or less oriented to Western standards, values, norms and lifestyles (Cross 1999, 280) – some leading African and Afro-American philosophers in fact applaud this, since in their view 'superstition' would hamper social development (Masolo 1994; Appiah 1992; 1996). Other stud-ies, however, indicate that only the students' outward behaviour is Western-oriented; their traditional cultures continue to influence their attitudes and values. Hence the notion that blacks are always guided by their tribal ethos: when they join industrial society they merely transpose themselves physically to white culture, their soul stays at home (Buhrmann 1985; Mpofu et al. 1996).

So there is every reason to allow for the possibility that traditional values and norms have a very real place in our students' minds, pos-sibly in combination with Western values and norms. From a reli-gious point of view, too, one has to consider whether it is possible to regard our research group as a single entity. While the majority

belong to one of the mainline Christian denominations, a substantial minority of some 10% belong to religious communities that are more or less strongly characterised by traditional African religions.

However, there are sufficient grounds to suppose that the two groups have all sorts of contacts, both individual and collective, with the larger populations they belong to. At a collective level there are not only innumerable ecumentical contacts between Christian denominations, but also between these denominations and traditional African religions (Horton 1995, 174–175) – contacts which may be either colonial or anti-colonial (Hastings 1999). There is also extensive interaction between different tribes and their religious communities (Clarke 1998, 17–36). It should be noted that most of the major indigenous religious movements are hybrid variations of Christianity or Islam, sometime of both, but adapted to a traditional existential pattern (Bell 1997, 204). Some authors maintain that there is no wholly indigenous (religious) culture left. Instead there is a broad confluence of cultures that have influenced – or contaminated, if you will – each other over a long time, whereas, ironically, the so-called indigenous (religious) culture is waiting for a rescue operation by artists or, even worse, the entertainment industry (Appiah 1992, 155).

At an individual level there are abundant signs that Christian elements and elements from traditional African religions are conflated in the experiential worlds and behaviour of individuals and groups, whether they speak an African language at home or have English as their first language. Thus many black students still venerate their ancestors (Van Heerden 1998, 9; cf. Van Heerden 1999). They also readily resort to traditional healers whenever necessary (Van Heerden 1998, 54). Many students participate in rituals deriving from traditional African religions and join in the dancing at baptisms, weddings and funerals; they also appreciate the spiritual meaning of drumming and may play drums themselves. According to some researchers few people in South Africa still wholly believe in the traditional spirits as a result of the ongoing modernisation process, though they probably do so partially, occasionally, in specific situations (Kaphagawani & Malherbe 1998). Our students may well have a dual loyalty or even divided loyalty that causes them to live in two worlds (Schreiter 1985, 135–136, 148).

Dual loyalty can be appraised either positively or negatively. Some authors speak positively about the spirituality of dual loyalty (Camps 1992, 264; Valkenberg 2004), whereas many youths themselves find

it problematic, partly because their black environment is not en-
thusiastic about their developing into what they themselves call
coconuts – 'black on the outside, white on the inside' – and partly
because they blame themselves for their split identity (Van Heerden
1998, 111; 1999, 77). In some instances they rid themselves of the
dual loyalty, which in fact is a divisive loyalty, by opting for a tra-
ditional black identity, thus protesting against what is known as the
C4 factor: 'Contemporary Confluence of Cultures of the Continent'
(Kaphagawani & Malherbe, 1998, 209). To these four we could add
a fifth C: Western Christianity, insofar as it impregnates the confluence,
resulting in what one might call a C5 factor.

All this may be condensed into the concept of syncretism and its
counterpart, anti- syncretism. Syncretism refers to processes in which
(apparently) irreconcilable beliefs and practices from different reli-
gions or world-views are blended together. It assumes that religions
are not unchanging, coherent, uniform entities but richly varied and
variable conjunctions of more or less loosely linked beliefs and prac-
tices (Vroom 1989), otherwise such a syncretist confluence of ele-
ments would be impossible. Anti-syncretism refers to the rejection of
such hybrids by dissociating from them and combating them (Droogers
1989; Stewart & Shaw 1994; Clarke 1998; Greenfield 1998). From
our definition it is evident that we understand both terms in a descrip-
tive sense and not, as is still customary in many theological works,
normatively: syncretism in a pejorative sense and anti-synscretism in
an ameliorative sense. To us the two terms simply refer to empiri-
cal processes of religious convergence and protest against these.

We need to look briefly into three aspects of syncretism: its extent,
impact and power. Extent relates to the number of religious phe-
nomena affected by it: what syncretises? Impact refers to its focal or
marginal position: how important are the things that syncretise? The
third aspect concerns the distribution of power: who syncretises?

With regard to the first aspect, in traditional African religions
extent relates to the fact that religion comprehends everything that
is imbued with life-force: at the apex the supreme being or God,
then the ancestors, then human beings in all their relationships, then
the lower forces in the form of animals and, after them, forests, trees,
plants, pasture and plains, followed by seas, lakes and rivers and,
finally, mountains, rocks, stones and inorganic matter (Teffo & Roux
1998, 138; Pieterse 2001).

A question often raised in this regard concerns possible polythe-

istic elements or, more aptly, traces in this life force type of religion. The term 'polytheism' is susceptible to various interpretations. The polytheism of ancient Egypt cannot be compared with that of Greek and Roman antiquity. The latter is not commensurable with that of present-day Hinduism, which in its turn has very different structures than those we have referred to as polytheistic elements or traces. To make this broad overview even more complex, traces of polytheism are said to be discernible not merely in the Christian churches because of the cult of the divine trinity, but even more markedly in the Catholic Church with its – admittedly differently slanted – cult of thousands of saints in thousands of special churches and chapels. Ultimately God or the divine cannot be conceived of in terms of 'the one' of a strictly logical monotheism, considering the Aristotelian eternal opposition between 'the one and the many', also and especially in the religious domain.

At all events, there are early studies by some ethnophilosophers in which traditional African religions are in fact regarded as representative of polytheistic religion (e.g. Dammann 1963), and accordingly rated below every form of monotheistic belief (cf. Masolo 1994, 122). Others maintain that these religions combine polytheism and monotheism, as in the case of the Akan in Ghana (Sawyer 1970, 98). The latter regard the lower spiritual forces as manifestations of God or mediators between God and humankind. Others try to explain it away altogether by describing it as 'diffuse monotheism' (Idowu 1973, 135–136). At the same time there are those who claim that the entire problem arose, for instance in the case of the Akan, because researchers do not have a command of traditional African languages (Wiredu 1998, 191). Thus it has been pointed out that lesser spiritual forces – if that is at all an accurate term – in fact exist more or less independently (Horton 1995, 166). It is probably better to drop the terms 'polytheism' and 'monotheism' (for the time being) and rather deal with our theme in terms of the aforementioned polarity between the one and the many, also in the case of traditional African religions (cf. Evans-Pritchard 1956, 50–52), while allowing for the fact that the many may manifest at the surface level and the one is probably located at the deep level.

Clearly we are dealing with a whole complex of tricky problems – conceptual, linguistic and empirical – and we don't want to burn our fingers. The best we can do is limit ourselves to belief in a supreme being, God, without denying the importance of other life

forces in this religious area, and without regarding them as nonreligious but simply as spiritual forces (Wiredu 1998, 192). We confine ourselves to the finding that belief in God as the supreme being is stronger in traditional African religions today than in earlier times, when God was merely assigned some sort of ontological primacy (Horton 1995, 171). The Westernisation of economic, political and social processes, in interaction with the increased influence of Christianity, leads to the expansion of the religious microcosm with its local, manipulable spirits into an all-encompassing religious macrocosm. The religious abstraction and universalisation this requires stimulates belief in God as a supreme being with whom one has a personal relationship (Olupona 1991, 31; Hackett 1991, 136), not so much in the sense of an instrumental relationship that amounts to religious manipulation but as an interpersonal relationship in which God is recognised as an intrinsic value, 'the one' value (Horton 1995, 19–52).

The second aspect, namely impact, pertains to the focal or marginal position of the syncretised beliefs and practices. Thus some Christian students may deny the existence of God – which is not uncommon in traditional Akan communities in Ghana, among the Nyakyusa in Tanzania, and among the Acholi and Luo in Uganda – but will still take communion during the eucharist, thus expressing dual loyalty (Teffo & Roux 1998, 140; Horton 1995, 173; Wiredu 1998, 200). Or they may – which again is not uncommon – first celebrate the eucharist and afterwards venerate their ancestors (Appiah 1992, 29; 1998, 256–266). Or they may identify with the belief that hail is God's punishment for abandoning time-honoured customs, whereupon they will return to these customs (Mbiti 1975, 64). Antisyncretism, on the other hand, is when Christian students reject all traditional beliefs and rituals, or – conversely – students who adhere to some African religion refuse to accept any Christian belief or participate in Christian rituals, in both instances with a view to preserving the purity of their own faith: antisyncretism may go either way (Vroom 1989a).

The third and last aspect, power, relates to the position in the religious community of those who dabble in syncretism: a religious leadership, professional or management position or that of a 'lay' member of the community (Droogers 1989; Stewart & Shaw 1994, 19). Lay people usually have little objection to experiencing or celebrating a medley of traditional African and Christian rituals, whereas

religious leaders tend to resist it in all sorts of ways. If the tension mounts too high, such lay people may continue practising their religiosity in their inner chamber or the intimacy of their private lives, or, if that no longer suffices, join an independent church (Horton, 178, 306–307; Thomas 1997). There is also the reverse phenomenon, for instance when the religious leadership assimilates traditional elements into the Christian liturgy and the laity show their disapproval by leaving the church.

These three aspects of syncretism and anti-syncretism – extent, impact and power – should not be seen as fully autonomous processes. They are influenced by the broad societal context in which they occur, just as they in their turn (may) influence that context. In this respect not only cultural factors but also and more especially socio-economic factors play a major role, for instance by influencing the abstraction and universalisation of concepts of a supreme God (Greene 2000).

Participation: God's transcendence and immanence

Even though South Africa is a secular state, the preamble to the constitution of 1996 contains not just one but two references to God. The one reads, 'May God protect our people', and the other, 'God bless South Africa', the latter in six different languages. Both are rhetorical supplications for divine blessing, as indicated earlier (chapter 6).

What sort of God is this? While this may be a strange question, we have seen from our comparison of some references to God in the preambles to various constitutions that the type of reference is insteresting in itself, for instance supplications for God's blessing (*benedictio Dei*), invocation of God's presence (*invocatio Dei*), or calling to mind God's presence (*nominatio Dei*), all of which differ from the expression, 'In humble submission to Almighty God' in the South African interim constitution of 1993 (chapter 6). But we have also seen from many American declarations and from the French Declaration of the Rights of Man and of the Citizen of 1789 that the word 'God' itself can have diverse connotations, as in the Christian tradition – the God of Abraham, Isaac and Jacob and the God and Father of Jesus, the Christ – but also in the deistic tradition: the Supreme Being (*Être Suprême*).

Which God does the South African constitution of 1996 refer to:

the God of the Christian tradition, the God of the deistic tradition, or the God of African traditional religions, who, because of the magnified social scale, is increasingly displaying features of a supreme being encompassing the entire religious macrocosm? Since the constitution does not have an explanatory glossary we have to leave the question open, but one can safely assume that if there had been such a glossary, it would not have contained the word 'God'. For if it did, the constitutional assembly would have had to come to a decision about something that is guaranteed in that very constitution: religious pluralism. Even from a theological point of view, who would be interested in answering this question definitively except those religious communities who would like to manoeuvre the constitution towards their own persuasion?

This brings us back to the problem of the polarity between particularism and universalism that has cropped up several times already, and which we shall now deal with in the context of actual belief in God. Traditional African religions are not the only ones with a (recent) history in which the supreme being assumed local and tribal forms rather than displaying universal features, as is the case today – a development prompted, as noted already, by magnification of the social scale (Olupona 1991; Hackett 1991). The God of the Old Testament, too, gradually evolved from a tribal to a national and eventually a universal God, not least as a result of the magnified scale of Jewish society under the monarchy and the expansion of Israel's ideological scale when, puny as it was, it had to upgrade itself religiously, so to speak, in the face of the Babylonian and Persian empires and the Hellenistic empire of Alexander and the generals. Be that as it may, we assume the 'preamble God' in the present South African constitution to be a universal God encompassing tribe, nation, the world and the universe – which does not detract from the fact that he is acclaimed and confessed as the universal God in the particularistic terms of different religions and denominations.

How does one conceive of such a God? The question has preoccupied religious thinkers for several millennia – which should warn us not to rush into definitions prematurely. Two concepts have been focal in theological thought, albeit in diverse phraseology, metaphors, symbols and images: creation and providence. But both concepts can be understood in a way that would deter reflective (modern) people – note: our grade 11 students are (modern) people who are learn-

ing to reflect (scientifically) – rather than motivate them to turn to this God. If the notion of creation carries connotations of a causal nature, as if God were either the efficient cause (*causa efficiens*) or the final cause (*causa finalis*) of the world, then, because of scientific developments one is stuck with an inescapable problem: he is not *the* efficient cause, he is not *the* final cause. We included a few items to this effect in our questionnaire, simply to see what response they would elicit from our students, as will be seen when we get to what we call the absolute transcendent God concept (table 8.2.2).

The concept of providence likewise evokes problematic, ambivalent feelings, to say the least – no matter how it is verbalised, in what lovely old or modern hymns it is set to music, and whether these are sung Sunday after Sunday, or by marginal congregants who confine their religious involvement to birth, marriage and death. This applies particularly when God is represented as one who intervenes directly, as it were, in the course of events, human history or the laws of nature so as to get the whole lot back on track and change everything for the good.

The Nijmegen theologian Schoonenberg (1969, 16–17) argued more than 30 years ago that the concept of creation should be interpreted, not (so much) in terms of causation but in terms of participation. That way one avoids giving the concept a temporal connotation, as if creation were an isolated event 'in the beginning' instead of 'at the beginning';[1] an external connotation, as if God created from outside; and an exclusive connotation as if God alone creates.[2] According to the participation concept God and human beings relate reciprocally; the concept emerges even more vividly if one thinks in terms of part and whole. From that angle human beings are part of an all-encompassing whole which is God, who encompasses them and at the same time, within that compass, penetrates them to the core. This part/whole notion gives the participation concept the circumference of an all-encompassing circle, at the same time pointing to the depths of intimacy at the centre: it connotes both universality and particularity. God in all his transcendence is the core and ground of a whole, of which human beings are part: that is the crux of his initiative in human existence. This notion of part/whole participation dates back to patristics, as we know from

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[1] Creation is not a temporal event but a primordial one (Ricoeur 1998).
[2] Referred to in the history of theology as the *cooperatio* or *concursus divinus* theme.

the grand images in Augustine's *Confessions*, as well as other works by Augustine and other fathers. Ultimately it can be traced to the famous text in Acts 17:28 from Paul's address to the Areopagus: "In him we live and move and have our being", which concurs with a verse from one of Paul's letters: ". . . that God may be everything to everyone" (1 Cor. 15:28).

The notion of part/whole participation also permits an interpretation of divine providence that precludes the false route leading to direct intervention. How does it do this? The term has always been fraught with all sorts of awkward or at any rate problematic issues, such as election, predestination, divine prescience and planning, human guilt and retribution, fear and anxiety. How can it be interpreted without these connotations (Houtepen 1997, 236–242; Taylor 1989, 266–284)? Whereas participation evokes a spatial picture, providence may be said to locate the concept on a temporal line. Here it is important to stress the contingency of time: the past as we know it could just as well have been different; the present as we know it could turn out otherwise; as for the future, this applies all the more: it is fortuitous, it befalls us, descends on us, and no extrapolation from the present can make it known to us. God does not escape the contingency of time and future; he, too, is governed by it all the way. Who knows what the future holds, who will do or omit to do what, who will stand for and who stand against what? Nobody knows, not even God, for here human freedom is at stake, otherwise there could be no question of a reciprocal relationship between God and free human beings (Sanders 1998). God does not *foresee* anything, as the Latin *providere* may suggest; instead he *provides* something: his continuing participation (Schreurs 1985, 380). That is his promise of faithfulness, even in the face of death. Providence is not a cognitive blueprint (Essen 2001b) but an existentially related promise of abiding presence, also in the future, whatever it may hold (Gilkey 1976, 308–309).[3] In this promise God reveals what he is, his true identity. Which, as Ricoeur (1992a) points out, also applies to interpersonal relations: a promise may well be the only sign in which the

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[3] One might say that providence is a reconstructive concept, implying that one views a given event retrospectively as deriving from God. But one has to take into account that this retrospective view itself occurs in time and may change in the course of time, to the extent that even the interpretation of that event in terms of providence may at a later stage in the future be withdrawn and turn out to be the very opposite: after all, interpretations change over (the contingencies of) time.

true identity of one party is revealed to the other. Providence is the promise of a *participatio continua* by a God who shares our journey.

Hence providence-in-participation is not a matter of intervention but of existential participation. This may look like word play, but we need to consider the notion of existential participation more closely. It implies reciprocity: God takes part in human existence, humans take part in God's existence. One could call it a reciprocal inclusiveness between God and human beings (Schoonenerg 1977, 120; De Schrijver 1994, 31–62). This reciprocal participation can be expressed in terms of giving and taking: God *gives* himself to humans so that they can *take* part in his existence; conversely, humans *give* themselves to God so that he can *take* part in human existence (cf. Peters 1957, 436).

The concept of participation is not only useful to convey the concept of a relationship between God and human beings, for it arises in the first place from probing the nature of people's relations with each other and the reciprocal participation these entail: people give themselves to one another and take part in each other's lives. On the basis of these horizontal relations the concept is applied – obviously in an analogous sense – to the vertical relationship between God and human beings. The analogy lies in the fact that, if one links the two relationships together, the horizontal relationship between people is clearly founded in the vertical relationship with God, who, following Schleiermacher, may be said to permeate the horizontal relationship and to be present in it (cf. Lamm 1996, 132). God in his transcendence is the core and ground of all human relations (cf. Peters 1957, 106).

Once one uses the term 'transcendence', one is faced with a series of related connotations indicating a corresponding number of polarities and a corresponding number of imbalances in the God concept, which may upset the balance altogether. The balance consists in the notion that God's being is not characterised only by transcendence, for that would rule out any part/whole participation: it would elevate God so far above human beings and their world as to virtually preclude both his participation in their lives and their participation in him. The God who encompasses human beings is also an intimate presence, because he transcends not only outward limits but inward ones as well; thus he is closer to us than we are to ourselves, as Augustine put it. This is not a purely transcendent but an immanently transcendent God. This God is beyond human

beings, their knowledge and love; yet he is also the God who makes himelf knowable and loveable in the depths of human existence (Schoonenberg 1986).

Immanent transcendence can also be explained with the aid of another concept from a distinctive philosophical and theological tradition – that of process philosophy and process theology. Immanent transcendence relates to what is known in this tradition as panentheism. The insertion of the syllable 'en' in the term is essential. It indicates that God is in human beings and human beings are in God. Besides 'pan-en-theism' one could also coin the term 'theo-en-pantism', for it concerns the dialectic between the two (Schoonenberg 1977, 121). Thus it accords with the part/whole participation between God and humans described above. In fact, it can only be understood in terms of this concept of participation.

Panentheism precludes both theism and pantheism. Theism – at any rate the 'classical' theism that flourished at the time of the Enlightenment and, like deism, was a reaction to nascent atheism – put the emphasis wholly on God's transcendence, so it could acquire features of absolute transcendence. But absolute transcendence must be seen as a limit concept, since one cannot conceive of any transcendent deity that has no relation to humans and the world whatsoever – neither a real nor even a logical relation, as it was called in scholastic theology. Pantheism, on the other hand, incurs the risk that the sense of transcendence will be pushed to the sidelines or even obliterated altogether, focusing wholly on God's immanence so that it acquires features of absolute immanence. But like absolute transcendence, absolute immanence is is a limit concept, for one cannot conceive of a deity so immanent that he does not somehow – in reality, conceptually or even just logically – transcend human beings, their knowledge, will, feelings and actions. Schleiermacher made the observation that pantheism was never a form of material pantheism to any of its serious interpreters in the Christian churches, not even to him, as is evident in the third edition of his *Reden*, although he was accused of it because of Spinoza's influence on his thinking. By this he meant that in some way God always eludes being captured in matter, including human matter, the human brain, human behaviour (Schleiermacher 1960, I, 57–58; Lamm 1996, 99–101). This probably relates to the One-and-All (*en kai pan*) structure underlying (most forms of) pantheism, in which the world and humanity represent the 'all' and God the unifying 'one' within that

'all': "One and All, perhaps the chief tenet of Schleiermacher's post-Kantian Spinozism" (Lamm 1996, 64).

8.2. DOES GOD MAKE A DIFFERENCE IN THE AREA OF HUMAN RIGHTS?

Having considered the possible influence of syncretism (and anti-syncretism) and, in that framework, the concept of participation as a basis for interpreting both God's creation and his providence, we now turn to an empirical investigation of the images of God in our students' religious attitudes and the effect of these on their human rights attitudes. But before we do that we must first, following the semiotic procedure described in chapter 7, outline the composition of the antonyms that provide a frame of reference for determining the attitudes which we thought, on theoretical grounds, might be found among our students – what we call attitudes in the theoretical domain. Our empirical research into these enables us to determine whether the attitudes in the theoretical domain are corroborated by what we call attitudes in the empirical domain.

Against this background we try to answer the following four questions:

1. What are our students' attitudes towards God?
2. Are there differences between the attitudes towards God of multicultural school and monocultual school students?
3. What are the effects of attitudes towards God on the students' human rights attitudes?
4. Do the effects of attitudes towards God on the human rights attitudes differ between multicultural and monocultural school students?

Antonyms in a semiotics of belief in God

We shall now describe, with the aid of the semiotic procedure referred to earlier, some antonyms that can be used to define belief in God. To trace the contrasting polarities of this belief, we employ what we called deep codes or theme dependent codes (chapter 7). They are as follows: iconic versus aniconic, referring to the extent to which God can be expressed in images or is beyond any images we form of him; personal versus non-personal, referring to thinking about

God in personal and non- or super-personal terms; immanent versus transcendent, referring to God's involvement with the world without fully coinciding with this involvement and in that sense transcending it; and finally, natural versus historical, referring to God's relationship to the natural environment and the historically conditioned relations and accomplishments of human beings in that environment. Our premise is that neither traditional African nor Christian religion contains any major semiotic structures that cannot be reduced to these four binary oppositions. Let us examine these antonyms more closely, providing a brief reflection based on both traditional African and Christian religion in each case.

Iconic versus aniconic Most religions experience some tension between openness to the expressive power of images and icons that people use to reach out to God on the one hand, and on the other non-use, denial, refusal and even rejection of such images, which are said to be inappropriate or inadequate.

African cultural traditions are highly iconic, pictorially, visually and auditively (Bell 1997, 208–216). They are narrative traditions, of which traditional African religions are part. Here God is represented almost tangibly and is given names like creator, caretaker, ruler, cosmic architect and designer. He is assigned concrete qualifications like 'great', 'wise' and 'all-knowing'. Other traditions have no name for God at all and address him by some foreign name or exotic word, realising that God is incomprehensible and inconceivable because he alone is great (Dammann 1963, 28–29).

Some modern researchers from these traditions object to God's incomprehensibility being called a mystery. They refuse to see him as *the* mystery or even to describe him in terms of mystery. They reject the sort of fideism in regard to God's mystery that they perceive in Christian thought. Their aim is to emphasise that traditional African religions are rational, or at any rate not a-rational or anti-rational. This is in reaction to those who denigrate these religions as savage, superstitious, pre-logical, anti-scientific and directed to experience rather than concepts – an interpretation dating back to Eurocentric ethnophilosophy represented by scholars such as L. Morgan, E. Tylor, L. Lévy-Bruhl, C. Lévy-Strauss and E. Evans-Pritchard (Biakolo 1998; Horton 1995, 53–62). Consequently some modern researchers acknowledge God's incomprehensibility but deny his mystery, which must be understood against the background of the North-South debate.

In the Christian tradition, too, the tension between the use of images of God and opposition to it crops up in virtually every era: not only in the Byzantine empire between 726 and 843 under the influence of Islamic iconoclasm but also, for instance, in 15th century Florence under Savonarola; in 16th century Münster during the Anabaptist uprisings; in the Netherlands, also in the 16th century; in England under Henry VIII, Edward VII and Elizabeth I; and during the French Revolution. This tension can be traced to the biblical ambivalence about the use of images, in which regard one must distinguish between actual non-use of image and prohibition of the use of images (Schmidt 1995). The prohibition appears in the second of the ten commandments, which, according to the Bible, were written down by Moses who never saw God face to face but only from behind. Spinoza explains the ambivalence about the use of images in terms of social stratification: ordinary people need images; the elite, being capable of abstract thought, do not. But can the tension evident in such ambivalence be explained away sociologically, as Spinoza did? Are we not rather faced with the psychological fact that our images can at most be projections that we need in order to live with God, but that we have to retract, abandon and transcend time and again so as to face up to both God's presence and his absence, via and beyond these images? This dialectic process radically structures our relationship with God and demands an attitude of silence in order to let God manifest himself, realising that he lives in the 'darkness of not knowing'. God's presence entails organising his own absence by always eluding the images we form of him (Ricoeur 1995, 217–235). Is that why adherents of various traditional African religions do not pray to God or praise him, as the Xhosa do, but contemplate him, meditating on his ways and thus worshipping him wordlessly, as we said earlier?

Personal versus non-personal As in the case of the paired concepts of iconic/aniconic, most religions, albeit with difficulty, deal with the tension between personal and non-personal God concepts. In traditional African religions God is almost always represented anthropomorphically and is as personal as a father, mother, elder, ancestor, king, judge, warrior or friend; at the same time he is associated with heaven or the heavens, the sky, the firmament, sun, moon, stars, the rainbow, rain and wind (Mbiti 1975, 71ff., 91ff., 129ff.). Here the principle of asymmetry and intransitivity is at work. It is not a case of God being wind or rain: the wind or the rain is God (principle

of asymmetry). And even though both are God, rain is not wind any more than wind is rain (principle of intransivity). God is greater than any personal or cosmic phenomenon; the latter can be identified with him, but not the other way round (Horton 1995, 262–263, 282).

Christian traditions are full of images and concepts that convey with apparent self-evidence that God is a person, that he is like a person or that he is personal. God calls people the way he called Abraham; enters into covenants with them as he did with Moses; protects his people like a father; loves them as a spouse does; rules them as lord; treats them wisely, mercifully and solicitously like a king; and delivers them like a liberator.Yet there are other biblical texts in which God does not feature in the foreground but tends to vanish from sight. In some passages God clearly intervenes in human affairs, in others he is merely present in the course of human history, as in the story of Joseph in Egypt (Gen. 37–50) or in the books of Judith and Esther, which does not mean that he ever disappears altogether (Schoonenberg 1991, 140–143). In addition modern advances in the natural sciences, sociology and psychology are increasingly challenging the notion of a personal God who is said to intervene in the natural, social and psychic worlds; that would be counter to the 'de-subjectification' of our picture of the world (Dux 1973; 1982).

Some African traditional communities likewise refuse to believe that God intervenes in history physically and personally (Teffo & Roux 1998, 140; Wiredu 1998, 187). Should one see providence as 'particular providence' or as a 'universal providence' that only relates to human existence as a whole – extended between cradle and grave, between natality and mortality – or even to the existence of all humankind? Should one see God as 'acting' like a person or as 'operating' like a primal cause or force? Does God operate as the immanent, inspiring cause of everything, as Spinoza would have it, as the dynamic, energising ground of being and becoming, in which we 'live, move and have our being' (Spinoza cites Paul's address to the Areopagus, Acts 17, in his own letter to H. Oldenburg)?

Immanent versus transcendent Schleiermacher rightly comments that one rarely strikes a balance in the tension between immanence and transcendence. Most religions alternate between (more or less absolute) transcendence and (more or less absolute) immanence, with all sorts of oscillations in between (Schleiermacher 1960, I, 229).

Traditional African religions often view God as elevated above the

world and human beings, transcending their affairs. God is remote, stems from the distant past and is the Infinite, the Origin of all things and the Greatest of all, the Sublimely Exalted, the Boundlessness that fills all space and is impervious to human gratitude. Nothing surpasses him, which makes him the Unfathomable, almighty, omniscient and omnipresent. The view that African traditional religions conceive of God as a *deus remotus* or *deus otiosus* with no influence on the world is a preconceived Western notion (Idowu 1973, 146). God is in everything, if in a more or less inexplicable way; he is concerned about human well-being, especially when people are in trouble, sick or dying; he is said to feel compassion and mercy, a friendly, loving, comforting God who is faithful, good and just (Mbiti 1975, 12–18, 31–42). Thus one concludes that the notion of a God so transcendent as not to be immanent at all is alien to African belief (Idowu 1973, 160).

The search for a balance between God's immanence and transcendence is an essential part of the Christian religion. Psalm 139 expresses it beautifully: "Even before a word is on my tongue, O Lord, you know it completely" (v. 4). In the first pages of Augustine's *Confessions* we find a classical expression of God's transcendence and immanence: "How shall I call upon my God . . . when the call I make is for my Lord and my God to come into myself? What place is there in me to which my God can come, what place can receive the God who made heaven and earth? Does this then mean, O Lord my God, that there is in me something fit to contain you? Can even heaven and earth, which you made and in which you made me, contain you? Or, since nothing that exists could exist without you, does this mean that whatever exists, in this sense, contains you? If this is so, since I too exist, why do I ask you to come into me? For I would not be there at all unless . . . I existed in you . . . [f]or *all things find in you their origin, their impulse, the centre of their being*" (Augustine, Confessions I,2). The balance that Augustine – that great saint, who was moreover an African, as Kwasi Wiredu (1998, 197) proudly points out – seeks, balancing all the while between God's immanence and his transcendence, is what one might call immanent transcendence.[4] But sometimes the search for a balance tips the scale in

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[4] Wiredu (1998, 197) points out, rightly, that Augustine's mind was steeped in classical Roman culture.

favour of either (more or less) absolute transcendence or (more or less absolute) immanence. In the first case God becomes the Unmoved Mover that set everything in motion and then withdrew, although occasionally he pushes things towards even greater perfection, as Christian thinkers, under the influence of Aristotle, have maintained (Aristotle, *Metaphysics*, book 12). The second extreme leads to a God concept marked by the One-and-All, in which existence partakes, its unity rooted in God, who is experienced as "sweeping like a gentle tide . . . It may pass over into a more set and lasting attitude of the soul . . . thrillingly vibrant and resonant . . . lead to strange excitements . . . and ecstasy" (Otto 1950, 12–13).

Natural versus historical Our last bipolar contrast is between nature and history. Most religions visualise God as present not only in cosmic nature, which constitutes the human life world, but also in what human beings have accomplished throughout history or still want to accomplish with their works in nature, both in the microcosm of their personal history and in the macrocosm of social history.

In traditional African religions God's presence in cosmic nature is expressed in the belief that God is the creator of the sky, earth, rivers, plants, trees, day and night, and all human beings, male and female. He is the genitor, shaper, maker, carpenter, designer and keeper. God is seen as the potter of life who moulds clay into a child in its mother's womb. The Basoga have a hymn which says that God created man, gave him a wife to bear children, created the earth and blessed it (Mbiti 1975, 46). But God is also linked with people's historical, socio-cultural life. He is called king, ruler, master, chief, teacher, leader, pastor, bearer of burdens. He rules over all tribes and leads them. Some traditions hold that God teaches human beings everything that is important for social living, from cultivating the land to brewing beer, cooking and bringing up children. He is also the judge, who establishes justice by punishing offenders with misfortune, sickness, death or war (Mbiti 1975, 71–79).

In Christian traditions faith in God's presence in nature and history is a core belief. Since the 1960's so-called salvation history theologians have put the accent on history – both the microcosm of individual history and the macrocosm of social history – and interpreted creation mainly in these terms, at most as a self-evident context of salvation history. That entailed disregard of the 'natural' dimension of God's relationship with the world. Nonetheless the

work – some decades ago by now – of a few exegetes like Von Rad and Westermann led to the insight that careful reading of the Old Testament reveals two fairly autonomous thought patterns that conceive of creation as nature and of history as salvation history. The relation between the two conceptions may be expressed as follows: God is the God of all creation, who wants people to develop and liberate themselves in their history to achieve their greatest potential and well-being (Schillebeeckx 1993, 332).

Attitudes towards Gods: theoretical domain

As we said in the previous chapter, we make a distinction between attitudes towards God in the theoretical domain, inferred from the foregoing discussion, and the attitudes we trace in the empirical domain with the help of the questionnaire we presented to our two student populations: grade 11 students at multicultural and mono-cultural schools.

From the foregoing discussion on participation and the dialectic relation between transcendence and immanence we inferred a list of attitudes towards God which we call attitudes in the theoretical domain. We base them on the paired antonyms identified above: iconic versus aniconic, personal versus non-personal; transcendent versus immanent; and nature versus history.

Table 8.2.1. *Attitudes toward God: theoretical domain*

Iconic/personal	
I absolute transcendent	(1, 10)
II immanent-transcendent in nature	(5, 9)
III immanent-transcendent in history	(2, 3, 4, 6, 7, 8)
Iconic/non-personal	
IV absolute transcendent	(11, 20)
V immanent-transcendent in nature	(15, 19)
VI immanent-transcendent in history	(12, 13, 14, 16, 17, 18)
VII absolute immanent	(21, 23)
Aniconic/non-personal	
VIII beyond iconism	(22, 24)

As may be gathered from the table, the eight attitudes are all covered by the paired antonyms iconic versus aniconic and personal versus non-personal (I–VIII). The third set of paired antonyms, whose middle term is 'immanent-transcendent', with 'absolute transcendent'

and 'absolute immanent' as limit concepts, covers seven of the eight attitudes (I–VII), whereas the last set of paired antonyms, nature versus history, covers only four of them (II, III, V, VI). All the attitudes were measured by means of two items, except for III and VI, each of which was measured by means of of six items, hence a total of 24 items (see appendix 8). Two of these two times six items refer to God's presence in the personal domain (2 and 6; 12 and 16), two to his presence in the interpersonal domain (3 and 7; 13 and 17), and two to his presence in the ground of being and history (4 and 8; 14 and 18).

Attitudes towards God: empirical domain

Next we examine whether and to what extent the attitudes identified in the theoretical domain are corroborated by our findings in the empirical domain that we explored in our survey project. To this end we conducted a factor analysis, resulting in five factors. This led us to identify five attitudes towards God among our students.

Table 8.2.2. *Attitudes towards God among students of multicultural and monocultural schools: empirical domain*

	multi/mono 1995	1996	multi/mono 2000	2001	total
iconic/personal					
1. absolute transcendent (I)	3.5	3.5	3.3	3.7	3.5
2. imm.transc.in nature (II)	4.3	4.6	4.2	4.7	4.5
3. imm.transc.in history (III)	4.3	4.6	4.3	4.7	4.5
iconic/non-personal					
4. transc.in nature&history (IV–VI)	4.0	4.3	4.0	4.1	4.1
iconic/aniconic/non-personal					
5. absolute immanence (VII–VIII)	3.6	3.5	3.5	3.5	3.5

Interestingly, our students displayed not just one but five attitudes towards God. Academic and ecclesiastic debates often centre on the question whether some or other image of God is meaningful, permissible or even legitimate. The questions usually take the form of rigid either/or antitheses, on the assumption that in an orthodox perspective only one concept can be correct. In the dogmatic constitution *De fide catholica*, for example, Vatican I puts the emphasis squarely on God's absolute transcendence and rigorously rejects every-

thing that contains the slightest hint of what we would call syncretism today. That such an approach is by no means a thing of the past is evident in the views of some researchers, who consider any form of 'pluralisation' or 'hybridisation' and 'syncretism' to erode belief in God (Ebertz 1998, 118, 126, 128). Such a judgment – or condemnation – can only be a result of inadequate knowledge of the wealth and complexity of religious traditions, both African and Christian.

Let us now try to answer our first question: what are our students' attitudes towards God? What we find is that the first three attitudes towards God in the theoretical domain are confirmed by the empirical study: in the area of God images and the related affective evaluations our students acknowledge three clear attitudes – an absolutely transcendent personal God; an immanent-transcendent personal God present in nature; and an immanent-transcendent personal God present in history.

According to our research findings, however, the non-personal God images and related atitudes do not permit as fine a distinction as the personal God images. They do not discern non-personal, absolute transcendent images and non-personal immanent transcendent images of God pertaining to his presence in both nature and history in the same way: whereas the personal images form a differentiated netwerk, the non-personal images present an undifferentiated whole. In other words, whereas a personal God displays all sorts of distinct facets, making this an uneven and, as it were, variegated terrain, the non-personal images constitute a flat, bare, colourless expanse – a description which, unless one is careful, can cause one to slip without noticing from description into interpretation. Put differently, whereas the personal images address our students' emotions, causing the diamond to sparkle, the non-personal images remain a dull, uncut stone showing no contrasts. Does this mean that God as a personal subject in myths is seen and heard by (spiritual) senses and is touched, tasted and smelt in ritual, whereas in discourse – especially since the Enlightenment – he is regarded virtually as an unpersonal object to be pondered and reflected upon, as Schleiermacher suggests in one of his *Reden*? To put it in more abstract, theological-anthropological terms: is that why we address God as 'you', by analogy with the I/You relation (*Ich/Du*) between people, when we experience his uniqueness (*Einzigkeit*)? And is that why we regard him as a kind of exemplar of godliness or the divine, by analogy with

the I/He (*Ich/Er*) or I/It (*Ich/Es*) relation, in which we deal with people as particular exemplars (*Einzelnheit*)? In the second case God is not a unique, personal subject with a name, a father, mother or shepherd, but an non-personal, neuter object, an 'it': the high, the highest, the supreme, the divine.

But there is another remarkable, even extraordinary aspect that strikes one almost as a logical contradiction. It is apparent in the fifth attitude – the attitude towards an iconic/aniconic, absolutely immanent, non-personal God. Is this some sort of empirical container concept, an empirical artefact into which everything is dumped that could not be accommodated under the previous four factors/attitudes? The amazing part is the combination of God's iconism and aniconism, its combination with God's absolute immanence, and the combination of these with God's non-personal being. We are inclined to interpret this complex whole in terms of the combination of God's absolute immanence and his non-personal being, for the history of pantheism – which this 'absolute immanence' at any rate approximates – shows that it is described mainly in non-personal terms. God is referred to as a non-personal being existing in an absolutely immanent way, using words like source, power, energy that shapes, unifies, drives and propels the world and everything in it. In this regard it should be noted that the words 'source', 'power' and 'energy' function as images, not as clearly defined terms but as ideas that stimulate the imagination and trigger dynamics, thus activating the iconising process (Levine 1994).

But, one may reason further, the moment one tries to encapsulate these images in concepts and convert them into conceptual structures, the imagination drops the words and abandons them, because they are experienced as inadequate – thus starting an aniconising process. And this process of retracting the images the moment they (threaten to) turn into concepts in its turn comes to an end when new images are found or old ones are given new content. In other words, what we have here, at least the way we read it, is an non-personal pantheism demanding images – for humans live not by bread alone but also need images – and that when these turn into conceptual reflections, they are retracted. This leaves the emptiness that mysticism abounds in and cannot stop speaking about: the night of the senses and the night of the mind. That is the dialectics of iconism and aniconism which Pseudo-Dionysius speaks of when he refers to the darkness of not knowing: all speech and thought about

God lies beyond affirmation and negation, beyond assertion and contradiction – indeed, beyond the distinction between affirmation and negation and between assertion and contradiction (Pseudo-Dionysius 1987, 103, 129, 135–141). This is not a one-dimensional pantheism without depth or height, as this kind of belief has almost invariably been regarded in the history of Christian theology. Epistemologically at any rate it has a transcendent orientation, otherwise there would be no dialectic between iconism and aniconism. At least epistemologically it is a complex pantheism.

Naturally our students did not reflect on these ideas: they had neither the tools, nor the experience, nor the maturity for that. But one thing is certain, at least to our mind: the elements we have been discussing – non-personal pantheism and conceptions of it, as well as their retraction – are in the air and are breathed by the intellectually cultivated (younger) generation, both in South Africa and in the West. Call it a South African product of fruitful syncretism, in which the limitations of dual logic are overcome in the direction of a third term of the unknown – that is the hypothesis; call it a possible generation effect, call it the spirit of the times. Perhaps it is all three.

How do the students evaluate these images of God? How strong or intense are their attitudes towards God?[5] If one looks at the last column in table 8.2.2, one sees that the two personal images of God that stress God's immanent transcendence, both in nature and in history, obtain scores of total agreement (both 4.5). This does not mean that the non-personal image of God that likewise expresses God's presence in nature and history is rejected: it also reflects agreement, though at a slightly lower key (4.1). The same applies to the other two images: both the personal transcendent image and what we have called complex pantheism are rated positively (3.5). Is it all the same to our students, then? By no means! There is a preference in their agreement, and from that a pattern emerges: they rate the personal images most highly, then the non-personal image, followed by complex pantheism along with the personal image of absolute transcendence.

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[5] We interpret these average scores as follows: 1.00–1.79: total disagreement, 1.80–2.59: disagreement, 2.60–3.39: ambivalence (2.60–2.99: negative ambivalence; 3.00–3.39: positive ambivalence); 3.40–4.19: agreement, 4.20–5.0: full agreement.

That brings us to our second question: are there differences between multicultural and monocultural school students' attitudes towards God?[6] There is only one relevant difference. In 2000 students at multicultural schools clearly subscribed to the personal image of God's presence in nature (4.2), but their peers at monocultural schools did so even more strongly (4.7). But that is the only one: it is a difference within the range of clear agreement to very clear agreement. For the rest it is noteworthy that, give or take a few exceptions, the second group, the monocultural school students, have much the same or higher scores than the first group, the multicultural school students.

Effects of attitudes towards God on human rights attitudes

To determine the effects of our students' attitudes towards evil on their human rights attitudes we conducted a regression analysis for each of the 15 human rights in relation to each of the four year groups: 1995, 1996, 2000 and 2001.[7] Each regression analysis yielded one or more predictions: it indicated which attitudes towards evil predict specific human right attitudes. The attitudes towards God appear on the vertical axis in the next table: the attitudes towards God as personal (absolute transcendent, immanent transcendent in nature, immanent transcendent in history), towards God as non-personal (transcendent in nature and history) and what we called complex pantheism (iconic/aniconic absolute immanence). On the vertical axis, as mentioned in the previous chapter, we added a number of relevant population characteristics to control the effects of the students' attitudes towards God on their human rights attitudes for these population characteristics.[8] The horizontal axis refers to the totality

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[6] As our criterion of relevance we take a difference score of half a scale point on a five point scale, which amounts to 10% of the highest scale value (5.0).

[7] As mentioned in chapter 3 we applied various data reduction methods to reduce the many human rights items in the questionnaire our students completed to a total of 15 human rights scales. Hence we conducted 15 regression analyses for each of the four year groups – 60 analyses altogether.

[8] The underlined variables are so-called polynomial variables, which are inserted into the regression analyses as 'dummy variables' in that one of these polynomial variables functions as a reference category, in relation to which the loading of the other polynomial variables is computed. The polynomial variables are then combined into 'compound variables' in order to compute their total standardised beta effect, so that this beta effect can be compared with the beta effects of the other variables; cf. R. Eisinga, P. Scheepers & L. van Snippenburg, The standardized effect of a compound of dummy variables or polynomial terms, in: *Quality and Quantity* 25(1991) 103–114.

Table 8.2.3. *Effects of attitudes towards God on human rights attitudes among students at multicultural and monocultural schools* (numbers betas)

	multicult. 1995		monocult. 1996		multicult. 2000		monocult. 2001		total	
	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg	pos.	neg.
Attitudes towards God										
iconic/personal										
abs.transcendent	–	1	–	–	1	–	3	–	4	1
imm.transc.nature	1	–	1	–	1	–	–	–	3	–
imm.transc.history	1	–	–	1	–	1	1	1	2	3
iconic/non-personal										
apers.transc.nat&hist	1	1	1	–	1	–	1	–	4	1
icon./anicon./non-pers.										
absolute immanence	–	–	–	–	1	–	1	–	2	–
controlled for:										
demographic										
gender	3	–	2	1	–	2	3	–	8	3
age	–	–	–	–	–	1	2	1	2	2
familial										
home lang.	(4)		(2)		(3)		(1)		(10)	
political										
importance	6	–	2	–	2	1	2	–	12	1
preference	(–)		(4)		(–)		(1)		(5)	
comm. parents	2	–	2	–	1	–	1	–	6	–
agree others	–	–	1	1	–	–	–	–	1	1
cultural										
ethn./transethn.	(1)		(–)		(1)		(–)		(2)	
mat./postmat.	(1)		(2)		(3)		(2)		(8)	
religious										
comm.parents	1	1	–	–	1	1	–	–	2	2
transf. parents	–	2	–	3	–	2	–	–	–	7
steering	–	1	–	–	1	–	–	2	1	3
Bible reading	2	–	1	1	–	1	–	3	3	5
salience	–	3	–	1	–	1	1	3	1	8
church memb.	(1)		(–)		(2)		(2)		(5)	
church partip.	–	2	–	–	1	–	–	–	1	2
rites of pass.	–	–	2	–	1	1	–	–	3	1

of 15 human rights attitudes per year of our students at multicul-
tural and monocultural schools in 1995 and 2000 and in 1996 and
2001. The numbers in the cells indicate the number of times we
obtained a significant beta coefficient, either positive or negative,
within a range of 1–15.[9] This enables us to answer question 3.

From the last two columns in this table it is clear that attitudes
towards God have a very real if partial effect on our students' human
rights attitudes. Two attitudes have a wholly positive effect with no
negative effect at all: the attitude towards God's immanent-tran-
scendent presence in nature (positive: 3; negative: 0) and the absolute
immanent attitude, which we called complex pantheism (positive 2;
negative: 0). Attitudes with a manifestly positive effect, albeit with
some slight negative effect, are the absolute transcendent attitude
(positive: 4; negative: 1) and the non-personal attitude (positive: 4;
negative: 1). The remaining attitude, the personal immanent-tran-
scendent attitude towards God's presence in history, elicits an ambiva-
lent attitude, tending slightly towards the negative side (positive: 2;
negative: 3).

This last finding is remarkable. This personal immanent-tran-
scendent attitude towards God's presence in history is rated most
highly by our students, together with the personal immanent-tran-
scendent attitude towards God's presence in nature (table 8.2.2: 4.5).
When it comes to effects on human rights attitudes, it is rated low-
est: ambivalence in these effects even inclines slightly to the nega-
tive side. Here we observe that positive evaluation of a religious
theme – in this instance a specific mode of belief in God – does not
necessarily imply that it will have a positive effect on human rights
attitudes. This was the last thing we expected, also in view of the
salvation history theology underlying this attitude, which has been
gaining ground in theology worldwide since the 1960s and has thor-
oughly penetrated preaching and catechesis. Students clearly value
the theology they have grown up with since childhood, but it does
not have an unambiguously positive impact on their attitudes towards
human rights.

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[9] The range is 1–15, because each of the religious attitudes we analysed – here
attitudes towards God – can obtain a significant beta coefficient, either positive or
negative, in relation to each of the 15 human rights attitudes, at most 15 times per
year (1995, 1996, 2000, 2001).

The difference from the 'sister' attitude, the personal immanent-transcendent attitude towards God's presence in nature, which is rated equally highly by our students (4.5), can be explained as follows. It is understandable that an attitude centring on God's presence in nature should positively affect environmental rights attitudes two out of three times: it is an 'eco-necessary' effect. Of course, this does not apply to the attitude centring on God's presence in history, which explains the difference between the two scores (God in nature: positive: 3; negative: 0; God in history: positive: 2; negative: 3). Possibly the antonyms 'nature versus history', often presented as a sonorous antithesis in both philosophy and theology, do not evoke each other as readily in an empirical context as they would in a purely logical one – logically contrasts call each other to mind. In an empirical context they are not so much uni-dimensional antipodes as two separate dimensions: simply nature and history, more or less independent of each other.

Compared to the personal immanent-transcendent attitude towards God's presence in history, which, as we have seen, gets the top rating from our students (4.5), the absolute immanent attitude – which is at the tail end (3.5), a whole scale point lower – has an unambiguously positive, albeit not very big effect (positive: 2; negative: 0). Once again we see that a relatively high score in the evaluation tells us nothing about the effect.

In sum, the answer to question 3 is, that two attitudes towards God have most effect on our students' human rights attitudes: attitudes towards an absolutely transcendent personal God and towards a non-personal God who is present in nature and history. Two other attitudes have a purely positive, albeit lesser effect: attitudes towards God as personally present in nature and God as absolutely immanent (what we called complex pantheism). The fifth and last attitude, God's presence in salvation history, has an ambivalent effect, tending slightly towards the negative side.

We have mentioned already that we controlled the effects of attitudes towards God for the impact of a number of population characteristics. By control we mean that the effects we established for attitudes towards God are independent of these population characteristics. The first relevant effect refers to gender: on average female students are more in favour of human rights than their male peers. Home language is another relevant variable: on average students who speak one of the official black languages at home are better

disposed towards human rights than those whose home language is either English or Afrikaans. It stands to reason that students who consider politics important and regularly discuss politics with their parents will score higher on human rights. Likewise those who are affiliated to the ANC identify more with human rights than their peers who favour other parties. On the whole students who are less inclined towards materialism (earning money; law and order) and have a post-materialistic style (democracy is important, as is narrowing the gap between rich and poor) are more in favour of human rights. Religious transfer, frequent Bible reading and religious salience have a negative effect. The ecclesiastic characteristics have no relevant effect.

Last but not least, table 8.2.3 enables us to answer question 4: do the effects of attitudes towards God on the students' human rights attitudes differ between multicultural and monocultural school students?[10] There is only one difference, which relates to an attitude towards God characterised by absolute transcendence. In 2001 this attitude had very little effect on the human rights attitudes of students at multicultural schools (positive: 1; negative: 0). Its effect among their peers at predominantly monocultural schools was greater (positive: 3; negative: 0). Hence with this one exception there is no diversity between the two student populations when it comes to the effects of attitudes towards God on their human rights attitudes.

ANSWERS TO THE RESEARCH QUESTIONS

These data enable us, by way of summary, to answer the four questions posed at the beginning of this section.

1. What are our students' attitudes towards God?
* The highest ratings are for the two attitudes centring on God's personal presence in nature and history.

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[10] In determining whether there is a relevant difference between the effects of these religious attitudes – here attitudes towards God – on our students' human rights attitudes we apply the convention of a difference of 10% of the maximum value possible, that is 15, being the 15 human rights we employed in the analysis (chapter 3); this came to a difference score of 1.5, which we rounded off upwards to 2.0.

* Students also value, albeit slightly less, an attitude which sees God as non-personal and as transcendentally present in nature and history.
* The attitude centring on God's absolute transcendence likewise obtains a positive rating, but manifestly lower than the previous three.
* Finally the attitude that we called complex pantheism is viewed positively, but again less so than the first three.
* While all five attitudes towards God are rated positively, the positive orientation reflects a clear preference.

2. Are there differences between the attitudes towards God of multicultural and monocultual school students?
* There is only one difference, and it falls within the range of a positive evaluation of the attitude centring on God's presence in nature. Students at monocultural schools rate this attitude even more highly than their peers at multicultural schools.

3. What are the effects of attitudes towards God on the students' human rights attitudes?
* Surprisingly, the highest scores for positive effects on human rights attitudes were obtained by two attitudes: the one which views God as personal in his absolute transcendence, and the one which see him as a non-personal, transcendent presence in nature and history.
* Next comes the attitude that sees God as personally present in nature and the attitude that we have called complex pantheism.
* What we did not expect: the salvation history attitude, which sees God as personally present in history, appears to have a slightly negative ambivalent effect on the students' human rights attitudes.

4. Do the effects of attitudes towards God on the human rights attitudes differ between multicultural and monocultural school students?
* There is no difference, with just one exception: the absolute transcendent attitude has a greater impact on human rights attitudes among students at monocultural schools than among their peers at multicultural schools.

EVIL OF VIOLENCE AS A TRIGGER
FOR HUMAN RIGHTS

In South Africa regular viewers of TV bulletins and newspapers readers are inundated with reports, interviews, photographs and film recordings of violence. Robbery, hijacking, burglary, rape, murder – and combinations of such crimes – are the order of the day. Every year 41 murders are committed per 100.000 people in the metropolitan area of Pretoria, as a result of which that city is said to be the murder capital of the world; the title applies even more to Johannesburg (136/100.000). These designations are actually unfair, since the ratio (69/100.000) in the 'real' capital of the world, Washington DC, manifestly surpasses that of Pretoria, and the ratio in a city like Diadema in the metropolitan area of Sao Paolo (150/100.000) outstrips Johannesburg's.

At the moment criminality appears to be levelling off rather than increasing, but that does not mean that the war against crime is going to be an easy victory. This is partly attributable to the existence of gangs and criminal syndicates, whose aim is to accumulate large stores of stolen electronic hardware (especially cell phones), jewellery, credit cards and cars with a view to supplying these goods on order to clients both inside South Africa and abroad. Criminality also afflicts the civil service, particularly crimes against the principles and values of an independent and impartial public service, as enshrined in the constitution (Rautenbach & Malherbe 1999, 224). This is evident in the innumerable instances of bribery and corruption, often embedded in networks both inside and outside official government circles, national and international, and at the highest levels. But government officials are themselves victims of crime. Every year dozens of police officers are killed. Although the number is declining, the statistics still reveal a frightening picture, the more so because the officers are usually not killed on duty but in their own neighbourhoods or homes: 187 in 2000, 155 in 2001 and 137 in 2002.[1]

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[1] The Reported Serious Crime Situation in South Africa. Pretoria 2001.

What is the origin of all this violence? Is it part of human nature for people to pressurise, rob, rape and murder each other? Genetic and brain research indicates the opposite, or at any rate gives a more differentiated picture. The universal nature of human beings is characterised by an attitude of empathy and compassion, especially when a fellow being is in pain or distress (Pinker 1999; Haug-Schnabel 2001; O'Manique, John 2003). Studies by developmental psychologists show that infants are capable of empathy and sympathy from the age of eleven months: when they hear or see people crying, they cry themselves. Mimicry – when the child imitates the other's facial expression and posture, whereupon the brain processes this message – reproduces the other's emotions in the child. As the child's language development progresses, verbal cues may evoke emotions resembling the emotional happenings that were associated with the other's emotions in the recent past. Through such linguistic mediation children are able to adopt the other's perspective and put themselves in the other's place (Hoffman 1993).

Social Factors of Violence

If aggression and violence are in fact not part of human beings' universal genetic and cerebral makeup, or at any rate are not the sole determinants of interpersonal behaviour, then there must be social factors that arouse or reinforce them. These factors could be at the micro-, meso- and macro-levels of society.

At micro-level the behavioural examples of people who display aggression exert a powerful influence, for instance in the home, the family, the school, the neighbourhood or area (Bandura 1986). Thus many child rapes by other children are attributable to the fact that they grow up in homes where the sexual act is performed in the very same room in which they sleep, which can lead to imitation behaviour during the day while either one or both parents are far away from home, sometimes travelling more than two hours to their places of employment. Common factors in criminality at the micro-level are alcohol abuse and drug taking, which lead to loss of control over aggressive impulses and, often, a spiral of violence.

At meso-level certain social institutions can give rise to aggression, such as the conduct of the public service, the police and the army. When people feel that they are treated in ways that conflict with

the principles of courtesy, justice, equity and fairness, or if they are threatened with (mental, verbal, physical) aggression, it can easily provoke counter-aggression. Here racial differences may also play a role, such as those between whites and blacks, and ethnic differences among whites and among blacks. Class differences, too, could be a major factor, including (perceived) superiority of the well-to-do and (perceived) inferiority of the marginalised.

At macro-level it is a matter of factors that transcend not only individual people but also individual institutions, because they are interwoven with the very structure of society, whence they influence violence and aggression at the micro- and meso-levels.

Here South Africa is very much a case in point. The aggression, violence and crime that characterise society at large cannot be dissociated from the long history of oppression by the apartheid regime. For decades the broad masses of black fellow beings had to suffer racial discrimination at the hands of a tiny white minority, living their lives under minimal conditions: for them human dignity and human rights – these inalienable prerogatives of human life! – simply did not exist. The only justification for their existence was to ensure, through their blood, sweat and tears, the continued and increasing affluence and luxury of the white colonists who, with the Bible in one hand and a (mental) bludgeon in the other, kept black people under Spartan control. The whole of society was governed by the structure of racism and the violence it bred, all of which developed into the comprehensive power structure of apartheid (Blom 1989, 180).

The everyday lives of black people were profoundly affected by this oppressive structure. Government became an institution which practised structural violence on a grand scale. One need only recall the forced removals of people from their homes to desolate areas on a scale of some 3.500.000 people between 1960 and 1982 (Davenport 1991, 404). Police killings of activists who resisted the evil of apartheid were exposed in all their brutality and horror in confessions to the Truth and Reconciliation Committee chaired by Desmond Tutu. This system of structural violence rested on two pillars: control of the means of production by white people, and the Population Registration Act (Blom 1989, 187). The result was that blacks became an underclass in their own country, living in dreadful poverty under appalling social conditions. After the police massacre at Sharpeville

in 1960 many black political leaders fled the country and set up a revolutionary strategy to fight the apartheid government (Davenport 1991). Revolutionary violence became part of the South African scene, to which government responded with repressive violence, especially after 1976, the year of the Soweto uprisings (Pampallis 1991). Millions of black people fell victim to this ongoing political violence.

Is it surprising that the forces of aggression and violence, controlled and repressed for decades, were unleashed the moment white supremacy, at least in a political sense, was abolished when the first democratic elections were held in 1994? Is it surprising that these forces kept stirring from the moment it dawned on people that, after the euphoria of liberation from political discrimination, liberation from economic, social and cultural discrimination would require the efforts of several generations? Is it surprising that the asymmetrical distribution of land and natural resources, in which the country abounds, should give rise to persistent feelings of fundamental injustice, leading to frustration, resistance and violence?

Of course the violence gripping South Africa at present cannot be attributed simply and solely to macro-factors rooted in the apartheid regime and the revolutionary struggle against that regime, nor to the profound discontent inherent in the current economic, social and cultural systems despite the fact that the present political dispensation is a constitutional, nonracial democracy and the rule of law prevails. There is also the many-headed violence emanating from the profit-motivated criminality of powerful syndicates and their almighty godfathers. This does not detract from the fact that the participation of 'the little guys' who have to do the dirty work of robbery and murder on a day to day basis may stem from profound despair and disillusionment because they, the desperados, will never be able to live a decent life, partly on account of a daunting unemployment rate of somewhere between 40% and 50%. Is anything other than a life of pathological violence possible on this underside of society?

Typology of Violence

In this jumble of forms of violence Curle's typology of violence provides some sort of structure, as he distinguishes between the following forms (Ballard 1979, 13):

(1) structural violence, embedded in unjust or grossly unequal social systems involving economic, social and political deprivation and discrimination;
(2) revolutionary violence aimed at countering structural violence, which in its turn calls forth a reaction;
(3) institutional or repressive violence, by means of which authorities restrain and repress opposition by means of the police and the army;
(4) ideological violence, which justifies structural and institutional violence and hardens into ideology which is imposed (by violent means) on people;
(5) pathological violence, which is a destructive response to present or past pain, fear and confusion, causing people to inflict on others the hurt they themselves have experienced;
(6) criminal violence, which ostensibly relates more to individual crimes committed for personal motives or gain and which can be a result of the experiences that led to pathological violence.

The relevance of this typology to South African society is readily discernible. Structural violence, which was there during the apartheid regime, persists in a society which, notwithstanding political transformation, still suffers under intractable systems of economic, social and cultural inequality and injustice. From an socio-economic point of view one finds structural inequality and injustice in the areas of housing, sanitation, health (e.g. HIV/aids), food, income, employment, education and recreation. As mentioned already revolutionary violence was in evidence from the time Sharpeville triggered the armed struggle against apartheid in 1960. It no longer exists, even though white counter-revolutionary, or at any rate reactionary, movements make themselves heard periodically, their aim being to undo the political transformation or at least reverse it somewhat once sufficient support can be recruited – which, fortunately, is not feasible. It is also highly doubtful whether one could speak of institutional or repressive violence at this juncture, certainly if one takes the virtually total repression of the apartheid regime as a criterion. Nonetheless that danger always lurks, especially in the absence of an effective, powerful parliamentary opposition which, together with a truly free press, is essential for the functioning of any democracy, no matter in what country. The *raison d'être* of a democracy is that

it institutionalises organised mistrust of the ruling party and of insti-
tutions in which that party – legitimately, by virtue of being the rul-
ing party – constitutes the service. The danger of ideological violence,
too, constantly lurks in every democracy, as manifested in KwaZulu-
Natal between supporters of the two main political parties. The social
labelling which parties sometimes apply to each other, the ingroup/out-
group thinking that underlies it and the concomitant images of friends
and foes: all these provide a constant breeding ground for ideolog-
ical violence. Thus one party may brand the ideas and stances of
the other party racist, while the latter in its turn casts the same
aspersions of racism on the decisions and actions of the former (cf.
Eisinga & Scheepers 1989). We have already referred to pathologi-
cal violence. It consists in a pathological if understandable reaction
to structural violence in the form of unjust economic, social and cul-
tural systems: it is the violence of futureless desperados. Finally there
is criminal violence, on which we need not elaborate. South Africa
is not just – to use a neutral term – characterised by it: all South
Africans, black and white, are haunted by it.

Religious Interpretations of Violence and Human Rights

The title of this chapter implies the question whether the various
forms of violence identified above could trigger positive attitudes
towards human rights. This may seem a strange question, unless one
takes cognisance of the fact we have just mentioned: the violence
that besets South Africa is a product of structural inequality and
injustice in the economic, social and cultural spheres, all of which
provides a breeding ground for pathological violence, nourished by
alcohol abuse and drugs, especially with the scourge of HIV/aids
afflicting entire populations. From such a perspective one could argue
as follows: if one wants to counteract the aforementioned structural
violence and pathological violence, put an end to it and prevent its
recurrence in the future, then the only possible solution lies in res-
olute implementation of the human rights enshrined in the bill of
rights in the Constitution of 1996. For these sum up the duty of the
state, of all its organs and all its citizens, to realise that to which all
citizens are entitled, and more particularly the destitute, the poor
and the deprived: it is their inalienable right!

 Can the Christian religion contribute to this? That is the more
specific question we seek to answer in this chapter. If it contributes

little or nothing, that spells, in the long term, the end of that religion's social relevance and hence the end of its identity as the Christian religion. For then it is ignoring a fundamental and radical call contained in the gospel: what have you done for these, 'the least of my brethren', and by the same token, what have you, through your service to these 'least of my brethren', done for me (Mt 25: 31–46)?

It is a question of how Christians regard violence, the stance they adopt towards it – in short, what their religious attitudes towards evil are. Do they shield themselves against the evil of violence, not just humanly but also as Christians, or are they moved by it and feel religiously called upon to act and thus adopt a human rights orientation? Here the mediating function of so-called contrast experience is important. We suspect that if the evil of violence is viewed in terms of a contrast experience, which contains both a positive and a negative element, to be explained below, there is a greater chance that people will feel attracted to the values inherent in human rights than if they do not have this experience.

The problem is not new. In recent years the question has been raised repeatedly, both in scientific forums and in ecclesiastic and pastoral circles, whether a Christian approach to violence, a Christian interpretation – or Christian interpretations – of violence, could trigger the promotion of the values embodied in human rights. Also and more especially, are these human rights alive among young people? This last question is definitely important, for they are the future bearers of society and culture (cf. Khumalo 1999; Ndlovu 1999).

Against this background the chapter is divided into two sections. The first deals with religious interpretations of violence from the perspective of the tension between transcendence and immanence of violence and its relation to time. Here the mediating function of contrast experience plays a key role (9.1). In the second section we look at our students' attitudes towards these religious interpretations of evil and the effects of these attitudes on their human rights attitudes (9.2).

9.1. Evil of violence

From a phenomenological perspective the key to understanding the evil of violence is the multi-layered outcry of people when they are confronted with violence: 'But this is wrong!' 'It is unjust!' 'It cannot

be!' 'Where does it come from?' 'Why does it happen to us?' 'It
must end!' 'How can we stop it?' We have all heard such outcries,
whether in reaction to violent robbery, rape or murder. Sometimes
the experience of violence may be so intense and pierce people's
emotions so deeply that they are dumbstruck and can utter only
wordless cries of horror, outrage and desperation.

Contrast experience of evil

In philosophy and theology such experiences of *violence* and the out-
rage they provoke are interpreted as experiences of *evil*, because vio-
lence violates the human dignity, freedom, equality and justice to
which people are entitled. In such experiences the acts of violence
become figures of evil against a broader, deeper background. Such
a figure/ground configuration includes various forms of evil, on an
ascending scale: from threats through misuse of power, torture, rape,
child abuse, to murder (Ricoeur 1992a, 220–221). Evil is perversion,
that is 'per-version': an inversion of the order of the good and just
life, the common good and common just life. This evil is not merely
directly observable in every act of violence, but also indirectly inso-
far as an act of violence represents it. This means that evil is not
exhaustively present in acts of violence in the straightforward sense
but is mediated or 're-presented' by acts of violence, which means
that evil is present and absent at the same time. It is present *in* the
acts of violence, but it is absent in that it *transcends* those acts inas-
much as it refers to the 'radical evil' that permeates the whole of
human existence, as Ricoeur, following Kant, puts it. Violence is a
symbol of evil.

   This interpretation of the experience of violence as an experience
of evil distinguishes hamartiology from all other scientific approaches
to violence, be it that of sociology, psychology, economics, political
science or criminology. Neither can it be reduced to any of these
social sciences, for the experience of violence as an experience of
evil is original, unique, with its own sense and meaning. The social
sciences are primarily able to dissect the various aspects of the expe-
rience of violence and attribute it to a coherent series of factors so
as to construct a conceptual network of violence and study it fruit-
fully, both quantitatively and qualitatively. But when people are phys-
ically confronted with a concrete form of (composite) violence in a
physical place, and they are stricken with horror, indignation and

grief, it simply does not enter their minds to unravel their experi-
ence analytically from a detached, outsider perspective. In a sense
they lump all the different aspects together, without identifying them,
in a single, all-embracing cry, an all-embracing image: 'This cannot
happen!' 'This is unjust!' 'This is wrong!' Put differently: they think
holistically rather than analytically, simply because the violence hits
them squarely in their entire humanity and in everything they are
and possess: 'This is evil!'

   In philosophy and theology such an experience of violence as evil
is called a contrast experience of evil. From a philosophical per-
spective Ricoeur (1992a, 198) writes: "The idea of justice is better
named *sense* of justice on the fundamental level where we remain
here. Sense of justice and of injustice, it would be better to say here,
for what we are first aware of is injustice: 'Unjust? What injustice!'
we cry. And indeed it is in the mode of complaint that we pene-
trate the field of the just and the unjust." From a theological per-
spective Schillebeeckx observes that people cannot accept the senseless
situation of violence and suffering, and therefore develop an open-
ness to another situation – that of a better, other world which in
fact does not yet exist (Schillebeeckx 1990, 25–26; cf. Jeurissen 1993;
Van der Ven 2001).

   Although people afflicted by specific forms of violence are unaware
of it, certainly at the moment of violent confrontation, such a con-
trast experience of violence as evil has two implicit dimensions. The
first dimension relates to a negative-positive continuum, implying that
there is always a negative aspect of outrage, anger and sorrow and,
simultaneously, a positive aspect of hope, longing and expectation
that there will be an end to it, however implicit these feelings may
be, especially at the actual moment – although later on, on closer
reflection, they will come to feature more consciously. Sometimes
the negative aspect is more emphatic and sometimes the positive
aspect predominates, in both the intensity and the depth of the con-
trast experience: the more intense and the deeper the wound caused
by the violence, the more negative the contrast experience. Time,
too, plays a role: it softens the blow, even if the wound never heals.
Here it should be noted that the proverb, 'time heals all wounds',
operates rather as a kind of selective repression of the past than as
a recollection that constantly calls up – re-presents – the authentically
suffered anguish of the past. The wound never heals, it always leaves
scars which will smart and ache from time to time (Ricoeur 2000a).

The second dimension relates to the theory-practice continuum. Its theory pole is associated with the negative aspect that we just identified and entails a twofold cognitive question that demands an answer: where does the evil of violence come from, and, secondly, why does it befall us? It does not mean that an answer is found, or even that one can be found. But that does not put an end to the question about the origin (where does evil come from?) and the meaning (why does it befall us?). On the contrary, it is constantly preying on the minds of victims of evil and sometimes continues to prey on their minds for a long time. This cognitive quest for meaning is sometimes edged to the sidelines or even pushed out of the conscious mind, as happens in theological critique of the so-called theoretical theodicy. This is not merely a futile exercise that can never succeed; it also does no justice to the nagging despair that underlies the question about the origin and meaning of evil that haunts people (cf. Janssen 1982). People have to pass through that despair, have to work their way through it (*durch-arbeiten*, as Freud aptly puts it), by endlessly repeating the two questions and gradually assigning them, in effect still unsolved, a place in their consciousness and in their lives, so as to be able to accept them *as* unsolved questions (Freud 1984).

The practice pole is associated with the positive aspect that we have just identified. It entails the impulse, the motivation, the action tendency aimed at combating evil effectively, putting an end to it and preventing its recurrence. This aspect plays an important role in the so-called practical theodicy, characterised as it is by compassion and solidarity with those that are afflicted by evil, with a view to liberating them from that evil here and now or, if that does not work, at least protecting them against it in the future (Van der Ven & Vossen 1995). This theodicy of solidarity is rooted in the prophetic line of the Old and New Testament writings and in the history of Christianity and the church. Whereas the theoretical theodicy seeks to answer the unanswerable question about the origin of evil (where does it come from?) and its meaning (why does it befall us?), the practical theodicy tries to respond to it rather than to find a solution. Here the distinction between a (envisaged but unattainable) answer on the hand and an active response on the other is essential. Answer and response are two different things: "It is one thing to answer a question, in the sense of solving a problem that is posed; it is quite another to respond to a call, in the sense of correspond-

ing to the manner of existing proposed by the 'Great Code'" (Ricoeur 1992a, 24–25).[2]

This means that we do not opt for either the theoretical or the practical theodicy: we take them together. Hence we are not following the current trend reflected in theodicy literature which entails a preference for, or even an exclusive choice of, a practical theodicy as epitomised, for example, by Janssen's observation: "Theodicy is only possible through praxis in solidarity with others, together with its theory, which describes the individual and social solidarity with those who are suffering or who are in need" (Janssen 1982, 32; cf. Jeurissen 1993, 114; Houtepen 1985, 1997).

The rest of this chapter deals at length with both sets of aspects in the contrast experience of evil. In the remainder of this section the negative-theoretical aspect is explored in detail, particularly its association with the unanswerable question about the origin (where does it come from?) and meaning (why does it befall us?): the so-called theoretical theodicy. The positive-practical aspect is explored in the final section, where we examine whether the interpretations of violence in the theoretical theodicy contribute to practical theodicy. In other words, do they effectively trigger – to reiterate the term used in the title – the values embodied in human rights? In short, does a theoretical theodicy trigger a practical theodicy of human rights?

A semiotics of the evil of violence

Against this background we can now, as suggested in chapter 7, develop a semiotics of violence as evil in terms of the following antonyms: (1) transcendent versus immanent, which refers to God's relation to the evil befalling people, as opposed to forces in human beings and the world that generate evil; (2) past versus present, referring to God's relation to evil in the past or in the present, or humans causing evil in the past or in the present; (3) present versus future, referring to God's relation to evil in the present or in the future, or humans causing evil in the present or in the future. Our assumption is that there are no major hamartiological structures relevant to our study which cannot be traced to these three antonyms or binary

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[2] Here Ricoeur is referring to Northrup Frye's *The great code: the Bible and literature* (New York: Harcourt Brace Jovanovich, 1982).

oppositions or combinations of them. Let us examine these binary codes more closely.[3]

Transcendent versus immanent. We have said that when people are confronted with the evil of violence they react with outrage and horror, demanding to know the origin (where does it come from?) and meaning (why does it befall us?). We have also said that these questions basically remain unanswered and unanswerable. They refer to dark forces in which evil dwells and from which it afflicts us; in short, they refer to the enigma, the aporia of evil. So is it not pointless, we asked ourselves, to pose these questions about the origin and meaning of evil? Should we not rather sidestep them, eliminate them, push them aside, in effect repress them? Is the operation of the repression mechanism described by Freud, which can help us get rid of such insoluble questions, not healthier than to be constantly distressed by the evil of violence? This is the potentially positive function of the repression mechanism, especially when the assault on personal integrity and the pain of loss are still fresh and intense in the mind; in the long term, however, the traumatic contrast experience and its absolute meaninglessness still have to be digested (*durchgearbeitet*) in all its anguish.

The history of religions, including Christian religion, offers certain symbols and myths that can be used to construct a frame of reference for traumatic contrast experiences: not to answer the questions raised by such experiences, but to assign them a place as insoluble questions and thus to accept them. Thus the tradition of religions generally, including Christian tradition, has symbols and myths of evil as (sexual) defilement and flawing; of a struggle between good and evil powers, spirits and demons, angels and devils; of the fall; and of the tragic hero dying heroically, his head held high (Ricoeur 1970). The search for the origin and meaning of the experience of violence as evil by means of these and other symbols never ends, but ultimately it discovers that meaning within itself. The search itself becomes meaningful: it constitutes acceptance of the enigma of evil; that is what Ricoeur calls 'rendering the aporia [of evil] productive' (Ricoeur 1995, 258).

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[3] What follows is based broadly on Jeurissen (1993), but in regard to both conceptualisation (see Jeurissen, figure 2.10, p. 120) and operationalisation (see Jeurissen, figure 3.6, p. 170) we introduce some modifications, which the reader can trace by means of comparison.

In looking for the origin and meaning of evil one constantly faces the question of where to direct one's search: towards transcendence or towards immanence? If one settles for transcendence, one is at once confronted with a fundamental problem, for how can the following two propositions about God be upheld without contradiction: God is almighty, so why can he not eliminate or at least put a stop to evil? And: God is absolutely good, so how could he make evil happen or at any rate tolerate it? If he is both almighty and good, then in his omnipotence he should make evil disappear because of his goodness. Epicurus articulated this problem perspicaciously as four possibilities: "Either God wants to remove evil from the world, but cannot. Or he can, but will not. Or he will not and cannot. Or he will and can. If he will and cannot, he is impotent. If he can and will not, he does not love us. If he neither will nor can, he is not the good God. If he will and can – and that is the only thing that befits him as God – then where does evil come from and why does he not take it away?" (Epicurus 1949, 80). This aporia emerges in each and every transcendent interpretation of evil. It is evident in the despondency and discouragement of people when, ravaged by evil, they kneel before God to view evil in God's perspective. They are left with a feeling of inexplicable contradiction, attributable not only to the nature of evil but also to the nature of God. Hence transcendent interpretations, while not explaining evil satisfactorily, do restore the order disrupted by evil through surrender to God, whose mystery is more unfathomable than that of evil (Schillebeeckx 1977, 665–671).

Then should the origin of evil rather be sought in an immanent direction: in human beings? We have already noted that genetic and brain research indicates that human nature does not have an exclusive propensity to evil, that there is far rather a universal, innate inclination to empathy and sympathy that manifests itself at an early stage of child development. Many years earlier Ricoeur already described the radical nature of evil in human existence in philosophical terms, in the sense that factually and historically human life is permeated with evil. But he rejected the notion of original sin, as if evil inhered and originated in human nature. In so doing he deviated from the Kantian doctrine, which in fact stresses the origin of evil in human beings, even though Kant does not claim that this solves all the enigmas of evil (Wils 2002). No, if we must look for the origin of evil in an immanent direction, then we should turn,

not to human nature, but – following Ricoeur – to the factual his-
tory of the human race which, as we have seen, is characterised by
institutions that hold it in thrall nowadays, especially at the meso-
and macro-levels.

We shall now describe the two directions – transcendent and
immanent – in which one can proceed in search of the origin of
evil (where does it come from?) and its meaning (why does it befall
us?). We do so by relating both directions to the binary oppositions
in time referred to already: past/present and present/future. First
we look at the transcendence of evil in the past, in the present, and
in the future; then we examine the immanence of evil in the past,
in the present, and in the future.

Transcendence of evil in the past. It remains a tricky question whether
the evil we experience can be ascribed directly to some act of God
in the past without any reference to human evil or guilt – for that
is what transcendence of evil in the past implies. This creates a rad-
ical dilemma with various aspects. Firstly, if one takes God's monism
seriously, implying that nothing exists which does not exist in God
and is not encompassed by him, then one must either admit that
evil is present in God or deny the existence of evil as such. The
first option conflicts with God's love: how can good and evil coex-
ist in God? That would be an internal contradiction. The second
alternative refutes the reality of the theme of this chapter: the fac-
tual existence of evil. Secondly, if one assumes a dualism between
God on the one hand and evil spirits, powers and demons outside
him on the other, one fundamentally denigrates the very nature of
God: nothing exists outside God, because God is one and all (*en kai
pan*), as Plato taught, or all in all, as Paul wrote in the first letter to
the Corinthians (1 Cor 15:28).

The dualism which, one way or another, is intrinsic in the tran-
scendence of evil in the past refers to the struggle that originated in
the mists at the beginning of creation: a struggle between positive
and negative powers, a conflict between powers of light and dark-
ness implicated in a cosmic war. It has its roots in the Zoroastrian
religion of ancient Iran that influenced inter-testamentarian Judaism
and early Christianity. The transcendent evil principle that directs
the powers of darkness is supposed to be responsible for evil in the
world, because it created or co-created the world. The world is not
God's *creatio ex nihilo*, because at the beginning of the world – not

since the beginning of the world – there were both God and evil (Ricoeur 1970). Or at least, there was darkness and dust and chaos, and from these God created the world by separating the most important elements and giving them their names, as we read in Genesis (Ricoeur 1998). But can darkness, dust and chaos be called evil? Is evil nothingness, emptiness? Is its existence in fact non-existing, like the scholastics said? So the question is: what is this dualism we are referring to? Is it an opposition between good and evil, between good and nothingness, or between cosmos and chaos?

In the Jewish and Christian tradition one discerns a certain ambivalence towards dualism. On the one hand the existence of cosmic and demonic powers precludes the notion that God instigated, caused or at least permitted the raw, crude existence of evil and suffering, and supports the theologically sound idea that God is "pure positivity, the 'first' principle of goodness, and in no way the ground of evil" (Schillebeeckx 1977, 668). In God there is no negativity, no evil, no violence whatsoever. He only exists gratuitously. He is gratuitousness (Houtepen 1985; Houtepen 1997, 121–125). In the book of Job it is God who cares for Job and loves him, whereas Satan puts him to the test, takes his wealth from him and throws him on a scrapheap, despised and hated by his friends (Van Wolde 1991). Furthermore, the dualistic model not only liberates God from the shadow, darkness and chaos of evil; it also allows for and clarifies the cosmic entanglement of human beings who feel alienated from all that exists and from their inner core, doing what they do not like and liking what they do not do, as Paul put it (Kasper 1981). In other words, it rescues some key tenets, both theological and anthropological. On the other hand, dualism represents an attack on the idea of God as the only transcendent principle at the beginning of the world *tout court*. In God we live and move and have our being, as Paul said in his sermon to the Areopagus in Athens (Acts 17:28).

One may ask, however, whether there really is no evil in God, at least implicitly, when he passes and enacts judgment on evil deeds by evil people, for how can God judge evil if he does not recognise and know it from the inside? Is it true that anyone who denies God's shadowy, dark and chaotic side denies a fundamental dimension of God's very existence (Berges 1994:304; Van der Ven 1998)? Again we come up against the enigma of both God and evil (Schillebeeckx 1977).

Transcendence of evil in the present. The violence as evil that confronts people is often interpreted in the sense that present evil is a divinely imposed punishment for evil that we committed in the past. Sending, or at least tolerating, present violence as evil is God's retaliation for the wrongs we perpetrated in the past. This past can be conceived of in varying degrees of extension in time, as described by Max Weber (1980, 314–319). It may refer to evil we committed in the recent past or some years or decades ago, or which our parents, our ancestors or some earlier generations perpetrated; or it can merge mythically into the primordial history of humankind and refer to the archetypal figures of the first man and the first woman.

If retaliation relates to evil in the present in the sense of a kind of punishment for evil done by us, our parents, ancestors or past generations, we may speak of divine retaliation in the pure sense. Thus it may be regarded as a projection on to God of a social law described in the Old Testament, the *lex talionis* ('an eye for an eye, a tooth for a tooth' – Deut 19:21), but which was rejected by Jesus (Mt 5:38–42). Here God is a chastising God who punishes his people, treating them as children because of their disobedience, and he does so in order to enhance their happiness and true life. But before this happens and true life can start, people have to suffer for the evil they themselves have committed.

If the relation between present evil and violence in the past is couched in mythical terms so that the past merges into primordial history or the archetypal figures of the first human couple, then retaliation itself assumes mythical features. Then it is no longer retaliation in the pure sense with a more or less interpretively demonstrable cause and a more or less interpretively demonstrable effect, but a retaliation transcending space and time, rendered most adequately with the term 'absolute condemnation'. In this divine condemnation evil is interpreted as the result of the mythical fall of the first human beings, to which God reacted with banishment from paradise and eternal punishment that endures to this day. As Drewermann puts it: "Human life in its present form is lived under God's judgement, it is an existence of banishment, expulsion and homelessness" (Drewermann 1977, 87). We live in a paradise lost with absolutely no chance of regaining it. There is no paradise to be regained. It is night, and the sun will never rise again.

The retaliation model and the submodel of condemnation have a twofold characteristic in common, namely God's sadism and human

beings' masochism (Berger 1973). God is portrayed as the absolute sovereign who commands, directs, administers, knows and foresees everything, and demands obedience. Humans are portrayed as beings that have only one obligation: to kneel down, bow their heads, listen silently, acquiesce patiently, accept what happens, surrender and submit. Whereas God is honoured, praised, prayed to and obeyed, humans are humiliated and denied or, even worse, humiliate themselves. In a way these models 'solve' the problem of evil and suffering by presenting them as self-inflicted: they are given meaning by making people meaningless to themselves; they allow God esteem by depriving people of their self-esteem (cf. Van der Ven 1993:157–224).

   The idea of original sin may be seen as a mythical elaboration on the submodel of condemnation. It amplifies the notion of condemnation, in that God's absolute condemnation and rejection of the mythical first man and woman entail universal condemnation and rejection of the entire human race generated by this couple. All generations after them will be branded forever by God's disapprobation and contempt, without exception and for all time. Through Augustine's interpretation, which has pervaded religious thinking and theology right up to the 21st century, the notion of original sin acquired a secondary connotation. The transmission of the absolute evil of God's condemnation from one human being and one generation to another occurs through sexual intercourse. As a result an absolute, universal condemnation complex has prevailed ever since, composed of the following elements: the existence of a mythical human couple in primordial history; God's absolute condemnation and rejection of this couple because they erred by eating the mythical fruit; the sexual act through which evil and divine condemnation are passed on from one generation to the next; and finally the sexual act itself, tinctured with sin, and disapproval of sexual lust. This condemnation complex has had a disastrous effect on the religious life of innumerable generations of Christians, cowed as they have been by fear and guilt imposed by so-called pastoral strategy in both Catholic and Protestant churches since at least the 12th century up to the present day (Delumeau 1971; 1978; 1983; Van der Ven 2003). To many theologians this was good reason to scrap the notion of original sin from the theological dictionary, as Tillich (1967) for one proposed. We felt, however, that we had to waive Tillich's suggestion, not because we are not convinced of the adverse implications, both theologically and pastorally, of the concept of original

sin, nor because we underestimate its detrimental effects on psychological health and a well-balanced religious life, but because we were curious to find out if this myth is still alive in the minds of our students and how it influences their human rights culture. As we said in chapter 7: one of the rules of empirical research is to present as broad a range of interpretations in the questionnaire as possible so as to cover the entire substantive domain optimally.

Transcendence of evil in the future. The experience of evil that confronts people can be so overwhelming that any reference to its origin in the struggle between good and evil powers in primordial history no longer helps. The experience may be so profound that even an explanation in terms of divine retaliation and condemnation because of evil perpetrated by humans in the recent, remote or primordial past is unavailing. When this happens people turn their attention wholly and exclusively to the future. When they experience an acute crisis which they cannot control and from which they cannot easily escape, they usually project some ideal situation into the future. This future situation can only happen after a cataclysmic disaster in which God himself destroys what they consider to be evil. We call this the apocalyptic model. Focal to this model is the idea of an absolute, universal catastrophe through which all evil will disappear. It is the last evil to defeat evil, the last violence to defeat violence, the last death to defeat death. Through this cataclysm God's universal, final judgment is enacted, his final act, his last intervention. And this divine cosmic drama, in which good and evil powers meet in a final confrontation, will ultimately bring the total victory of good and the total downfall of evil.

This perspective not only has cognitive dimensions, but also and more especially functions as an emotional message, in that it brings hope to the hopeless, confidence to those who have lost confidence and comfort to the despondent. This is because several apocalyptic myths contain the expectation that a faithful few will survive the cosmic battle and be saved. Notwithstanding the negative impulses arising from the apocalyptic battlefield where Michael and the other angels fight the red dragon, the ultimate message is one of hope. The apocalyptic struggle will put an end to the utter hopelessness that evil inflicts on people and will establish a new Jerusalem, a new heaven and a new earth (Van Schaik 1976). Although apocalyptic thinking seems to have become marginalised in present-day theol-

ogy, several authors still devote attention to it, mainly because they feel it expresses the despairs and hopes of people confronted with huge social crises and also epitomises an intrinsic aspect of the Christian message that should not be lost, namely that God's history with humans will bring humankind's violent and evil history to a salvific end (Metz 1977; Häring 1996; Haker 2001).

Having described three models of the transcendence of evil (transcendence of evil in the past, in the present and in the future), we shall now describe three models of the immanence of evil encountered in Christian thinking.

Immanence of evil in the past. This model relates to people's experience of the evil of violence which they attribute to misdoings and omissions by groups of individuals, communities and whole collectivities in both the recent and the remote past that continue to influence and affect the human situation. The question is this: how can wrongs perpetrated in the past continue to affect the present generation, right up to this day? What mechanisms effect this transmission?

In contrast to the traditional doctrine of original sin, the answer is not that evil is inherited by each generation through sexual intercourse, but that it is passed on through the influence that people exert on each other latitudinally by the example they set, and the influence they exert longitudinally on successive generations by the model they provide. The former happens synchronically, the latter diachronically, mainly through each outgoing generation's socialisation, upbringing and education of the new generation. In both cases behavioural models have a regulatory effect: not only is the other's or others' behaviour observed as an example or a model, but also the negative norms and values underlying that behaviour. Inasmuch as these norms and values are subjectively experienced and evaluated as profitable by the recipient – irrespective of their objective quality – they will be adopted and will determine the recipients' behaviour, in such a way that they are gradually internalised and interiorised (cf. Bandura 1986, 335–389). This is how evil is transmitted: synchronically within generations and diachronically between generations. The two forms of transmission together form what Schoonenberg calls the 'world of evil' or the 'world of sin'. Evil is transmitted through participation in the world of sin and evil, by every individual person, every group of people and every generation: that is where evil comes from and how it befalls us (Schoonenberg

1962). One could also call it socio-historical evil or socio-cultural sin
(Jeurissen 1993, 120).

Immanence of evil in the present. We have now seen one aspect of the
immanence of evil, namely that the world of evil, the world of sin
has both a diachronic and a synchronic dimension of meaning. Here
we shall look more closely at some institutional aspects of the syn-
chronic dimension. To put it briefly: the evil of violence to which
people are subjected and which breaks their spirits, sometimes threat-
ening to engulf them completely, stems from the institutions in which
they are – perforce – situated. That is the immanence of evil in the
present. Rousseau would have said: in themselves human beings are
good, only the institutions that surround them and of which they
are part contaminate them, enslave them, harm them, may even
destroy them.

   The concept in itself is remarkable. After all, ideally and in prin-
ciple institutions embody or should embody the twofold idea that
people belong together and that they cooperate for the very reason
that they belong together. Everybody should get their share on the
basis of proportional equality, 'their share' referring to the sharing
of both rights and obligations, both advantages and disadvantages
(Ricoeur 1992a, 200). Inasmuch as institutions are characterised by
power – and, like all interpersonal processes, they are thus charac-
terised – that power, ideally and in principle, is not power-over but
power-in-common, on the basis that institutions form the structure
of living and acting together. People do not live and act alone, they
do so together; and it happens in institutions, ideally and in princi-
ple not on the basis of constraining rules but of the bond of com-
mon mores. It is this power-in-common that unites people in their
living and acting in concert, to borrow Hanna Arendt's expression:
it is a power of all, which ensures that the power relations between
people are non-hierarchical and non-instrumental, whereas power-
over implies domination, which leads to violence (Arendt 1972). Here
one should note the Roman maxim: '*potestas in populo, autoritas in
senatu*' ('power rests in the people, authority in the senate' – Arendt
1983). The principle that should, in principle and ideally, govern
institutional life and behaviour is justice: "justice is the first virtue
of social institutions, as truth is of systems of thought" (Rawls 1991, 3).

   But the reality is different. This happens because people's institu-
tional relations are not characterised by an I/you relationship but

by an I/he relationship, an I/she relationship or an I/they rela-
tionship. Institutions are anonymous; they are third party institutions
as Ricoeur puts it. Both the common initiative and the sharing of
rights and obligations, of advantages and disadvantages that express
the commonality of this initiative actually have "the status of some-
thing forgotten", which makes them invisible. This in turn makes
institutions susceptible to domination, alienation and violence. In fact,
justice more often seems to be lacking and injustice, coupled with
violence, prevails (Ricoeur 1992a, 194–197). Max Weber holds that
state-based or state-affiliated institutions separate the governors from
the governed. He defines the state in terms of humans dominating
humans on the basis of violence that is supposed to be legitimate
(Weber 1958, 533–548).

   As we said at the beginning, the violence embodied in institutions
is structural inasmuch as it relates to intractable economic, social
and cultural institutions that prevent people from actualising them-
selves and from realising their full potential – that is the definition
of structural violence according to the polemologist Galtung (1969):
the structural conditions that oblige people to function below their
own potential. In addition, as mentioned already, there is ideologi-
cal violence which, Weber maintains, legitimises structural violence
by presenting it as plausible, meaningful, just and even good. The
only way out of this muddle is to analyse and criticise the ideology
in terms of a utopia that is considered important and valuable and
to which one subscribes, whilst realising that ideology and utopia
are dialectically linked (Ricoeur 1976). The critique of ideology is
always embedded in a hermeneutics of suspicion, thus taking into
account that absolute freedom and independence from any ideology
whatever is absolute utopia, whilst realising that utopia can also
assume ideological forms.

Immanence of evil in the future. As in our description of the transcen-
dent origin of evil in the future, we note that people may be so
acutely, intensely and profoundly affected by the evil of violence and
may feel themselves afflicted in body and soul to such an extent that
they reject any reference to the origin of evil in the past or the pre-
sent and turn exclusively to the future. Only this future will not be
the glow of a fervently awaited dawn but of an all-annihilating final
conflict. In contrast to the idea of divine apocalypse, the immanent
apocalyptic model does not refer to God who will end all evil by

fighting one last battle with the demonic powers in order to con-
quer and destroy them, thus giving people hope and confidence. The
immanent apocalyptic model offers only absolute negativity, ultimate
disaster: universal death. It expresses people's fear that the planet
will be destroyed by calamities caused by blind demographic, eco-
logical, economic, political and military processes. The seemingly
widespread demoralisation evident in all statistics on violence sup-
ports this fear. There will be a Last Judgment, a Final Judgement,
that will result into the end of history and of humankind and of the
world. It has no plan, no goal, no meaning, no relevance whatso-
ever. The all-annihilating catastrophe will bring nothing but total
destruction. "This is the way," Jeurissen (1993, 112) says, "in which
the German author Enzensberger evoked the inevitability of the end
of the world in the image of the Titanic driven against the iceberg
by the invisible hand of recklessness, carelessness and fate. The ship
and the iceberg symbolise the uncontrollable character of the fatal
course of history."

9.2. Evil of violence as a contrast experience leading to human rights?

Having examined the contrast experience of violence as evil in terms
of the polarity between transcendence and immanence and its rela-
tion to time (past, present, future), we can proceed to describe our
students' attitudes in this area. We then try to answer the question
regarding the effects of these attitudes on their human rights attitudes.
   Against this background we try to answer the following four
questions:

1. What are our students' attitudes towards evil?
2. Are there differences between the attitudes towards evil of mul-
   ticultural and monocultual school students?
3. What are the effects of attitudes towards evil on the students'
   human rights attitudes?
4. Do the effects of attitudes towards evil on the human rights atti-
   tudes differ between multicultural and monocultural school stu-
   dents?

As explained in chapter 7, we first describe our students' attitudes
towards evil in the theoretical domain and then in the empirical

domain. The former derives from the exposition of the various models of evil outlined above, which we assumed on theoretical grounds to be present in our students' minds. Then, on the basis of the empirical data collected in the survey project, we determine whether the attitudes in the theoretical domain are corroborated or falsified by our students' empirical attitudes.

Attitudes towards evil: theoretical domain

Against the background of the bipolar oppositions between transcendence and immanence, past and present, and present and future, from which we developed the three forms of transcendence of evil and the three forms of immanence of evil, we briefly summarise the following six attitudes in the theoretical domain.

Table 9.2.1. *Attitudes toward evil: theoretical domain*

Transcendence of evil	
I. transcendence of evil in the past: primordial evil	(3,7,15)
II. transcendence of evil in the present: divine retaliation	(1,10,12,13)
III. transcendence of evil in the future: divine apocalypse	(6,11)
Immanence of evil	
IV. immanence of evil in the past: intergenerational evil	(5,14)
V. immanence of evil in the present: institutional evil	(2,4,9)
VI. immanence of evil in the future: all-annihilating catastrophe	(8)

As mentioned already, we assumed these six attitudes to be present in our students' minds. We call them attitudes in the theoretical domain because they were compiled and formulated on theoretical grounds. They are operationalised in 15 items altogether, which – in order to approximate the instrument developed by Jeurissen (1993) as closely as possible for the sake of comparison – are distributed somewhat unevenly over the attitudes, as indicated in brackets after each attitude (see appendix 9).

Attitudes towards evil: empirical domain

This leaves the question whether the attitudes towards evil that we discerned in the theoretical domain are corroborated by our students' empirical attitudes. It would not be the first time that theological distinctions and the views based on these remain up in the

air, not because the theologians failed to do their analytical home-
work properly but because they lost touch with empirical reality, if
they had been in touch in the first place. Empirical research pre-
vents that, at least it is meant to do so. To discover the attitudes in
the empirical domain we analysed the students' scores on the 15
items with the help of factor analysis. This method enables one to
determine the correlations between items so as to classify them in
empirical groups. The premise of factor analysis is that correlations
between items are attributable to one or more underlying phenom-
ena known as factors.

As is evident in the following table, the factor analysis resulted
not in six factors as we had expected, but in five. The reason was
as follows. One of the criteria in factor analysis is the so-called sta-
tistical reliability of the factors. The last attitude described in the
theoretical domain, the immanence of evil in the future, which refers
to an all-annihilating catastrophe, did not satisfy this criterion and
had to be eliminated. This led us to identify five attitudes towards
evil among our students.

Another point to be noted concerns a detail – albeit an interest-
ing one – pertaining to the one item on original sin that we included
in the questionnaire (table 9.2.1, sub II, item 12). On the theoreti-
cal grounds outlined above we slotted this item into the transcen-
dence of evil group under the model of divine retaliation, in conjunction
with the submodel of divine condemnation. Factor analysis showed,
however, that our students placed this item in the immanence of
evil group rather than the transcendence of evil group, categorising
it in the intergeneration model (table 9.2.2, sub 4). This is remark-
able. Original sin indisputably pertains to the relation between gen-
erations. But the students manifestly disregarded the retaliatory and
condemnatory interaction between God and human beings in pri-
mordial time, as well as the mythical configuration of the first man
and the first woman, paradise, the tree of life, the serpent, the apple,
the banishment from paradise, the shame at their nakedness, the toil
in blood, sweat and tears that awaited them, and, finally, the
refigurative meaning implicit in this configuration. Ricoeur (1995,
254; cf. Ricoeur 1970) eloquently describes this refigurative mean-
ing: "In one sense, it does take up one fundamental aspect of the
experience of evil, namely, the both individual and communal sense
of human impotence in the face of the demonic power of evil already

there, long before any bad initiative may be assigned to some deliberate intention." Our students, however, saw original sin not as a mythical story but as a quasi-concept – something like a conceptualised, rationalised metaphor – and interpreted it so literally and artificially that it struck them as an apparently rational explanation of intergenerational transmission of evil (cf. Ricoeur 1995, 254).

Table 9.2.2. *Attitudes towards evil among students of multicultural and monocultural schools: empirical domain*[4]

	multi 1995	mono 1996	multi 2000	mono 2001	total
Transcendence of evil					
1. in the past: primordial evil (I)	2.6	2.8	4	2.7	2.6
2. in the present: divine retaliation (II)	2.2	2.4	1.9	2.4	2.2
3. in the future: divine apocalypse (III)	2.9	3.2	2.8	3.2	3.0
Immanence of evil					
4. in the past: intergenerational evil (IV)	3.2	3.4	3.1	3.4	3.3
5. in the present: institutional evil (V)	2.2	3.2	3.2	3.3	3.0

This table presents the attitudes towards evil, plus the average scores for the 1995 and 2000 year groups (multicultural schools) and the 1996 and 2001 year groups (monocultural schools), the last column showing the combined average scores of the four year groups.

Let us now try to answer the first question: What are our students' attitudes towards evil? On the whole the picture that emerges from the last column is differentiated. None of the attitudes towards evil meets with real agreement, although the attitude towards intergenerational evil comes close to it, while the other attitudes are met with ambivalence or rejection.[5] The scores indicate that the students are more inclined to accept the immanent interpretation of violence as evil (intergenerational evil: 3.3; institutional evil: 3.0) than the transcendent interpretation (primordial evil: 2.6); divine retaliation: 2.2; divine apocalypse: 3.0).

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[4] In contrast to an earlier article by Van der Ven & Pieterse (1999) on the 1995 student population, which included non-Christian students, this chapter, for reasons explained in chapter 7, is confined to Christian students. That explains the difference in average scores in the 1999 article and this chapter.

[5] For the interpretation of these scores: see chapter 8, note 5.

The answer to the second question, which reads "Are there differ-
ences between the multicultural and monocultual school students?",
can be found by comparing the corresponding scores in the table.
What is remarkable is that the comparison between 1995 and 1996
leads to only one relevant difference.[6] It relates to institutional evil:
whereas the multicultural school students reject this model (2.2), those
at monocultural Afrikaans medium public schools agree with it to
some extent (3.2), resulting in a difference of a whole scale point.
In the comparison between 2000 and 2001, too, there is only one
relevant difference, namely as regards divine retaliation: here multi-
cultural school students score even lower (1.9) that those at mono-
cultural schools (2.4).

Effects of attitudes towards evil on human rights attitudes

To determine the effects of our students' attitudes towards evil on
their human rights attitudes we conducted a large number of regres-
sion analyses: one for each of the 15 human rights in relation to
each of the four year groups: 1995, 1996, 2000 and 2001.[7] Each
regression analysis yielded one or more predictions: it indicated which
attitudes towards evil predict specific human right attitudes. The atti-
tudes towards evil appear on the vertical axis in the next table: atti-
tudes towards primordial evil, divine retaliation, divine apocalypse,
intergenerational evil and institutional evil. On the vertical axis we
added, as mentioned in chapter 7, a number of relevant population
characteristics to control the effects of the students' attitudes towards
evil on their human rights attitudes for these population character-
istics.[8] The horizontal axis refers to the total of 15 human rights
attitudes per year of students at multicultural and monocultural
schools in 1995 and 2000 and in 1996 and 2001. The numbers in
the cells indicate the number of times we obtained a significant beta
coefficient, either positive or negative, within a range of 1 to 15.[9]

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[6] For the criterion of relevance: see chapter 8, note 6.
[7] We conducted 60 regression analyses altogether: see chapter 8, note 7.
[8] For the underlined variables: see chapter 8, note 8.
[9] For the ranger (1–15): see chapter 8, note 9.

Table 9.2.3. *Effects of attitudes towards evil on human rights attitudes among students at multicultural and monocultural schools* (numbers betas)

	multi 1995		mono 1996		multi 2000		mono 2001		total	
	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg	pos.	neg.
attitudes tow. evil										
primordial evil	–	1	–	–	–	–	–	–	–	1
retaliation	–	2	1	2	–	1	1	2	2	7
apocalypse	2	1	–	1	2	–	–	–	4	2
intergenerat. evil	–	2	1	–	–	1	–	–	1	3
institutional evil	3	1	–	1	1	2	3	1	7	5
controlled for:										
demographic										
gender	4	1	3	1	–	1	2	1	9	4
age	–	1	1	–	–	1	1	1	2	3
familial										
home lang.	(4)		(2)		(2)		(1)		(9)	
political										
importance	3	–	1	–	2	–	3	–	9	–
preference	(–)		(3)		(–)		(3)		(6)	
comm parents	1	–	2	–	1	–	2	–	6	–
agree others	1	–	–	–	–	–	–	1	1	1
cultural										
ethn./transethn.	(1)		(–)		(1)		(2)		(4)	
mat./postmat.	(3)		(3)		(3)		(3)		(12)	
religious										
comm. parents	–	1	–	–	–	–	–	–	–	1
transf. parents	–	–	–	1	–	–	–	1	–	2
steering	–	1	–	–	1	–	–	2	1	3
Bible reading	1	–	1	–	1	1	–	3	3	4
salience	1	2	1	1	–	2	1	1	3	6
church memb.	(2)		(–)		(–)		(1)		(3)	
church partic.	–	–	–	–	1	–	–	–	1	–
rites of pass.	–	–	–	–	1	1	–	–	1	1

This table enables us to answer question 3, which reads as follows: "What are the effects of attitudes towards evil on the students' human rights attitudes?" From the last two columns in this table we see that there is no purely positive effect of any attitude towards evil on the students' human rights attitudes. There are only two attitudes whose positive effects exceed the negative effects: the attitude towards

apocalypse (positive: 4; negative: 2) and institutional evil (positive: 7; negative: 5). There is one attitude with zero effect: primordial evil (positive: 0; negative: 1). The other two attitudes have a negative effect: retaliation (positive: 2; negative: 7) and intergenerational evil (positive: 1; negative: 3).

These results can be summarised in terms of the distinction between attitudes towards transcendent and immanent evil: primordial evil, retaliation and apocalypse on the one hand, and intergenerational and institutional evil on the other. This table shows, with reference to students from both school types, that the positive effects of attitudes towards immanent evil are greater (8 times) than the positive effects of attitudes towards transcendent evil (6 times), and conversely, that the negative effects of attitudes towards transcendent evil are greater (10 times) than the negative effects of attitudes towards immanent evil (8 times).

We have mentioned already that we controlled the effects of attitudes towards evil for the impact of a number of population characteristics. By control we mean that the effects we established for attitudes towards evil are independent of these population characteristics. As in the case of attitudes toward God in the previous chapter, the first relevant effect refers to gender: on average female students are more in favour of human rights than their male peers. Age has an ambivalent effect. Home language is another relevant variable: on average students who speak one of the official black languages at home are better disposed towards human rights than those whose home language is either English or Afrikaans. It stands to reason that students who consider politics important and regularly discuss politics with their parents will score higher on human rights. Likewise those who are affiliated to the ANC identify more with human rights than their peers who favour other parties. On the whole students who are less inclined towards materialism (earning money; law and order) and have a post-materialistic style (democracy is important, as is narrowing the gap between rich and poor) are more in favour of human rights. Frequent Bible reading has an ambivalent effect, whereas religious saliency has a negative effect. The ecclesial characteristics have no relevant effect.

This table also enables us the answer question 4, which reads: "Do the effects of attitudes towards evil on the students' human rights attitudes differ between multicultural and monocultural school students?" Firstly, regarding the 1995 and 1996 year groups the atti-

tudes towards divine apocalypse had a positive effect on human rights attitudes among multicultural school students but not among mono-cultural school students.[10] Second, the attitudes towards the two forms of transmission of evil – intergenerational and institutional – appeared to have fulfilled a positive trigger function among multicultural schools students: the first negatively and the second positively, whereas nei-ther of these phenomena were discernible among monocultural school students. Regarding the 2000 and 2001 year groups, the attitude towards divine apocalypse appeared to have retained its trigger func-tion among the multicultural school students, in contrast to the mono-cultural school students. Also, in contrast to the earlier year groups, the attitude towards institutional evil no longer had a positive effect on human rights attitudes among multicultural school students, whereas among monocultural schools students it did.

Answers to the research questions

These data enable us to answer the four questions posed at the beginning of this section.

1. What are our students' attitudes towards evil?
* None of the attitudes towards evil meets with real agreement.
* The intergenerational attitude tends towards agreement.
* The students are more inclined to accept immanent interpreta-tions of evil (intergenerational and institutional evil) than tran-scendent interpretations (primordial evil, retaliation and apocalypse).
* Divine retaliation meets with clear disagreement.

2. Are there differences between the attitudes towards evil of mul-ticultural and monocultual school students?
* The multicultural school students reject institutional evil, whereas the monocultural school students tend to agree with it.
* The multicultural school students reject divine retaliation more strongly than students at monocultural schools.

3. What are the effects of attitudes towards evil on the students' human rights attitudes?

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[10] For the criterion of relevance: see chapter 8, note 10.

* The positive effects of attitudes towards immanent evil are greater
  than those of attitudes towards transcendent evil.
* The negative effect of attitudes towards transcendent evil are greater
  than the negative effects of attitudes towards immanent evil.

4. Do the effects of attitudes towards evil on human rights attitudes
differ between multicultural and monocultural school students?
* The attitude towards divine apocalypse has a positive effect on
  human rights attitudes among multicultural school students but not
  among monocultural school students.
* The attitude towards intergenerational evil has a negative effect
  among multicultural school students.

IMITATION OF JESUS IN THE PERSPECTIVE
OF HUMAN RIGHTS

The title of this chapter sounds very promising and hopeful. But does it apply to the tens of millions of Christians living in South Africa and to the students we researched? Do they imitate Jesus, and do so, moreover, in the perspective of human rights? The question itself cannot be answered: it is far too complex for that. How do you know for certain that you are imitating Jesus rather than pursuing your own – well-considered – self-interest or that of your group or community? How do you know for certain that you're not using the imitation of Jesus as a kind of ideological smoke screen to camouflage conscious and unconscious manipulation, in which the other – to borrow Kant's expression – is simply used as a means and not always at the same time viewed as an end in itself, thus swathing the other in a 'mantle of love' and deceiving both that person and yourself? How do you know for certain that you don't regard this imitation merely as a beautiful idea worth pondering and contemplating – an idea that inspires fine-sounding attitudes like love and solidarity, but in the harsh realities of life (what Weber would call its 'iron cage') results in behaviour no different from that of people who never give it a thought? How do you know for certain that you are imitating Jesus – if you are in fact striving to do so – in a perspective of human rights? And finally, how do you know for certain that your imitation of Jesus in the perspective of human rights is such that it advances the struggle for liberation and reconstruction in which South Africa is embroiled? After all, neither the imitation nor human rights occur in a vacuum but need to be related to a local context, in which they are imbedded and translated so as to help alleviate the real human distress and suffering of real-life people.

The South African context

What is this context? We are speaking about a context characterised by a struggle for liberation and reconstruction. The liberation struggle

began after World War II, especially in Africa, as a struggle against
colonialism, which in the 1960s culminated in independence for most
sub-Saharan African countries, starting with Ghana in 1957. These
countries freed themselves from the yoke of British, French, Belgian
and eventually also Portuguese rule. Following the collapse of the
Berlin Wall in 1989 a second struggle ensued, this time for recon-
struction. Now the aim was to combat the abuses that came after
independence, such as state dictatorship, one-party systems, military
coups, civil war, corruption and violation of human rights, and to
reconstruct state and society in a perspective of democratic rule of
law and a just society. Even though in countries like Rwanda and
Burundi this endeavour appears to be meeting with tragic failure,
there are forces at work within these territories and in neighbour-
ing countries that feed hope in the face of despair.

   This twin struggle for liberation and reconstruction in the hope
of creating a just society had been going on in South Africa for
many years and gained momentum after the fall of the Berlin wall.
The collapse of communism robbed the apartheid regime's discrim-
inatory policies and harsh treatment of the black population of all
legitimation in the sense of a permanent threat of communist infiltration
from the Soviet Union. The sensational speech by the then state
president F.W. de Klerk on 2 February 1990, in which he pro-
claimed the dismantling of the apartheid regime and outlined the
perspective of a new South Africa, symbolised the volte-face impelled
by the hard work of national freedom fighters, international eco-
nomic sanctions and political revolutions on the global stage. Political
ratification followed a few years later in 1994, when Nelson Mandela
became the first democratically elected state president and two years
later, in 1996, signed a new constitution, which included a bill of
rights.

   Did the churches – in whose evangelical constitution of right-
eousness and love imitation of Jesus is inscribed – wholeheartedly
join in the struggle for liberation and reconstruction? Did they stim-
ulate and actively promote it? Such questions are enough to bring
a hot flush of shame to the faces of those who are affiliated with
the churches yet view them with an unbiased eye. By no means all
churches roundly backed the process, and that is putting it mildly;
certainly not at the outset when the liberation struggle started with
the establishment of the ANC in 1912, long before its Freedom
Charter was adopted at the Congress of the People at Kliptown in

1955 (Mandela 1996, 199–206). The preamble to that Freedom
Charter, which marked an early, symbolic zenith in the struggle,
starts with the majestic words: "We, the people of South Africa,
declare for all our country and the world to know: that South Africa
belongs to all who live in it, black and white, and that no govern-
ment can justly claim authority unless it is based on the will of the
people; that our people have been robbed of their birthright to land,
liberty and peace by a form of government founded on injustice and
inequality; . . . that only a democratic state, based on the will of the
people, can secure to all their birthright without distinction of colour,
race, sex of belief; and therefore, we, the people of South Africa,
black and white together equals, countrymen and brothers adopt this
Freedom Charter." Most churches either adopted a negative stance
towards the freedom struggle or sought to mediate between the free-
dom fighters and the apartheid regime without actually taking sides.
Only a few progressive groups within the churches – the so-called
'confessing movement' or 'Christian wing' – tried to rouse theolo-
gians, clergy and lay members to courageously rally behind the ban-
ner of liberation, as will be seen in chapter 12 below.

But after the demonstration by thousands of blacks at Sharpeville
south of Johannesburg in 1960, when a panic reaction among the
white police made them open fire on the crowd, something started
changing in the churches. True, between 1960 and 1961 the eccle-
siastic drama of Cottesloe[1] was enacted, in which the Dutch Reformed
Church dissociated itself from a moderate – maybe too moderate –
declaration of protest by South African churches against abuses in
the apartheid regime and terminated its membership of the World
Council of Churches. But in 1968 the Theological Commission of
the South African Council of Churches presented a 'Message to the
people of South Africa' in which the apartheid policy was depicted
as inimical to Christianity and was characterised as a heresy based
on racism (Beyers Naudé 1995, 167–169). In 1973 the final report
of the 'Study project on Christianity in an Apartheid Society' (SPRO-
CAS) of the South Africa Council of Churches and the Christian
Institute appeared, which summoned the churches to confess their
failure and encouraged them to contribute effectively to radical, bib-
lically based structural change (Beyers Naudé 1995, 89–96). But the

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[1] Named after the Cottesloe students' residence at the University of the Witswaters-
rand in Johannesburg.

real trigger that mobilised the churches was the student uprisings in Soweto in 1976 in reaction to the apartheid regime's decree that in future black students would be taught only half their lessons in English and the rest in Afrikaans. This unleashed a veritable massacre of the black population by the white regime. Thereafter the South African Council of Churches (SACC), together with the South African Catholic Bishops' Conference (SACBC), headed the ecumenical leadership in the struggle against apartheid and for liberation (De Gruchy 1995, 206).

Against this background it is not surprising that a document was published at Belhar in 1982, which drew a parallel between Nazi Germany and the critical reaction to it by the Barmen Declaration of the Confessing Church (*Bekennende Kirche*) and the apartheid regime and the protest reaction to it in the Confession of Belhar (Berkhof 1985, 107–110). Neither is it surprising that a broader coalition of black-led Reformed churches and Dutch Reformed, Presbyterian and Congregational churches took the initiative in compiling a declaration in 1983 which branded apartheid a heresy. Another clear signal was the Kairos document, published in 1985, one year before the then state president P.W. Botha declared a general state of emergency, which was to last until 1990. This document juxtaposed three kinds of theology: state theology, which supported the apartheid regime; church theology, which advocated reform and reconciliation without structurally reforming society; and prophetic theology, which propounded resistance and democratic transformation. The document advocated prophetic theology and called for direct participation by Christians in the struggle for liberation, including acts of civil disobedience. To this end it invoked the crux of the gospel of Jesus the Christ and his message of the coming of God's kingdom, and explicitly drew attention to 'the least of these my brethren' (Kairos Document 1986): "Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me" Mt 25:40).

President F.W. de Klerk's speech on 2 February 1990 brought home to the churches that an entirely new phase had dawned. The black churches realised that they were no longer the political representatives of the poor, since political parties would be taking over this role. The white churches realised that the time had come both to confess their guilt for the sins of apartheid and to accept the rule of law and the entrenchment of a bill of rights. This happened at

an ecumenical conference at Rustenburg in 1991 and in Cape Town in 1992, when the twin concepts of liberation and reconstruction were once again used: liberation from the obsession with apartheid, and reconstruction of society on the basis of values determined by Jesus' message of the kingdom of God (De Gruchy 1995, 211–215). Since then the churches have committed themselves to the reconstruction process that is under way in South Africa – at least, they profess to do so, for some of them, such as the Dutch Reformed Church, have been marked, at least for the first few years after the democratic election, by rudderlessness and lack of direction because of their close ties with the apartheid regime in the past (Dreyer 2000).

LIBERATION AND INCULTURATION

The theology inspiring this ecclesiastic engagement is called liberation theology, long known in South Africa as Black theology,[2] and the christology that provides its motivation and orientation is called liberation christology. The emphasis in liberation christology is on the advancement of human dignity, freedom, equality and human rights, with the main accent nowadays on the millions of destitute and deprived people and sufferers from HIV/aids. Theologically this commitment is legitimised by the evangelical theme of imitation of Jesus, which has two aspects. In the first place it is about imitation of Jesus and his solidarity with the poor, as well as his injunction to the disciples to show the same love and justice to one another. Secondly, this injunction is coupled with faith in the divine meaning of this imitation of Jesus: in Jesus' solidarity with outcasts God reveals his personal solidarity with them, just as his personal solidarity with Jesus' disciples is revealed in their solidarity with the poor and the outcasts. It is not surprising that the theme of imitation should feature so prominently in liberation christology, because throughout church history it has functioned as a theme of contrast and protest against the prevailing spirit of the age and as the source and premise of renewal movements.

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[2] It is linked with both North American Black theology and Latin American liberation theology, whereas African liberation theology in general, especially in sub-Saharan Africa, is connected mainly with Latin American liberation theology. The focus is not only on the economic, political and cultural aspects of poverty and alienation, but also and more especially on the ethnic (i.e. racist) aspects.

The question is to what extent Christians in South Africa gener-
ally and our students in particular are inspired by liberation chris-
tology. What is their attitude towards the imitation theme, which
calls them to express solidarity with the poor and the outcasts in
word and deed, as Jesus did in God's name? To what extent do
they believe that God reveals himself in such solidarity? On the one
hand liberation christology plays a minor role in South African
churches, just as so-called inculturation christology plays a minor
role, albeit slightly bigger than that of liberation christology. This
means that the churches proceed mainly from classical biblical notions
and church history, especially the period of the great councils and
the patristic era (Nicaea and Chalcedon), and then translate these
ideas into the present-day situation. In addition there are, as men-
tioned already, attempts at inculturation, proceeding from practices
and ideas in present-day society and culture and using them to
express the significance of Jesus as God's personal self-revelation.
These christologies put the accent on Jesus the healer, chief, older
brother, ancestor or proto-ancestor, with the aim of incorporating
such christological approaches into the broader framework of a trini-
tarian theology.

But in honesty it must be admitted that neither inculturation chris-
tology, which enjoys most prestige in theological circles, nor libera-
tion christology has an appreciable influence on the life of African
churches, with the possible exception of Black christology in South
Africa. Although this assessment dates back more than a decade, one
must ask whether the present situation is all that different (Nyamiti
1989, 34; 1991, 18). On the other hand we know from earlier sur-
vey research in 1995 among grade 11 students at Anglican and
Catholic schools that these students' involvement with and assent to
the key theme of liberation christology – namely that Jesus is pre-
sent wherever the oppressed stand up for their freedom and sup-
ports them – is unequivocally positive. On a scale ranging from 1
(totally disagree) to 5 (fully agree) they obtained an average score of
3.8, indicating outright agreement. It also appeared that their agree-
ment with liberation christology positively affected two aspects per-
taining mainly to the implementation of socio-economic (second
generation) human rights, namely social equality and affirmative
action (Van der Ven 2002a).

This outcome in itself is a positive indicator for the hypothesis we
want to research: that liberation-oriented attitudes towards Jesus have

a positive effect on our students' human rights attitudes. But we should not rejoice prematurely. The student population investigated in this study is not only bigger, since apart from the grade 11 year groups from private Anglican and Catholic schools in 1995 it also includes those of 2000, but it also has a different composition. Whereas the Anglican and Catholic schools have a multicultural student population, the public schools accommodate a predominantly monocultural student population from the white minority. This applies to both 1996 and 2001, the two years in which we researched these schools. Hence it could well be that our mixed (i.e. multicultural and monocultural) student population shows attitudes towards Jesus that are characterised not only by liberation christology but also by other christologies from other periods and contexts, which could have exerted a major influence on South Africa as a whole and, via the theological education of church ministers and school teachers, on our students in particular. This raises the question of the effect of these various attitudes towards Jesus on our students' human rights attitudes.

Against this background the present chapter deals with two issues. In the first section a christological frame of reference will be deveoped as well as a semiotics of christological antonyms (10.1). In the second section we will study our students' attitudes towards Jesus and the effects of these attitudes on their human rights attitudes (10.2).

10.1. Faces of Jesus

We have already pointed out the importance for research into religious attitudes of a theoretical framework in which the principal dimensions of these attitudes can be identified and legitimised (chapter 7). The framework is also important for a comparison between those dimensions that we assumed on theoretical grounds to exist in our students' attitudes towards Jesus (theoretical domain), and the dimensions that confronted us in our empirical research (empirical domain). Without christological theorising it would not have been possible either to present the students with apposite questions about their attitudes towards Jesus or to interpret the christological data collected in the empirical study. In this section, therefore, we shall first construct a christological frame of reference, and then look for antonyms relevant to our study in the form of paired oppositions in christological semiotics.

Christological frame of reference

We mentioned above that apart from liberation-oriented attitudes there could be other attitudes towards Jesus among our students. One of these – probably the most pertinent one from an empirical point of view – is what may be called the classical christological approach. It is quite possible, if not probable, that larger or smaller groups among our students are characterised by the classical approach, which has been handed down over centuries of traditional religious socialisation, catechism and preaching. The classical formulations produced by the great councils of Nicaea and Chalcedon during the patristic era to express the unique significance of Jesus the Christ may well have such authority that our students will assign them greater value than any other christological approach. One indication of this was that our earlier research among grade 11 students of Anglican and Catholic schools in 1995 yielded a score of 4.0 on students' agreement with this classical approach, hence manifestly higher than their score on agreement with the liberation christology approach (3.7) – a finding that was most pronounced among students from schools with a multicultural student body (Pieterse, Dreyer & Van der Ven 2000).[3] This raises the question of the effect of religious attitudes stemming from such a classical approach on students' human rights attitudes: is it positive, negative, or non-existent because its speculative nature means that it does not affect worldly issues generally, let alone something as specifically worldly as human rights?

But our students may also have been introduced by their ministers in church, and probably by their teachers at school, to approaches to the meaning of Jesus deriving from Western Enlightenment since the 17th century. These differ from the classical approach that took shape in the 4th century in that they represent a critical and constructive interpretation of that approach, with a sometimes more critical, at others a more constructive slant. Enlightenment approaches focus on the life, works and words of the historical Jesus. The point of departure is the human person that Jesus was and his development. They regard the human person Jesus as the revelation of God's

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[3] The discrepancy between the score of 3.8 on liberation christology in Van der Ven (2002a) mentioned here, and the score of 3.7 both in Pieterse, Dreyer & Van der Ven (2000) and in this chapter derives from the difference in the number of items used.

goodwill towards humankind and his development as the ongoing revelation of divine benevolence.

Two orientations can be discerned in enlightened christological approaches. The first stresses that in the person of Jesus God revealed himself; in him God acquired a human face, spoke with a human voice and enacted his gracious benevolence. Hence imitation of Jesus consists in representing God's grace, as Jesus did, in words and acts of love, justice and solidarity. Whereas God's presence in Jesus' life, words and deeds is paramount in this orientation – which could therefore be termed 'revelational jesuology'[4] – the second orientation puts the accent less on God than on Jesus, less on God's revelation in Jesus than on Jesus' faith in God, less on God-in-Jesus than on Jesus-towards-God. Whereas the first orientation focuses on Jesus as a human person, the second concentrates on Jesus' religious consciousness of God, his experience of God – and could therefore be termed 'experiential jesuology'. It sees Jesus as the unique proto-image and model of total surrender to faith in God, which impels Christians to discipleship. The chances are that these two forms of enlightened christology – revelational and experiential – would have more influence on our students' christological attitudes than the classical approaches, since they relate more closely to everyday life and more clearly inspire application of the values and norms implied in human rights.

But our students may also have been influenced by christological approaches that are critical of these enlightened views, because the Enlightenment humanised Jesus to the extent of understating his unique relationship with God, as well as God's deity, power and judgment. Such criticism was voiced by Barth and the Barthians in what is known as the dialectical approach, which for some decades greatly influenced Protestant theology and the training of Protestant ministers in South Africa. Against this background the parallel between the Declaration of Barmen, compiled under the influence of dialectical theology and directed against Nazi Germany, and the Declaration of Belhar, directed against the apartheid regime, is understandable, as well as the influence of the former on the latter. Because of the effect of Protestant ministers' training in dialectical theology and christology on their pastoral, educational and homiletic activities –

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[4] Schillebeeckx (1974, 446–450) calls this a 'theo-logy of Jesus'.

an effect all theologies have – it is inconceivable that there would
be no residues of dialectical influence among our students as a result
of the years of religious socialisation to which they had been exposed.
This raises the question of the effect of such dialectical residues –
maybe more than residues, in the sense of genuine, lived beliefs –
on their attitudes towards human rights.

Finally, by way of reaction against both the classical, patristic
approach and the dialectical approach, our students may have resorted
to the other extreme and, on the basis of a secularised conception
of the meaning of Jesus, see him merely as pre-eminently an exam-
ple of caring for our neighbour. Here the two Enlightenment
approaches described above – revelational and experiential jesuol-
ogy – are, in a manner of speaking, bypassed in favour of a more
radical approach. The focus is not on God's revelation and pres-
ence in Jesus' words and deeds, nor on Jesus' unique consciousness
of, and faith in, God; the basic theme is his human love for, and
human solidarity with, fellow human beings. In contrast to the 'ver-
tical' perspective that characterises all other christological approaches,
since all of them in one way or another articulate, or at any rate
assume, a special relationship between God and Jesus, the hallmark
of this approach is a 'horizontal' perspective pertaining to human
relations between people. Hence from the angle of the other approaches
it hardly qualifies as a christology; at most, in contrast to other
approaches that represent 'Christian' christology, it can be called a
'humanistic' christology. But that makes the question of its effect all
the more interesting: do the vertical approaches have a greater or
a lesser impact on our students' human rights attitudes than the hor-
izontal approach?

In view of all this we examine the various christological approaches
from the classical perspective, because that reveals the interrelation-
ship between the principal christologies most vividly. One could object
that in so doing we fail to do justice to the dichotomy between clas-
sical and Enlightenment christology, or to the better fit between the
latter and our modern age. The objection implies that such an
approach creates the impression that the Enlightenment was merely
a sequel to the classical period and not the very heartbeat of mod-
ern thought, which would merit priority in our consideration. Still,
notwithstanding the fact that the Enlightenment itself incorporates
several orientations; notwithstanding the fact that Barthian dialecti-
cal christology fiercely criticised the Enlightenment, fulminating against

liberal theology's (alleged) sell-out to the Enlightenment; and notwith-
standing the influence of liberation christology, which itself would
have been inconceivable without the influence of the Enlightenment –
despite all these considerations we still take the classical approach
as our point of departure. This is because none of the other approaches
can be understood without the classical approach, partly because
they build on it and partly because they are critical reactions to it.
Thus McGrath (1994, 294–295) observes: "One of the perennial
tasks of Christian theology has been the clarification of the rela-
tionship between human and divine elements in the person of Jesus
Christ. The Council of Chalcedon (451) may be regarded as laying
down a controlling principle for classical Christology, which has been
accepted as definitive within much Christian theology".

Antonyms in christological semiotics

As indicated in chapter 7, we apply a semiotic procedure that helps
us to describe the main antonyms as paired oppositions, so as to
discover the mental architecture of our students' Jesus images. We
shall outline the following paired oppositions: (1) transcendent ver-
sus immanent, which is characteristic of the classical approach; (2)
dialectical versus functional, which describes the Barthian dialectical
approach; (3) revelational versus experiential, which has characterised
both the aforementioned orientations since the Enlightenment; (4)
liberation versus perseverance, which indicates liberation christology;
and (5) vertical versus horizontal, which is basic to humanist or sec-
ularised christology.

Transcendent versus immanent The formulations of the first great coun-
cils in the 3rd and 4th centuries during the patristic era can no
longer be expunged from the minds of the vast majority of Christians
and Christian groups. They have left such indelible marks on the
mental architecture of successive generations that they virtually con-
stitute a Christian archive around the world, one which has remained
open over the centuries and still actively functions in Christian mem-
ory – also in South Africa, as will be seen below.

   This in itself is remarkable, the more so because the conciliar for-
mulations do not appear in biblical sources and the biblical documents
have no uniform christology but contain a plurality of christologies.
In the earliest layers of the New Testament, which provide a religious

interpretation of Jesus' life, words and deeds, one finds four groups
of christologies: the *maranatha* or *parousia* christology (Jesus as the
bringer of future salvation), the *theios aner* christology (Jesus the mirac-
ulous man), wisdom christologies (Jesus as wisdom teacher, messen-
ger of Wisdom), and *pascha* christologies (Jesus the risen crucified
one). The four groups share a common basic inspiration, namely
their interpretation of Jesus' life, words and deeds as those of an
eschatological prophet (Schillebeeckx 1974, 329–358). Here it should
be noted that the earliest Christian usage of the titles ascribed to
Jesus – 'Messiah', 'Christ', 'Lord' and 'Son' – should be understood
in terms of this common basic inspiration. In other words, Jesus'
significance should not be based primarily on his lordship or his son-
ship, whereupon his eschatological prophetic ministry is viewed in
these terms. On the contrary: his ministry as the prophet of the
coming of God's kingdom – which is the Jewish symbol for the
coming of the healing God, the justice and love of God, the rule of
God – is the interpretive source of the titles indicating his unique
identity (Schillebeeckx 1974, 358–422).

Even then we are disregarding the fivefold distinction observable
in the New Testament as a whole, including the later writings: Paul's
'final Adam' christology; Mark's 'son of God' christology; Luke's
'Spirit' christology; wisdom christology arising from the experience
that Jesus taught, revealed and embodied divine wisdom; and lastly
the Logos christology in the prologue to John's Gospel, according
to which the pre-existent Word became flesh (Haight 1999, 155–178,
340–341). Clearly Spirit christology in particular, which implies a
kind of approach from below, is more compatible with the chris-
tologies in the earliest layers than Logos christology, which repre-
sents a kind of approach from above. Whereas the former stresses
that Jesus is *of* God, the latter accentuates that Jesus *is* God. Spirit
christology moreover avoids the ontological abstraction inherent in
later christological dogmas based on Logos christology, and prevents
the reification of symbols and symbolic titles into ontological entities
that no longer have any functional relation to actual situations of
joy and suffering in everyday life (Schoonenberg 1991, 47–59).

Which formulations from the major councils of the 3rd and 4th
centuries did we expect to find in the minds of our students? The
council of Nicaea in 325, convened by emperor Constantine to secure
the unity of the Roman empire, centred on the Arian controversy.
Arius's emphasis was squarely on God's absolute transcendence and

unknowability – at least, that is what we gather mainly from what his antagonist Athanasius wrote about him. According to Arius the Son – in contrast to God, who existed eternally and has no beginning – has a beginning and did not exist eternally, hence he can only be assigned a human nature and not a divine one. Assigning a divine nature to the earthly Jesus would flagrantly contradict the fact that God absolutely transcends the world. Counter to this gulf fixed by Arius between Father and Son, the council declared: "We believe . . . in one Lord Jesus Christ, the Son of God, begotten from the father, only-begotten, that is, from the substance of the father, God from God, light from light, true God from true God, begotten not made, of one substance with the Father" (Kelly 1989, 232). Thus the council declared that Father and Son are not 'of like being', 'of like substance' (*homoiousios*) but 'of the same being', 'of the same substance', 'consubstantial' (*homoousios, consubstantialis*). The Son is of the same stuff, the same kind or level of divine being. The cardinal notion of Nicaea is the pre-existent Son or Logos, incarnated in Jesus, who is consubstantial with the Father. The dogma that Father and Son are not merely 'of like being' (*homoiousios*) but 'of the same being' (*homoousios*) was only finalised after prolonged struggle: never had so much energy been spent over a single vowel (McGrath 1994, 287).

This description may create the impression that Nicaea focused only on Jesus' transcendence by virtue of his consubstantiality with the Father and took no account of his immanence. Yet what Nicaea sought to highlight was that God himself, no less, was present in Jesus, which means that in Jesus God is immanent in, and personally present to, human beings in their need for salvation (Kelly 1989, 284).

The council of Chalcedon in 451, convened by emperor Marcian once again to assure the unity of the Roman empire, affirmed the decision of the council of Nicaea but appended a further formulation, which has become, so to speak, eternally fixed in the minds of Christians. This formulation arose from the debate between the Alexandrian and the Antiochene school. The Alexandrians insisted that the Son was sent into the world by the Father as the Logos, the Word, and assumed human nature, took human nature upon himself. Particular emphasis was put on the verse from the prologue to the Gospel according to John: "And the Word became flesh" (John 1:14). But to safeguard Jesus' divine nature and not have it contaminated by all the earthly imperfections and sin inherent in human nature, the term 'assuming' was qualified. The fact that the

Logos 'assumed' human nature did not mean that it assumed human
nature in its entirety, because it did not assume the human *nous*, the
rational principle in human beings. The human *nous* was replaced
by the divine Logos, thus Apollinarius, for one, argued. The Antiochene
school, with its more ontological, moral orientation, maintained that
in assuming human nature the Word assumed human nature in its
entirety, including a human mind and soul, without losing its divine
nature. So the incarnate Word has two natures: both a divine and
a human nature. How else could Jesus accomplish the salvation of
humankind? Through his human nature he was close to people in
every respect, including their descent into the very depths of human
existence, even in the imperfection of human nature and its cor-
ruptibility (Jesus' temptation in the wilderness), but not in their sin-
fulness. Whereas Jesus in his human nature was equal to humankind
and shared its lot, apart from its sinfulness, through his divine nature
he could accomplish their divination. In short, in its divine and
human nature the incarnate Word united divinity with humanity.

While the Alexandrian school propounded a kind of Logos-*sarx*
christology ("The Word became flesh [*sarx*]") without incorporating
Christ's incarnation in a real human being, the Antiochene school
propagated a kind of Logos-*anthropos* christology, on the grounds that
Christ did not merely assume fleshly nature but also that of an *anthro-
pos*, a real human being in the full sense (Haight 1999, 262–270).
The problem with this second position was how the divine and
human natures could be combined: how could they be conjoined or
united? Did it imply not just two natures but actually two persons,
one divine and one human; two sons, one divine and one human;
two wills, one divine and one human? The formulation that the
council declared the church's official doctrine was the following: the
Word incarnate, Jesus, is a divine person with two natures, a divine
nature and a human nature; these two natures are united in the
divine person (*hypostasis*). The formal confession read as follows: "We
should confess that our Lord Jesus Christ is one and the same Son,
the same perfect in godhead and the same perfect in manhood, truly
God and truly man, the same of a rational soul and body; consub-
stantial with the Father in Godhead, and the same consubstantial
with us in manhood, like us in all things except sin; begotten from
the Father before ages as regards his Godhead, and in the last days,
the same, because of us and because of our salvation begotten from the
virgin Mary, the Theotokos, as regards His manhood; one and the

same Christ, Son, Lord, only-begotten, made known in two natures
without confusion, without change, without division, without sepa-
ration, the difference of the natures being by no means removed
because of the union, but the property of each nature being pre-
served and coalescing in one *proposon* and one *hupostasis*" (Kelly 1989,
339–340). This conciliar pronouncement did not put an end to the
controversy: the bitter struggle between proponents of the one divine
nature (monophysites) and of both a divine and a human nature
(dyophysites) was to continue for many years until the council of
Constantinople in 680, where the dispute about the one or two wills
of Christ was settled by restoring the Chalcedonian balance (Kelly
342–343; cf. Latourette 1953; Pelikan 1971; Jonker 1977).

In the post-Chalcedon period the doctrine of the two natures and
the one hypostasis was further refined on the lines of the Alexandrian
school. It was explicitly stated that Jesus' human nature was rooted
in the divine person of the Logos (*enhupostasis*). Indeed, his human
person was considered not to exist (*anhupostasis*).[5]

However speculative and artificial, as Schleiermacher later put it,
this doctrine may have been, it shows that the christological con-
troversy can in fact be interpreted in terms of a polarity between
transcendence and immanence. The issue remains: however much
Christ's divinity is underscored and however much he is considered
to be one with the Father in his Godhead, his proximity to people
and their need for salvation calls for equal emphasis on his presence
in the actual lives of human beings. In other words, the classical
approach should not be seen as an attempt at resolving a strictly
logical problem, namely how to interpret the unity of God and
humanity in Jesus without denying either side of the union. Instead
it endeavoured to explain what the incarnation of the Logos meant
for people in their real-life situation, which was characterised by
fragility, contingency, evil, guilt and sin. In the words of Van Buren
(1963, 37–38) – who, for all his criticism of the classical approach,
as will be seen below, evinces some sympathy at least with its con-
cern – it sought to demonstrate that "God the Word had visited

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[5] For the effects of the formulations of Chalcedon in both the post-Chalcedonian
and the neo-Chalcedonian development of christology, including the concepts of
enhypostasis (grounding Jesus' human nature in the divine person of the Logos) and
anhypostasis (his human nature not grounded in a human person), and the criti-
cism on both notions in terms of the aporia that arose as a result of the modern
concept of person, see Essen (2001) and Stickelbroeck (2002).

men in the body of one of them and, by overcoming death and raising that one into the realm of life incorruptible, had assured the way into that realm for all the rest".

Apart from the emphasis on Jesus' divine nature (Nicaea) and the unity of the divine and human natures in one divine person (Chalcedon), there was something else both councils virtually took for granted, which constitutes an undisputed premise of the classical approach. This is the belief in the pre-existence of the Son or the Word/Logos, who was sent into the world by the Father where he was incarnated as flesh generally or, more particularly, as a human person, was resurrected by the Father after his crucifixion and raised to sit at the Father's right hand.[6]

We assumed that these notions of pre-existence and incarnation would feature prominently in our students' minds when they thought about Jesus, heard people talk about him or were confronted with him. Hence we assumed that to them, too, the christological archive of the first major councils described above is permanently open and constantly operative in their memory.

Why did we think that? One could use two different arguments, a Calvinist and a Catholic one. The Calvinist line of reasoning predominates in Protestant churches in South Africa, which means that most or all of them are influenced by the christological doctrine Calvin eventually adopted: "For him, the doctrine of Jesus Christ as 'truly God and truly human,' without confusion or separation, was fundamental to his theology as a whole" (De Gruchy 1991, 119). This classical conception of Jesus permeated Protestant orthodoxy during the 18th and 19th centuries and may even be said to be its dominant characteristic (Jonker 1977). It was the stereotyped image of Jesus in South Africa: "The two natures of Christ, his divinity and his humanity, were combined in one person" (Heyns 1978, 247). A major contributory factor was the increasing separation in the 19th century, after almost two centuries of interaction and contact, between the Dutch Reformed Church in South Africa and the Protestant churches in the Netherlands, especially the Dutch Reformed Church in that country. When the latter espoused a theological trend

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[6] In contrast to the jesuology in the earliest layers of the New Testament, which represents a first-order christology, Schillebeeckx (1974, 446–450) calls the Nicaean and Chalcedonian formulations a second-order christology.

in keeping with the Enlightenment, its daughter church in South Africa seceded and became an independent church with its own theological seminary at Stellenbosch: "The cutting of the umbilical cord linking the DRC with its mother church in Holland came at a time when the church in the Netherlands was shedding some of its strict Calvinistic theology under the impact of the Enlightenment" (De Gruchy 1979, 3). Another major factor in this overall picture was the influence of pietism, which originated among the Moravians at Zinzendorf, and the English revival led by the Wesleys and Whitefield Protestants, which brought missionaries like George Schmidt, Robert Moffat and David Livingstone to South Africa. The awakening displayed manifestly orthodox features like the authority of Scripture, salvation by faith alone, and Jesus Christ's crucial role in salvation, which he alone could accomplish as someone who was both truly God and truly human. The pietistic and evangelical sentiments fired by this awakening exerted considerable orthodox influence on local churches (Pieterse, Dreyer & Van der Ven 2000, 59).

The Catholic line of thought is characterised by the virtually undisturbed continuation of the doctrines of Nicaea and Chalcedon in early scholasticism (9th–10th century), high scholasticism (12th–13th century), late scholasticism (15th–16th century) and neo-scholasticism (19th–20th century). Especially during this last period – that of neo-scholasticism, when the Catholic Church adopted a highly defensive position or was forced into it in the face of all kinds of new societal, cultural and philosophical movements that stemmed, directly or indirectly, from the Enlightenment – church doctrine, including its theological elaboration and christological legitimation, became even more overbearing. It was marked by abstract systematisation, speculative flights, dogmatism, judicial rigidity, ecclesiastic control – all justified and sanctioned in 1871 by the doctrinally proclaimed infallibility of the pope, which put him as ecclesiastic leader (and along with him the entire church) into a virtual state of emergency. This has been described as a theology of 'and *yet*' (*eine Theologie des Trotzdem*), which staunchly upheld a controversial orthodoxy that was preserved not without some trepidation (Welte 1965, 397; cf. Houtepen 1973). The recent *Catechism of the Catholic Church*, intended to serve as an authentic reference work for the compilation of local catechisms and catechesis, not only preserves the original formulations of Nicaea and Chalcedon intact, but still treats them as key concepts of its christology (*Katechismus* 1995, n. 464–483, esp. 479–483; cf. Witte 1999).

Dialectical versus functional The dialectical theology of Barth and the Barthians must be understood in the light of their view that 19th century liberal theology, influenced mainly by Schleiermacher, had no sensitivity and certainly no adequate answer for the crisis in European society and culture evinced so horrendously in the debacle of World War I. Barth's entire theology, especially in his early period, must be seen as a protest against, and an indictment of, liberal theology, particularly that of Schleiermacher.[7] The conflict between Schleiermacher and Barth, representing two – apparently diametrically opposed – approaches, more or less epitomises 20th century theology. Thus Schleiermacher's approach is demonstrably evident in the theology of scholars like Tillich and Rahner, and Barth's in the work of Pannenberg and Moltmann, while Bultmann and Ogden combine elements of both (Haight 1999, 313–347). Although generalisations about such divergent theologians are always dangerous, it would be fair to comment that Schleiermacher and Barth decisively influenced certain major, if not crucial, trends in present-day theology.

We start by positing that Barth is the prototype of a 'christology from above', particularly in his adherence to the formulations of Nicaea and Chalcedon. The doctrine of two natures, a divine and a human nature, is a given, as is the doctrine of a hypostatic union, which was broadened into the doctrine of an enhypostatic union in the post-Chalcedon period. Jesus Christ's personhood is grounded, not in his humanity, but in the Word. The incarnation is God's free and gracious choice to become human in Jesus Christ, and in his human flesh to conquer the sin and death inherent in that flesh (Bart 1960a, 134–186). Barth interprets the meaning of the Word incarnated in Jesus Christ in the line of Anselm – who theologised in the Augustinian tradition – and of Luther and Calvin's interpretation of Anselm (Haight 1999, 223–237, 309–313).

Anselm's *Cur deus homo* centres on the question of why the Father sent the Son into the world: why did he become flesh? The reason was that because of original sin, humans had offended God's honour and glory so grievously that the only possible way of setting it

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[7] The relation between Schleiermacher and Barth remains a subject of ongoing research. Some see them as antipodes, others as complementary, since what links them – mainly in their pneumatology – is stronger than what divides them, as Barth himself averred (Berkhof 1985, 200–202).

right would be either forgiveness, or punishment, or satisfaction. Forgiveness was not an option, since it would not restore the dignity of humankind, which they themselves had destroyed by offending God; neither was punishment, since it would be eternal. That left only one option: satisfaction. But how could God be given satisfaction? Not by a human being but only by God, for only God can give infinite satisfaction for an infinite offence. The only solution left was a God-man: the God-man Jesus, as understood by Chalcedon. Luther took over this doctrine, interpreting the person of Jesus as our substitute and his life and work as our substitution. Calvin, too, taught that Jesus acted as a substitute for us by remaining obedient to God unto death, indeed, unto death on the cross. By taking God's judgment on humankind on himself, Calvin argued, Jesus freed us from God's anger and vengeance.

Barth likewise took over the substitution concept, interpreting it in the perspective of the reconciliation between God and humans effected by Christ. He radicalised the concept in the sense that Jesus not only took God's judgment on humankind on himself but was himself judged by God. Hence when Christ in his turn judges human beings, this judge judging people is one who has been judged by God in our place: a judged judge. Jesus judges, indeed, he condemns and says 'no' to them when they become self-righteous and boast of their own worth and merit, as Barth says. The insignificance and utter corruption of humanity resounds throughout his work (Barth 1949, 51–61). For whatever human beings are, in themselves they are nothing; and what they are they owe to God's reconciliation through the substitution effected by Jesus (Barth 1960, 142–146). That does not mean that in Jesus God does not also direct a 'yes' to humankind, as is evident in the development of Barth's christology. The 'yes' is a 'yes' of God's grace through the reconciliation effected by Jesus: God says 'yes' when people repent and radically obey and accept the salvation enjoined by Jesus. We find grace only once we despair totally of ourselves and abandon all attempts at self-justification, embracing only the revelation of God in Jesus (Barth 1960c, 1–97).

One observes that the two key concepts in all this – dialectical and functional – do not constitute an absolute opposition: they represent a contrast rather than a contradiction, even though Barth would cringe at a term like 'functional christology'. For even if his christology is a prototype of an approach from above, he does not

overlook the salvific function of Christ's life and work but assigns it salvation-historical significance. Yet this significance recedes into the background when Barth seeks to pinpoint the genesis of Jesus' son-ship: was it the moment of his glorification, his resurrection, his baptism, his conception and birth, or does it stem from his pre-existent association with the Father? Even though he dwells on the salvation-historical context of Jesus' son-ship – thus revealing a functionalist trend – he sacrifices it again for the sake of a trinitarian son-ship (Berkhof 1973, 301).

Christology from below: revelational versus experiential We have noted that the Enlightenment gave rise to a fundamental reaction against the classical formulations of Nicaea and Chalcedon. This was a result of growing criticism – based on the modern concept of a person – of the doctrine of enhypostasis, which grounded Jesus' human nature in the divine person of the Logos, and the doctrine of anhypostasis, which denied the existence of a human person in Jesus altogether. The modern concept of a person centres on the human individual's consciousness of the world, history and the self, and – by implication – the individual's inalienable freedom and inalienable orientation to the other, as well as an inalienable sense of identity in this very orientation to others (cf. Schoonenberg 1991, 144–151; Essen 2001, 173–191). In both exegetical studies and systematic theology this led to an approach focused squarely on the human person of Jesus. In contrast to the classical approach, which represented an approach from above, the aim was to establish an approach from below, in the sense that it viewed the human person of Jesus in terms of his unique relationship with God and God's relation to him. That is why the approach from below is called jesuology: the accent is on the meaning of Jesus as a human being, the human person of Jesus, and hence on the experience of God and God's revelation which he communicated to his disciples through his life, words and deeds. In other words, jesuology is concerned with the religious or theological meaning of the historical, human person Jesus.

   This took the form of two approaches that we referred to above as revelational and experiential, which, like the previous antinomies, are not contradictions but contrasts and even complements. The question is, however, which ultimately receives greater or lesser emphasis without excluding the other but in fact remaining mutu-

ally inclusive. This is all the more cogent because revelation without experience is not feasible, and experience without a historically transmitted tradition that is receptive to God's self-revelation degenerates into purely human experience.

If we start with the experiential approach, we find that it does not exclude a revelational approach but includes it, only the latter ends up getting less emphasis. In our view Schleiermacher epitomises the experiential approach, both historically and systematically: historically in that he was the first to adopt it, and systematically because the approach he espoused continues to influence diverse christologies to this day. Both in his christology and in his theology generally, the emphasis is on the distinction between the experience of interdependence, which characterises all of earthly reality, and the experience of absolute dependence of all earthly reality on God, which characterises human religious consciousness (*das schlechhinnige Abhängigkeitsgefühl*). Schleiermacher repudiated the notion of Protestant orthodoxy that Christian faith consisted in obedient acceptance of a number of cerebral doctrines, even while they were considered to be beyond human understanding. Likewise he repudiated the idea that Christian faith consisted solely in submitting the will to moral commandments and performing moral duties. Over against purely cerebral doctrines and purely volitive response to norms and duties he introduces a third category: feeling. Such feeling should not be confused with sentimentality or even emotionality: it refers to a unity of intellect, will and emotion, located where these three converge and where human beings are touched to the core by an awareness fundamentally characterised by absolute dependence – essentially absolute dependence on God (Schleiermacher 1960, 1, 14–30). It does not mean that human beings' consciousness is exclusively human consciousness, nor is this feeling simply human feeling. Neither does it mean that God is absorbed into consciousness of God, for Schleiermacher holds that God is present in or to this God-consciousness (Van der Ven 1968).

Schleiermacher's christology, too, can be interpreted in terms of God's presence in this God-consciousness. Indeed, according to Schleiermacher (1960, 2, 43) Jesus' unique identity lay in his personal communication to his companions of his own religious consciousness in which God himself was present: his continuous, powerful God-consciousness was the true being of God in him ('*welche ein*

eigentliches sein Gottes in ihm war'). This is how Schleiermacher inter-
prets the verse about the Logos becoming flesh in John's Gospel.[8]
In his interpretation he does not use the formulations of Nicaea –
these he not only criticises but actually pushes aside (Schleiermacher
1960, 2, 48–89). Instead he stresses the fact that Jesus lived in terms
of an absolutely powerful God-consciousness in which God was per-
sonally present, as a result of which he himself was sinless and his
very sinlessness symbolised his unique God-consciousness. By becom-
ing like human beings through the incarnation, except in regard to
human sinfulness, he, with his absolute, powerful God-consciousness,
had an unparalleled impact on his fellow beings – that is to say, on
their God-consciousness. Schleiermacher saw christology not as a set
of propositions to be inferred from an abstract principle but as an
explication of the God-consciousness of Christian people (Schleier-
macher 1960, 1, 348–349; Lamm 1996, 195–197). He regarded both
the pre-existence of the Word and the trinity as derivate doctrines,
relating only to experience of God in Jesus and experience of God
as Spirit in the community, but not as a primary datum in Christians'
religious consciousness (Schleiermacher 1960, 2, 458–462).

When we describe Schillebeeckx's christology as a form of reve-
lational jesuology we are not implying that it does not allow for the
experiential aspect. On the contrary, for Schillebeeckx the relation
between revelation and experience is dialectic and he explicitly
acknowledges the importance of experience in it. Revelation occurs
only in the form of people's actual experiences with God, Jesus and
the Spirit in the form of cognitions and affections contained in these
experiences which need to be explained (Schillebeeckx 1977, 25–56).
But, more than Schleiermacher, he allows for the fact that disciples'
experiences with Jesus are where God presents himself for encounter.
That certainly applies to his accent on Jesus' proclamation of the
coming of God's kingdom or rule in his life, words and deeds. Unlike
Schleiermacher, who resorts to philosophy of religion to substanti-
ate the 'experience of absolute dependence', Schillebeeckx does not
base it on an abstract theme like Jesus' God-consciousness. On the
basis of historical and literary research in modern exegesis he describes

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[8] In paragraph 94 of Schleiermacher's *Christliche Glaube* some scholars discern
traces of a Spirit christology and in paragraph 96 those of a Logos christology
(Haight 1999, 308), whereas yet others see his christology as fundamentally Johannine
(Niebuhr 1964, 146, 213, n. 3).

the content of Jesus' message about the kingdom of God as it emerges
from the parables, which depict real life and put it on the line, and
as expressed in revolutionary terms in the beatitudes. In the same
way he describes Jesus' real-life praxis: his miracles; his solidarity
with people; his wining and dining with his disciples and with out-
casts, 'tax collectors and sinners'; his daily fellowship with his disci-
ples; his 'fulfilment' of the law, in which love of God and fellow
humans prevails; and above all his unique relationship with God,
his 'Abba'. In all these words and deeds the kingdom of God grad-
ually assumes the features of Jesus Christ (Schillebeeckx 1974, 263ff.).
The kingdom of God is a biblical metaphor for God's society, God's
love, God's rule – in short, for God himself. It signifies God's sal-
vific, gracious presence among people: "One could simply speak of
'God', but in Jesus' day people avoided direct references to God"
(Schillebeeckx 1990, 130; our translation).

   Again we find that antonyms in christology cannot and should not
be put in stark opposition: the opposition between 'revelational' and
'experiential' is a contrast whose poles presuppose and complement
each other. Schleiermacher ultimately puts the accent on Jesus' unique,
experiential God-consciousness and the impact this had on the expe-
riential God-consciousness of his disciples, in which respect he cer-
tainly does not disregard God's presence in this God-consciousness.
Schillebeeckx worked out his entire theological jesuology in terms of
Jesus' words and deeds in real-life situations where he approached
and encountered people, thus putting the spotlight on the revela-
tional power of God's salvation that emerged in these scenarios: in
Jesus' encounters with real-life people his disciples could experience
God's revelational love and solidarity.[9]

Liberation versus perseverance At first glance it may seem strange that
our choice of an antonym for liberation christology is not incultur-
ation christology but perseverance christology. Usually the opposite
of liberation is seen as inculturation, also in African christology,
where they are even regarded as two schools of contemporary African

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[9] Against this background Stickelbroeck's criticism (2002, 297–302) misses the
point, when he accuses Schillebeeckx of paying insufficient attention to what he
calls 'revelation metaphysics within salvation historical ontology of divine action',
unless he uses the terms 'metaphysics' and 'ontology' to refer to something totally
dissociated from history and context.

theology (Nyamiti 1989). Inculturation refers to the articulation of the meaning of the gospel (in our case the person and work of Jesus) in terms of the language and symbols – or rather, the semiotic deep structure, including ritual deep structures – of the cultural context of the Christian communities concerned. Liberation refers to the transformation of social structures that keep individuals and groups captive in poverty (economic), restrict their freedom and oppress them (political), break down their social ties (social), and violate the human dignity and values embodied in these (cultural). Liberation is an integral process incorporating all these aspects (Gutiérriez 1974, 24). Sometimes the antithesis between the two is denied, or at any rate transcended, by pointing out that inculturation is a condition or aspect of liberation: no liberation without inculturation (Schreiter 1991, ix), which is logical since liberation has cultural as well as economic, political and social aspects. In other cases liberation is said to be a condition for inculturation: no inculturation without liberation (Wijsen 1993, 207), which is also logical, since one can only, so to speak, proceed to inculturation once one has been liberated.

The trouble with both views, however, is that the concept of inculturation is not analysed. This is necessary, because not only certain surface structures, but also certain deep structures of the culture in which the Christian religion is or has to be inculturated can produce dependency and oppression. Here it is not a matter of the entire culture but of certain structures in it. It is not a matter or uncritical acceptance or rejection of an entire culture, but of a differentiated evaluation of elements of that culture, more especially some of its deep structures (Blum 1998). Hence there should be room for different opinions about the humaneness of particular deep structures in a culture, which need not be accepted blindly but are open to discussion and evaluation (Griffioen & Tennekes 2001, 39–40) – and, one might add, to mutual evaluation. This would preclude romanticised talk and attestations about – supposedly – pristine, authentic, good and true, indigenous, (especially) black cultures as totalities, which obviously do not exist; at the same time it would preclude pedantic, arrogant, brutal talk and attestations about pristine, authentic, good and true, even superior white cultures as totalities. At any rate it should preclude it, for the latter, too, contain oppressive deep structures, such as the colonisation of the life world by the economic system and the bureaucratic state system that impairs human freedom and equality and hence human dignity, as we argued

in chapter 2. This means that the relation between inculturation and liberation is dialectical: liberation becomes 'soulless' if the indigenous culture in which people live their individual and social lives is disregarded. But the inculturation that is needed should always be evaluated in a perspective of liberation, for every culture has both sound and rotten aspects, benign and malignant formations, elements of corruption and sanctity.

This does not alter the fact that the inculturation models that are designed and developed in African christology are well worth the trouble of constructive, critical reflection. This applies, for example, to Jesus, Master of Initiation, which spontaneously reminds one of the *Paidagogos* of Clement of Alexandria (however great its emphasis of the *Katabasis* of the pre-existent Logos) and the mystagogic catechesis of Cyril of Jerusalem (Sanon 1991; Schreiter 1991, xi). It also applies to the models of Jesus the chief (Kabasélé 1991), ancestor, proto-ancestor and elder brother (Kasanbélé 1991a), and the healer (Kolié 1991). It seems almost cynical to mention that the need for inculturation of the gospel in contemporary cultures (plural!) is often justified by citing the inculturation that occurred during the transformation of biblical thought into neo-Platonic thought attested by the controversy surrounding Nicaea and Chalcedon, whereas it is this very neo-Platonism that has prevented belief in Jesus from being expressed in contemporary symbols, concepts and rites, and that we have been at such pains to get rid of.

But our concern is not with the dialectical relation between inculturation and liberation, however important it may be. What interests us is the antinomy between liberation and perseverance. We arrived at it via a small study by Walligo (1989) among 66 theological students at Gaba National Seminary by means of a questionnaire containing the following open-ended question: "What image of Christ do the suffering people of Africa have?" Remarkably, the majority emphasised an image of Christ that had little or no bearing on actual life. This undoubtedly relates to the fact that in sermons, catechesis and religious education the speculative formulations of Nicaea and Chalcedon still prevail, formulations that are considered to be fruits of typically 'European' thought and opposed to African culture – overlooking the fact that they are equally opposed to contemporary European thought. In Walligo's study it emerges fairly often that when Jesus does have a bearing on everyday life, it relates to the fact that faith in him brings peace, inner tranquillity,

spiritual strength to continue living, endure suffering, bear sorrow
with fortitude: Jesus as the healer of the individual soul. It is this
spiritual perseverance christology that we view as the opposite pole
of liberation christology. The latter relates not only to individual life
and its spiritual aspects, but to both individual and societal life with
all its aspects: economic, political, social and cultural.

In contrast to such a perseverance christology, which implies a
christology from above, liberation christology stresses an approach
from below, even though it does not mean totally forswearing the
metaphysical formulations of earlier centuries. These are often retained,
although people try to interpret them in new ways (Haight 1999,
327). But the key issue is a historical, narrative approach to the
meaning of Jesus in terms of the actual words and deeds in which
he proclaimed the kingdom or rule of God and embodied it in his
actual dealings with people, thus manifesting and representing God's
solidarity in his own person. In this proclamation of God's kingdom,
via the person of Jesus, God's compassion with the sick, the poor,
outcasts and the oppressed is focal.

In contrast to the interpretation of suffering in perseverance chris-
tology, which sees suffering as something to be endured, liberation
theology puts the emphasis on compassion, identifying two extremely
important aspects: a theological and an ethical aspect.[10] The theo-
logical aspect pertains to the relation between suffering and God,
which entails the theme of theodicy and which has given rise to var-
ious theodicy models (Van der Ven 1993, 157–224; Van der Ven
& Vossen 1995). The only relevant theodicy model, God's compas-
sion, implies that God does not remain impervious to, or unmoved
by, the sight of the millions of people who find themselves on the
periphery of society. God is not apathetic, as if he were incapable
of true compassion. God does not want suffering, he does not accept
its existence: not as punishment (retaliation theodicy), nor as an out-
come of his intention (plan theodicy) or his secret intention (hidden
plan theodicy), nor as therapeutic medicine (catharsis theodicy). God
is confronted with suffering as something outside himself which grieves
him deeply, touches his heart and perturbs him because it affects
'the least of these my brothers' (compassion theodicy).

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[10] In this respect Western political theology, Latin American liberation theology,
North American Black theology and South African liberation theology coincide
(Haight 1999, 363–394).

The cross of Jesus is the extreme evidence of God's compassion with human suffering. On the cross God, in Jesus, entered the uttermost depths of human desolation, which replaced for ever any residues that may have remained of a kind of triumphal classical christology with a true Good Friday christology. This christology of the cross is also the ultimate expression of lament about suffering: lament about sorrow, pain, disillusionment, rejection, debasement, injury, anxiety, loneliness ('stauro-christology'). If a christology is not fundamentally determined by such lamentation, it has not yet passed through radical kenosis (kenotic christology). Kenosis is the source of lament (theodicy of lament).[11] In the extremes of suffering that Jesus endured to fulfil his life and work of liberating the sick, the poor and the destitute to the utmost God shows what he is: infinite compassion and solidarity. On the cross Jesus as it were took on himself the suffering of all past and future generations – a universality that transcends the scale of any individual person and was possible only because in the person of Jesus God shared the suffering of humankind. In this way Jesus could take on universal suffering (vicarious suffering theodicy). He could also usher in the future kingdom of God, in which all tears will be wiped away. For what torments suffering people is not just the question 'why?' but, even more poignantly, the question 'how long still?': the real tragedy is suffering for an unforeseeable length of time (eschatological theodicy).

Does this in fact mean that not just Jesus but God himself endured human suffering? If this were so without any qualification, it would conflict with a major concern of the Chalcedonian formulation, which in the end could still fulfil a useful regulative function: keeping alive the insight that Jesus' human and divine natures are unmingled and should remain so in theological reflection. To put it in question form yet again: when Jesus suffered in his human nature, did he also suffer in his divine nature, so that God the Father suffered with him? Phrased more succinctly: do we have to understand the relationship between God and suffering to mean not only God that is *in* suffering

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[11] It is essential to distinguish between lament and complaint – which often mingle, not only in psalms but also in philosophy and theology, for instance in the work of Ricoeur (1995, 258–261) – especially if they are uttered before God. Lament is an expression of grief before God prompted by a profound experience of loss, whereas complaint expresses an experience of injustice, for which the one to whom the complaint is addressed, namely God, is held responsible, which means that complaint comes down to accusation (Zuidgeest 2001, 135–137).

but also that suffering is *in* God, as proponents of a panentheistic God concept claim when they posit that – in a general sense – God is in everything and everything is in God? Does it mean that God himself needs to be saved from suffering (Tuck 1999, 192–193)? And if so, by whom? By God? God saving God? A possible answer to this kind of pressing question could be that God does not endure the suffering passively but actively takes it on: it is suffering in freedom, a freedom bred of love, a *passio pro nobis*. The profundity of these questions becomes apparent when one pursues them to their extreme implications: does all this mean that when Jesus dies on the cross God himself dies? Is the death on the cross the death of God?[12] And does the antithesis of active versus passive still suffice, as if God did not suffer death passively but actively embraced it? But that does not alter the fact of his death – indeed, his martyrdom! Here we touch the limits of thought, as always happens when one ponders the meaning of suffering, also in a religious perspective. There is no cut and dried answer to the hopelessness of suffering. All we have is its symbolic expression in the words and rituals of tears and lament, including tears in God's presence and lamentation before God, who knows what suffering is – and the comfort we derive from that. Theodicy refers to suffering in God's compassionate presence, before a compassionate God (*coram Deo*), as a theology of lament would have it (Van der Ven 2003).

The ethical aspect relates to the disclosure of the true meaning of human life through the revelation of God's compassion in Jesus on the cross. In Jesus human beings have a model to help them discover and decipher what can and should be. That is the ministry of compassion that Jesus' disciples are called to contemplate. For Jesus' compassion is an example of the way his disciples should conceive of true humanity and how they should regard one another and every human being. This applies particularly to contrast experiences, in which people are confronted with innocent suffering, oppression, alienation and poverty, prompting them to cry out spontaneously: That is unfair! It cannot go on! Something must be done about it! Such spontaneous outcries express an implicit, positive belief regarding the human dignity of individual persons: that dignity may not be hurt, impaired, shamed! The violation of human dignity must

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[12] Barth (1960b, 210–224) does refer to God's passion but not to God's death (cf. Berkhof 1973, 306).

end! By and large both negative and positive aspects of such con-
trast experiences occupy a prominent place in present-day theology
(e.g. Schillebeeckx 1989, 24–26; cf. Borgman 1986, 249–252; Jeurissen
1993, 95–98; De Tavernier 1994, 25–29).

This applies in a very special way to Latin American and South
African liberation theology, which concur in their focus on the sit-
uation of hopeless poverty in which millions of people have to live.
One of the authors demonstrated how characteristic this was of the
conduct of Desmond Tutu, former Anglican archbishop of South
Africa, who was one of the leading lights in the struggle for libera-
tion and reconstruction. He may even be said to belong to the
Barmen tradition, considering his vehement denunciations – remi-
niscent of the *bekennende Kirche* in Nazi-Germany at that time – of
the apartheid regime generally and of racist legislation such as the
Group Areas Act in particular. In a speech in Durban he expressed
his utter amazement at what the white government called 'resettle-
ment': "It is a cruel and most distressing exercise in which human
beings who are God's children are heartlessly uprooted somewhere
they used to call home and dumped in another place usually more
bleak and inhospitable than their erstwhile home" (Van der Ven
2001, 77). The accent on such a contrast experience is quite appro-
priate in the general tenor of South African liberation theology,
which is consistently prophetic. It has followed in the footsteps of
the Uppsala Assembly of the World Council of Churches in 1968,
where the cries of the poor reached the attention of the churches;
the conference of Latin American bishops in Puebla in 1979, where
the phrase 'preferential option for the poor' was coined; and the
World Council in Melbourne, where the poor became the major
theme. But it did not remain confined to words: the commitment
was and still is to empower blacks who were and still are involved
in a struggle for liberation (Pieterse 2001b, 102–106).

Vertical versus horizontal So far we have considered christological
approaches characterised by God's affiliation with Jesus. In the process
we came across a great deal of variation, ranging from heavy empha-
sis on Father and Son having 'the same being', on the strength of
which Jesus was not a human but a divine person, to the other
extreme: heavy emphasis on Jesus the human person, whose human-
ity is unique by virtue of his relation to the Father, his 'Abba', on
the strength of which he emerges as the champion of the liberation

of people, especially the poor and the destitute. This range of variation is expressed by the terms 'verticality' and its antithesis, 'horizontality'. Once again we find that this is not a contradiction but a contrast, even a complementary antonym.

In our view Van Buren's theology epitomises the horizontal approach in christology, even though this immediately calls for qualification: we are referring to his secularisation theology of the 1960s (Van Buren 1963; 1968), which, like Robinson's *Honest to God* (1963), was expressive of a spirit prevalent at the time in the minds of many members of Christian churches, and which triggered vehement debate (Schillebeeckx 1965, 66–149; Schoonenberg 1969). The debate on these authors and others among their contemporaries, such as Ogden (1961) and Altizer (1966; 1966a), fizzled out decades ago, also in the christology Van Buren wrote 30 years later, which focused mainly on the Jewish legacy that Jesus embodied in his person (Van Buren 1995). But that does not mean that the problem these theologians tackled in the 1960s is a thing of the past. On the contrary, many – both inside and especially outside the churches and, more particularly, those who have consciously turned their backs on the churches – still exude the same conviction that those theologians expressed with such eloquence. This conviction can be described as follows: "Bonhoeffer contended that to separate Christian faith and secular life in the world is to reject the very heart of the gospel, and we shall conduct this study on the assumption that 'being a Christian' does not deny one's involvement in the secular world and its way of thinking" (Van Buren 1963, 18). In other words, whereas the theological debate has drawn to a close, the spiritual problem – how to combine the gospel with a secularised mentality? – has remained unsolved in the hearts and minds of many people, not only when it comes to belief in God but especially in regard to the meaning of Jesus. We shall therefore devote some attention to it.

The secular culture approach, which Van Buren espoused in the 1960s, does not exclude God-talk altogether, nor does it disregard the bond between God and Jesus. Yet in the end these are the controversial issues in his christology. However, Van Buren starts, on his own admission, by developing an adequate conception of God and adequate insight into the relation between God and Jesus on the basis of the Johannine tenet that "the Father is in me and I am in the Father" (John 10:39). Only, he does not interpret Jesus' being in the Father in the same way the classical approach did, that is by

using speculative verbal artistry to describe two natures in one divine person. He interprets the Johannine tenet, and the declarations of the councils of Nicaea and Chalcedon, in terms of the covenantal theology that characterises both the Old Testament and the Jew that Jesus, historically, was.[13] In this covenantal theology Israel's calling by YHWH and Israel's response to it are focal. 'Being in the Father' and 'being the Son of the Father' mean being commissioned by God and his covenant and being responsive to both commission and covenant. Van Buren's accent on YHWH's covenantal history with Israel and Jesus' place in that history enables him to expound the verse in the prologue to John – "And the Word became flesh" – more accurately or, as he puts it, more radically (Van Buren 1995, 218; Vasel 2001, 285). Where the Alexandrian *Logos-sarx* christology expounds this verse in terms of a natural being, Jesus of Nazareth, in whom the human *nous* was replaced by the Logos, and the Antiochene *Logos-anthropos* christology expounded it in terms of an authentically human being, Van Buren specifies it more closely. God's incarnation means that God entered into the Jewish man Jesus of Nazareth, whose words and deeds corresponded with and expressed the covenant YHWH had made with Israel. Accordingly he calls his christology a 'call-and-response christology' (Van Buren 1963, 47–55).

What do the call and response consist in? The call is the same as the call to Israel, in which YHWH engaged with Israel in love and solidarity and, via Israel, was a light of love and solidarity to the nations, in which regard Van Buren (1963, 153–154; Vasel 2001, 271, 278, 347) explicitly refers to Isaiah, as we did in chapter 4. The response is the love and solidarity to which Israel and – following in the footsteps of the chosen people – Jesus were summoned. The response entails living for the sake of others, and it is in this response of Jesus' perfect love for others that God manifests himself: this is how Jesus is the full and adequate revelation of God (Van Buren 1963, 146). God's revelation in Jesus is not just a revelation of God's word but also of God's action: "his history is God's decisive act of love for this world" (Van Buren 1963, 148). The

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[13] The correspondence between Van Buren and Mendelssohn has been pointed out. The latter posits four conditions for interpreting the meaning of Jesus: Jesus never equated himself with the father, never professed to be a person of the deity, never laid claim to the honour of worship, and never intended to reject the religion of Israel (Vasel 2001, 262–263, n. 10).

remarkable thing is that Jesus was a free human person in his words
and actions, not only in the sense of speaking and acting on his own
authority (although he made no claims for himself) and not only in
the sense that he lived without fear and anxiety in the hope of God's
future of love and solidarity – but more especially in the sense of
being free for his neighbour, without regard for himself, free in his
openness to everyone he met, his compassion for those who suffered,
his willingness to associate with those whose company was shunned
by respectable people (Van Buren 1963, 121–123). Put differently:
he set others free.

It stands to reason, therefore, that the death he had to die –
because such freedom poses a threat to insecure, shackled people –
which was the extreme consequence of love and solidarity, was very
soon afterwards interpreted as death 'for us', death 'for our sins'
(Van Buren 1963, 150–151). The stories about Jesus' appearances
after his death and the empty tomb are meant to show that his free-
dom was becoming 'contagious' and that the disciples, who had
themselves experienced being set free by Jesus, were starting to prop-
agate Jesus' cause of freedom-in-love (Van Buren 1963, 126–134).

An important point here is that God's presence in Jesus' suffering
and death indicates that he is not an omnipotent, omnipresent, omni-
scient God but a weak God who really engages in the contingency,
tragedy and wretchedness of human existence. Jesus' God is not the
almighty, the first mover, first cause, the ground of all that exists.
He is not absolute, supreme, exalted. He is not elevated to the nth
power. God's power is the power of impotence, of weakness, of keno-
sis, which relinquishes everything, sacrifices itself totally in order to
exist wholly for others – as Bonhoeffer put it movingly: as if God
does not exist: "*etsi Deus non daretur*" (Van Buren 1968, 70–71).
Against this background one can answer Bultmann's question: "Does
He (Jesus) help me because He is the Son of God, or is He the
Son of God because he helps me?" (Van Buren 1963, 152). In such
living totally for others God reveals who he is in Jesus: he is – in
an almost ontological sense – for people, for others. We may add
that this does not present a dilemma but a paradox, in that God's
love in Jesus is not and cannot be manifested other than in actual
encounter with Jesus, with whom he engages fully – totally, "*etsi Deus
non daretur*".

Is it still necessary to engage in God-talk in Christian life, which,
in imitation of Jesus, is grounded in the ethical demand for love and

solidarity? Is ethics not the cornerstone of all christology and all the-
ology? But does that not mean reducing christology and theology to
ethics? Van Buren explicitly looks into this question. His answer is
functional. It boils down to this. Christians really are there for oth-
ers: for their neighbour, distant friends, the anonymous poor, the
indigent stranger; for as Christians they live, so to speak, without
God – at any rate without an omnipotent, omniscient, omnipresent
God (quoting Bonhoeffer), also without the omnipotent God of reli-
gion that deals with this God as with a *deus ex machina*. Ultimately,
says Van Buren (1963, 195) with reference to Martin Buber, it means
that in one's actions one has to distinguish between 'I' and 'Thou',
realising that neither of the two can be reduced to the area of 'he',
'she' or 'it', which is the area of God, *the* supreme being, or God,
the ground of being. Metaphysics and mythology no longer serve a
purpose in our secularised age, but merely impair proper under-
standing of the gospel and hence of who Jesus the Christ was. If
that entails a reduction of christology to ethics, so be it: "When
Easter is in the center of the picture, however, we can say that the
meaning of the gospel is to be found in the areas of the historical
and the ethical, not in the metaphysical or the religious" (Van Buren
1963, 197). We call this a functional approach because Van Buren
(1963, 199) himself makes the point: "In the last analysis, a tree is
known by its fruits." Does all this not amount to no more than a
kind of humanism? It does, but a gospel-based humanism, inspired
by the example of him who saw it as reflecting the love and soli-
darity of God (Van Buren 1968, 81).[14]

10.2. DISCIPLES OF JESUS AS PROPAGATORS OF HUMAN RIGHTS?

So far we have studied the relevant antonyms in the field of chris-
tology: transcendent versus immanent; dialectical versus functional;
revelational versus experiential; liberation versus perseverance; and

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[14] For a discussion of Van Buren's complete secularisation of religion or other-
wise, see Schillebeeckx (1965, 66–149, especially 89–92); Schoonenberg (1969, 96);
Berkhof (1973, 314). Vattimo at any rate, reveals no trace of this, although he also
refers to a 'reduced faith' (Vattimo 1998, 76–84); for he sees the core of religion
not merely as charity among human beings but as God's charity towards people
as the basis of their charity towards one another, and also notes that it has a kenotic
structure – which is also present in Van Buren's work.

vertical versus horizontal. This enables us to describe our students'
attitudes towards Jesus in what we called the theoretical domain.
Then we will determine whether and to what extent these attitudes
in the theoretical domain correspond with and are corroborated by
our students' attitudes in the empirical domain. Lastly we will inves-
tigate the effect of these attitudes on their human rights attitudes.

In this section we ask the following questions:

1. What are our students' attitudes towards Jesus?
2. Are there differences between the attitudes towards Jesus of mul-
   ticultural and monocultual school students?
3. What are the effects of attitudes towards Jesus on the students'
   human rights attitudes?
4. Do the effects of attitudes towards Jesus on the human rights atti-
   tudes differ between multicultural and monocultural school students?

Attitudes towards Jesus: theoretical domain

From the antonyms in the area of christology we described so far
we divide the attitudes towards Jesus in the theoretical domain into
three groups. The first group comprises attitudes that emphasise rev-
elation of God's transcendence in the person of Jesus: christology
from above. The second group comprises attitudes which accentu-
ate the revelation and experience of God's immmanence in the per-
son of Jesus: christology from below. The third group consists of a
an attitude focusing primarily on the immanent meaning of Jesus as
a human person: secular christology (table 10.2.1).

Table 10.2.1. *Attitudes towards Jesus: theoretical domain*

Christology from above	
I. classical	(2, 4, 8, 10)
II. dialectical	(5, 20, 21, 24)
Christology from below	
III. revelational	(9, 11, 17, 18)
IV. experiential	(6, 7, 13, 19)
V. liberation	(1, 14, 16, 22)
Secular christology	
VI. humanistic	(3, 12, 15, 23)

In this table the first group, 'christology from above', consists of (I) the classical attitude and (II) the dialectical attitude. The second group, 'christology from below', comprises (III) the revelational attitude (IV), the experiential attitude, and (V) the liberation attitude. The third group, 'secular christology', consists of (VI) the humanistic attitude encountered in Van Buren's work in the 1960s. The arabic numerals refer to the operationalisation of these attitudes in 24 items of the measuring instrument we applied to our students in our survey (appendix 10).

Attitudes towards Jesus: empirical domain

For an adequate analysis of our students' responses to the 24 items in the measuring instrument – that is, to determine which items display a relatively high interrelationship – we conducted a factor analysis. This factor analysis produced an outcome we had certainly not expected. We anticipated that it would yield six factors, corresponding with the six theoretical codes we had identified earlier in the theoretical domain (table 10.2.1), and if not six factors – we reasoned – then at least five: classical; dialectical; christology from below, which would combine the revelational and experiential attitude; liberation; and humanistic. But, as often happens, empirical reality can't be forced into the theoretical frameworks we use to approach it – and we cannot but approach it in terms of our preconceived mental conceptions! Here we see yet again that the prejudice sometimes encountered in speculative circles – namely that empirical research merely yields what one puts into it – is belied by actual empirical study.

Table 10.2.2. *Attitudes towards Jesus among students of multicultural and monocultural schools: empirical domain*

	multi 1995	mono 1996	multi 2000	mono 2001	total
1. classical (I)	4.0	4.2	3.9	4.2	4.1
2. dialectical (II)	3.5	4.1	3.4	4.0	3.8
3. liberation (V)	3.7	3.8	3.7	3.9	3.8
4. immanent (III, IV, VI)	4.2	4.4	4.2	4.5	4.3

The factor analysis produced four factors (table 10.2.2.). Three of these corresponded with three of the attitudes in the theoretical

domain identified above: (I) the classical attitude, (II) the dialectical attitude, and (V) the liberation attitude. The fourth factor combined the three remaining attitudes in the theoretical domain: the other two attitudes of christology from below, namely (III) the revelational attitude and (IV) the experiential attitude, plus (VI) the humanistic attitude from secular christology. Because of this combination we call this fourth factor 'immanent', albeit reflecting a twofold immanence: a religious immanence peculiar to the revelational and experiential attitudes, which focus on the bond between God and Jesus, and a humanistic immanence, which emphasises Jesus' bond with human beings and their ties with one another.

The fourth factor, representing an 'immanent' attitude, is an empirical combination of attitudes towards Jesus which, from a theological point of view, we'd have preferred not to have used and had not even thought of, because it amounts to what one might call a conflation of the two attitudes from the christology from below – the revelational and experiential attitudes – and the humanistic attitude. We were left with a combination which, from a christological point of view, is undesirable if not untenable: it drags christology from below down to the level of a purely humanistic approach, at the risk of losing sight of the relation between God and Jesus that is essential for a 'Christian' christology. That is exactly what we observe here: to our students the two attitudes based on a christology from below come so close to a humanistic interpretation of the meaning of Jesus that they cannot see any distinction, let alone separation, between them. As a result the fourth attitude acquires a certain ambivalence, which raises the following question: do the students view Jesus from below as a revelation or manifestation of God, or merely as a human person? More specifically: is he seen as a thoroughly religious person who radiates God's love and grace, or as a purely human person who merits emulation because of his love for fellow human beings? This empirical attitude towards Jesus leaves the answer undecided: it can go either way – that of the human person Jesus who embodies God's love for humankind, or that of the human person Jesus who exemplifies human beings' love for on another.

The last column in this table enables us to answer the first question raised in the introduction to this chapter: what attitudes towards Jesus are found among our students? There are four: attitudes towards classical, dialectical, liberation and immanent images of Jesus. The

rating may be described as high, falling in the area of agreement (classical, dialectical, liberation) and full agreement (immanent).[15]

This modifies our hypothesis in the introduction to this chapter: in this table the highest score is not on the attitude towards Jesus deriving from liberation christology (3.8), as we had anticipated, but on the attitude stemming from an immanent christology (4.3). Whatever splendid vistas liberation theologians conjure up for South African people, more especially for our students, they do have some impact on them but they are not their first preference. Their first choice is an immanent christology, with the possibility, as mentioned already, that the religious significance of Jesus – his relationship with God, his 'Abba' – is lost, and with it, their openness to divine revelation and manifestation in the person of Jesus. What does that imply? Are our students' attitudes towards Jesus undergoing a secularisation process? Will the immanent attitude towards Jesus, because of its inherent religious ambivalence, have less impact on their human rights attitudes than the classical, dialectical and especially liberation attitudes towards Jesus?

We now turn to the second question posed in the introduction to the chapter: are there any differences between the attitudes towards Jesus of multicultural and monocultural school students? The two groups manifest only one relevant difference, and that is in the area of dialectical attitudes towards Jesus (1995: 3.5 and 1996: 4.1; 2000: 3.4 and 2001: 4.0).[16] In the other areas there is no relevant difference: multicultural and monocultural school students rate the classical, liberation and immanent images of Jesus similarly.

The differences in the area of the dialectical attitudes towards Jesus are readily explicable. Karl Barth, whom we have identified as epitomising the dialectical approach, has had a major influence on the Dutch Reformed Church in South Africa, the white Afrikaner community, whose children attend the public schools we researched. Of course, this influence does not extend to Barth's socio-political views that had a major impact on the aforementioned Barmen Declaration of 1934, which was directed against Nazi Germany, nor to Barth's zeal for the establishment of a democratic constitutional state, such as that of Germany after World War II; it is confined

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[15] For the interpretation of these scores see chapter 8, note 5.
[16] For the criterion of relevance see chapter 8, note 6.

to his dogmatics, more particularly his trinitarian theology, christology and ecclesiology. Barth definitely had some influence on Anglican theology in South Africa as well, but more as a source of inspiration of dogmatic and socio-political insight than as the creator of a closed dogmatic system. By extension this applies to the Anglican schools, which some of our multicultural private school students attend. By and large Barth exercised no demonstrable influence on Catholic theology in South Africa, which by extension applies to the Catholic schools attended by the rest of our multicultural private school students.

Surprisingly, there are no relevant differences in regard to liberation attitudes towards Jesus. One would expect students from multicultural schools to differ to a relevant degree from students at monocultural Afrikaans medium schools, which are predominantly white; but this is not so. Does it mean that liberation christology is not (or no longer) a 'black' issue but inspires a kind of universal Christian protest against oppression and motivates a predisposition to liberation, in which both communities, black and white, join hands across ethnic boundaries?

Effects of attitudes towards Jesus on human rights attitudes

Having examined our students' attitudes towards Jesus, we now turn to the effects these have on their human rights attitudes. Such effects may be either positive or negative. In the first case the attitudes contribute to our students' human rights attitudes, in the second case they affect them negatively. They could also have no effect whatever, either positive or negative. In that case there is zero effect and our students' attitudes towards Jesus are neutral in regard to their human rights attitudes: their attitudes towards Jesus and their human rights attitudes are, as it were, two islands in an ocean of indifference and have nothing to do with each other.

In the regression analyses we performed to determine the effect of our students' attitudes towards Jesus on their human rights attitudes the empirical christological attitudes we found in their responses constituted the independent variable. In table 10.2.3 they appear on the vertical axis: classical, dialectical, liberation and immanent attitudes. To control the effects of these attitudes we added, as mentioned in chapter 7, some relevant population characteristics such as gender, age, home language, political preference and other religious

Table 10.2.3. *Effects of attitudes towards Jesus on human rights attitudes among students at multicultural and monocultural schools* (numbers betas).

	multicult. 1995		monocult. 1996		multicult. 2000		monocult. 2001		total	
	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg.
Attitudes towards Jesus										
classical	–	–	1	1	–	–	–	–	1	1
dialectical	1	1	2	–	–	3	–	–	3	4
liberation	–	–	–	1	3	1	3	1	6	3
immanent	2	–	1	1	1	–	4	–	8	1
Controlled for:										
demographic										
gender	5	1	3	1	–	1	3	–	11	3
age	–	1	–	–	–	1	–	1	–	3
familial										
home lang.	(4)		(1)		(2)		(1)		(8)	
political										
importance	3	–	2	–	2	–	4	–	11	–
preference	(–)		(2)		(2)		(–)		(4)	
comm. parents	1	–	1	–	1	–	1	–	4	–
agree others	1	–	2	1	–	–	–	–	2	2
cultural										
eth/trans-ethn.	(–)		(1)		(2)		(1)		(4)	
mat./postmat.	(4)		(4)		(4)		(3)		(15)	
religious										
comm. parents	1	–	–	1	–	–	–	–	1	1
transf. parents	–	–	–	3	–	2	–	–	–	5
steering	–	–	–	1	1	–	–	–	1	1
Bible reading	–	–	1	–	–	1	–	4	1	5
salience	–	3	–	1	–	1	1	3	1	8
church memb.	(–)		(1)		(2)		(1)		(4)	
church partic.	–	–	–	–	–	–	1	1	1	1
rites of pass.	1	–	–	–	1	–	–	1	2	1

variables, particularly in the area of religious socialisation – 17 population characteristics altogether.[17] The horizontal axis reflects the human rights attitudes of our multicultural school students in 1995 and 2000 and those of monocultural school students in 1996 and

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[17] For the underlined variables: see chapter 8, note 8.

2001.[18] The numbers in the cells indicate the number of times that we obtained a significant beta coefficient, either positive or negative, within a range of 1 to 15.[19] These were interpreted as the equivalent number of indications that attitudes towards Jesus have a positive or negative effect on human rights attitudes.

From this table we are able to answer the third question, which reads as follows: "What are the effects of our students' attitudes towards Jesus on their human rights attitudes?" The last two columns give us the information. We see that there is no purely positive effect. The two attitudes with the strongest positive effect are the immanent attitude towards Jesus (positive: 8; negative: 1) and the liberation attitude (positive: 6; negative: 3). The two other attitudes have an ambivalent effect: the dialectical attitude (positive: 3; negative: 4) and the classical attitude (positive: 1; negative: 1). However much the students agree with the dialectical and classical images of Jesus, as we have seen (table 10.2.2: dialectical: 3.8; classical: 4.1), their effect on our students' human rights attitudes is ambivalent. This indicates how important it is to make a clear distinction between attitudes towards Jesus and the effects these have on human rights attitudes.

By way of summary, whereas attitudes stemming from a christology from above have an ambivalent effect, attitudes deriving from a christology from below have a positive effect, the immanent attitude towards Jesus having a stronger effect than the liberation attitude.

Put differently, the overall findings lead to the following insight: the more attitudes towards Jesus accentuate the presence of God's transcendence in Jesus ('christology from above'), as in the case of the classical and dialectical attitudes, the less positive and the more ambivalent their effect on human rights attitudes. Conversely, the more these attitudes emphasise the presence of God's immanence in Jesus ('christology from below'), as in the case of the liberation and the immanent attitude, the greater their positive effect. In the case of the immanent attitude, which had the greatest positive effect and the least negative effect, the question arises: does this attitude have the greatest positive and the least negative effect on our students'

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[18] We conducted 60 regression analyses altogether: see chapter 8, note 7.
[19] For the range (1–15): see chapter 8, note 9.

human rights attitudes because it represents the 'secular meaning of the gospel' – the title of Van Buren's book – and therefore concurs most with the students' secular world view? Does a christology that goes furthest in secularising Jesus' religious significance have the most positive effect on a human rights culture?

The table also shows the main effects of the following population characteristics on students' human rights attitudes.

– gender: female students are more in favour of human rights than male students in 11 of the 14 instances;
– age: older students are more in favour of human rights than younger ones;
– home language: the language spoken at home (English, Afrikaans or one of the black languages), hence the language community the students belong to, affects their attitude towards human rights; in four of the eight instances the highest positive effect was for black language communities;
– political importance: the importance students attach to politics has a demonstrable positive effect on their human rights attitudes;
– political preference: the choice of a party for which students would vote has an effect on their human rights attitudes: in two of the four instances preference for the ANC had the highest positive effect;
– political communication with the parents: this has a positive effect on students' human rights attitudes;
– political agreement: the measure of political agreement with significant others has an ambivalent effect on human rights attitudes;
– ethnicity: in three of the four instances students who derive their identity mainly from their own language and cultural community feel more strongly about human rights than those from trans-ethnic contexts;
– postmaterialism: in 10 of the 15 instances a postmaterialistic lifestyle has a greater positive effect on students' human rights attitudes than a materialistic lifestyle;
– religious communication with parents and religious steering by parents have an ambivalent, albeit negligible effect on the students' human rights attitudes;
– religious transfer: it is not conducive to a human rights culture when parents impose their religious norms and values forcefully on their children;

– Bible reading: very regular Bible reading is not conducive to the development of a human rights culture;
– religious salience: attaching great importance to the Christian religion is counter productive from the angle of a human rights culture among students.
– church participation has an ambivalent, albeit negligible effect.
– church membership: students' denomination (Anglican, Catholic, Methodist, Afrikaans-speaking or other churches) influences their attitudes towards human rights: students from the Anglican and Catholic denominations were most favourably disposed towards human rights;
– rites of passage: students' relative preference for religious rites of passage has an ambivalent effect on their human rights attitudes.

Table 10.2.3 permits us to answer the fourth question: do the effects of attitudes towards Jesus on human rights attitudes differ between multicultural and monocultural school students? There are only two relevant differences, which regard the dialectical and the immanent attitude towards Jesus.[20] In 2000 and 2001 the negative effect of the dialectical attitude is stronger among multicultural school students than among their peers at monocultural schools. Conversely, in the same period the immanent attitude towards Jesus has a stronger effect among the monocultural school students than among their peers at multicultural schools.

This last finding raises the following question. Earlier we mentioned that the monocultural Afrikaans medium schools are informally connected with the Afrikaans Reformed churches, whereas the multicultural schools are formally associated with the Anglican and Catholic churches. What we found in our research was that students at monocultural schools, as we said, are more committed to human rights because of their secularised attitude towards Jesus than their peers at multicultural schools. What does this mean for the imitation of Jesus in the Afrikaans Calvinist tradition in the future? Will this tradition be confronted with the dilemma of either a 'Christian' christology or human rights?

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[20] For the criterion of relevance: see chapter 8, note 10.

ANSWERS TO THE RESEARCH QUESTIONS

These data enable us to answer the four questions posed at the beginning of this section.

1. What are our students' attitudes towards Jesus?
* There are four attitudes: classical, dialectical, liberation and immanent attitudes; all of them meet with agreement.
* The immanent attitude, which combines attitudes of a christology from below and a secular-humanistic approach, meets with the greatest agreement.

2. Are there differences between the attitudes towards Jesus of multi-cultural and monocultual school students?
* There are no differences except with regard to the dialectical attitude, which is stronger among students at monocultural schools.
* Liberation attitudes towards Jesus are not confined exclusively to blacks.
* Immanent attitudes towards Jesus are not confined exclusively to whites.

3. What are the effects of attitudes towards Jesus on the students' human rights attitudes?
* Attitudes based on a christology from above (classical and dialectical) have an ambivalent effect.
* Liberation and immanent attitudes have a positive effect.

4. Do the effects of attitudes towards Jesus on human rights attitudes differ between multicultural and monocultural school students?
* The secularising immanent attitude towards Jesus has a stronger effect on human rights attitudes among students at monocultural Afrikaans medium schools.

SALVATION AS A MOTIVE FOR HUMAN RIGHTS

People who find themselves in a situation of helplessness, frustration and disillusionment cannot always resist the temptation to retire to their corner and throw in the towel. That happens even when such feelings are short-lived, but even more so when they are a permanent state of mind because the underlying factors appear to be, or actually are, unalterable. This applies all the more when they affect not just one person but an entire group, community, a whole population. In that case the sense of helplessness and impotence may spread like an oil slick and there seems to be no agency or institution that can put a stop to it, let alone turn the situation around.

That is the situation in South Africa today; at any rate, that is how it is experienced by many groups. After the victory of democracy over the hegemony of the apartheid regime, the country appears to be plunged – at least in the experience of many communities – in an atmosphere of despair, even apathy (see Pieterse 2001, 97). Is there a better solution than leaving the country and starting a new life elsewhere? This is a realistic option only for a small minority of whites who can pride themselves on a good education (albeit at the expense of the whole population) and professional job experience. For other whites, either middle class or even underclass, the emigration option would be short-sighted. And this applies even more to millions and millions of black people who are not just an underclass but a caste of downright untouchables. People to whom summer means rain drumming on the leaking corrugated iron roofs of their shacks and trickling in rivulets down their backs, who in winter have to protect their naked bodies with scanty garments against the biting cold, may well feel cynical about the total lack of compassion and empathy concealed in the proffered prospects of distant lands and brilliant careers.

Will things ever come right for South Africa? Is the call for reconciliation – reconciliation with the past, reconciliation between ethnic groups and within groups, reconciliation with oneself – not a total illusion? How can there be reconciliation when one is faced

with an aids epidemic which devours everyone who is young and promising around it, with no adequate medical help being offered or even available. How can there be reconciliation when one sees the degrading, even defiling poverty around one, the result of far too much for a small minority and far too little for the vast majority? (See Pieterse 2001a, 30–70.) How can there be reconciliation if one is confronted every day with mind-boggling crime statistics – theft, rape, murder – that fill people with a profound sense of insecurity (Van der Ven & Pieterse 1998)? How can there be reconciliation in the face of massive unemployment which makes young men and women feel they are wasting their lives and dissolving into a void?

Is there still hope?

If Christianity still has anything to say, it must be the belief in salvation: salvation from a situation of helplessness and despair. But the message cannot and must not be an instant, facile solution, as though the truism "it will turn out all right in the end" (*alles sal reg kom*) will be realised through direct divine intervention, either now or hereafter. If Christianity still has anything to say, it is because the belief in salvation conveys an appealing perception of the world and human life (Christianity as a model *of* reality), and because it motivates people and triggers change-oriented action (Christianity as a model *for* reality), as we apply the definition of religion by Geertz (1969). Finally, if Christianity still has anything to say, especially in the present situation in South Africa, it is because belief in salvation prompts people to claim and defend – even fight for – the human rights enshrined in the Bill of Rights in chapter 2 of the South African constitution. Why do we put the accent on the promotion of human rights as a task for Christianity? The answer is simply that human rights offer a legally enforceable solution to the manifold needs experienced by the majority of South Africans. Curbing the aids epidemic, combating poverty, containing criminality, reducing unemployment – all these require the implementation of the most fundamental human rights, such as the right to life, health, sanitation, food, housing, education, work. In short, Christianity must help to invigorate an inspiring human rights culture, otherwise it will lose all relevance.

Against this background this chapter is divided into two parts. The first deals with developing a soteriological framework and semiotics (11.1). The second explores our students' attitudes towards salvation and the effects of these attitudes on their human rights attitudes (11.2).

11.1. Salvation

In empirical research one needs to have an appropriate theoretical framework within which to take all sorts of decisions on scientifically legitimate grounds. If not, one may end up doing little more than a kind of market research, in which the relation with scientific theorising is either disregarded or even deliberately pushed aside. Hence in determining the attitudes towards salvation among the two groups of students at multicultural and monocultural schools and the effects of these attitudes on their human rights attitudes, we need to draw up an adequate soteriological framework and a soteriological semiotics that are relevant to our research.

A soteriological framework

To a faithful churchgoer the theme of this chapter may seem peculiar, strange, even alienating; it may even raise suspicions of heresy and blasphemy. Is working for human rights not a human activity, something accomplished by human hands, whereas salvation primarily calls to mind an activity, even *the* activity of God? Moreover, is the aim and perspective of salvation not the realisation of God's kingdom in this world, to which people may know they are called and to which they may in gratitude feel bound to contribute? Human rights, by contrast, are not a human duty but put the accent on rights; something that people submit to the law-givers and the courts when they feel that their rights are not respected, or not sufficiently respected. By putting the accent on the relation between salvation and human rights, God in a sense takes the backseat, and with him his kingdom, while the emphasis on human rights replaces gratitude and obligation with a sense of self-regard and entitlement.

The objection raised here pictures human beings' relation to God as one of competition, as though what God does is not done by people; as if whatever God does more, people do less; as if what God gives people simply receive. Is the counterpart of God's transcendence in fact human immanence, that of God's greatness human puniness, that of God's light human darkness? Or is the counterpart of God's transcendence his immanence, that of his greatness his smallness, that of his light his darkness? And do human beings not also know the dialectics of transcendence and immanence, greatness and smallness, light and darkness?

Anyone who really probes these – rhetorical – questions will realise that the relation between God and human beings is not competitive, not even complementary, but coextensive. God and human beings are not in competition, as if what God does is subtracted from human activity or, conversely, what people do is subtracted from God's. God does not replace human activity, he does not eliminate it – the mere thought detracts from his greatness-in-smallness.[1] Neither do God and human beings alternate, as happens in reciprocal relationships, as though the two are alternately active and passive, alternately giver and taker, creditor and debtor. The relationship between God and humans is a love relationship of mutual participation, in which, as in authentically human love, both partners are simultaneously active and passive, express their greatness and smallness, give and take. In mutual self-giving they receive both the other and themselves, and in mutual receiving they give themselves to the other and to themselves (Ricoeur 1992a).

However persuasive and even eloquent this description of the intertwinement of human and divine activity may be, the almost mystical ecstasy it reflects requires to be examined at a conceptual level: how should we interpret this active conjunction of God and human beings? To answer this question one can start from either side: either from God's acts, using these to explain human actions, or conversely, from human activities, using these to clarify God's actions. Here we opt for the second alternative.

Hence our premise is that salvation may be conceived of primarily as a human activity. In other words, human beings themselves accomplish their own salvation through carefully considered actions, thoughtful planning, clear-minded decision making, active intervention and evaluation based on feedback.

This statement, which we have deliberately formulated as boldly as possible, calls for some qualifications. The first is that the series comprising actions, planning, decision making, intervention and evaluation does not assume that the human act of salvation is entirely conscious. A lot of the things we do in life, nearly all of them in fact, are done – thank God – unconsciously by way of a large range of routines, habits, rituals and institutional procedures. But what dis-

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[1] This is the only way of escaping theological dualism which has always and everywhere determined religious and theological thought, as Schoonenberg (1955; 1969; 1986) argues in all his works.

tinguishes human behaviour from that of animals – if we ignore the borderline area of primates – is that people can reconstruct their behaviour afterwards in an intentional sense as *my* actions directed to (an interlinked series of) *my* goals.

The second qualification is that these actions are never those of a monad, as if I alone independently determine my life in total isolation from everybody and everything. My actions are always actions-with-others and actions-in-relation-to-others, relations which also assume varying forms, from mutual cooperation to competition, from selfless giving to exclusion of others. It also means that my actions are marked, not just by activity but also by passivity: from receiving to toleration of others, from being influenced to being wholly determined by others.

The third qualification is that the actions which – in a reconstructive sense – are interpreted as salvation are not momentary actions aimed purely at the here and now but actions which, whilst taking place in the here and now, are imbedded in experience gained from actions performed in the past as well as in expectations reaching out to the future. Actions only occur in the present – where else? – but they are based on past experience of action and fall within the horizon of future expectations.[2] In addition past and future can entail the more recent past and the near future, or the more distant past and future. At a higher level of abstraction actions can refer to the plans we have in mind for a period of five, six years or so, regarding one's family life, professional life, recreational life, civil life. At the highest level of abstraction action can touch on the entire lifespan, to the extent that present actions may incorporate the horizons of both birth and death, or more conceptually the principles of natality and mortality. Indeed, they may even be determined by stories of the mythological beginnings of all action in the primordial past and of the mystical consummation of all action in the eschatological future, a theme to which we return in due course.

The fourth and final qualification is that human salvific activities are not to be founded, so to speak, in nature, as though we can observe and identify them with the naked eye, without any reflection. Just as human action is an interpretive category – we interpret

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[2] Past actions occurred in what was then the present, and the actions that will – we anticipate, for we have no knowledge of future actions! – take place in the future will be enacted in what will then be the present.

behaviour (afterwards) as action – so is salvation. Without reflection there is no action, without reflection there is no salvation. We interpret behaviour as action, and only then – here we are analysing conceptually what is experienced holistically – do we interpret this action, or some actions, as salvation.

The question is: where does God fit into the picture, where is his salvific action? Has God been cut out of the picture completely, has the perspective on his salvific action been lost? That only happens if we proceed, consciously or unconsciously, from a dualism between God and humans, something we have explicitly rejected. But the question of the relation between human actions of salvation and divine actions of salvation is no less pressing.

Do we denigrate God's salvific action when we refer to it as a second-order interpretive category? First we interpret behaviour as human salvific action and then – again, we are analysing conceptually what is experienced, *at any rate by believers*, holistically – we interpret it as divine salvific action. There is no experience of God's salvation that is not structurally characterised and determined by reflection (Andresen 2001).

Does this also apply to the emphasis that members of revivalist movements and charismatic congregations put on the immediate presence of God, Jesus and the Spirit in the hearts of believers? Is this not a direct, non-mediated, interpretation-free experience?

The question is, what is 'experience'? According to cognitive psychological research there is no experience without cognition: all experience is cognitively structured and in that sense interpreted. From the perspective of religious studies a religious experience is an experience cognitively structured by the religious tradition one adheres to (Van der Lans 1978) and by the interpretive context of the religious rituals and roles one takes in them (Sunden 1966), including hymns, prayers, readings, sermons, dialogues and blessings (Lawson & McCauley 1990; Lawson 2000). According to the methodology of religious studies what we call 'religious experience' is a conceptual construct in the mind of the scholar of religion (Van den Heever 2002).

If one accepts that experience, including the religious experience of salvation, is a human activity structured by religious cognitions, one can conclude that the revelation of God's salvation only occurs in and through such human experience that is cognitively structured by religious traditions and religious rituals. The contrast made between

revelation and experience is misplaced, since divine revelation is that divine manifestation enacted in and through human psychic structures. Without these structures human beings are unable to experience anything, not even divine salvation. That was taught as far back as the age of high scholasticism, notably by Thomas Aquinas (Mouroux 1965; 1968; Chenu 1964).

What, then, is the relation between divine salvation and human salvation? What is its distinctive quality? Is there not some duplication – is divine salvation more than just the replication of human salvation at a more abstract level, a higher aesthetic plane, in a more satisfying ritual mode?

The distinctive nature of divine salvation can be determined by means of two sets of paired concepts: gift and task, inspiration and orientation. To believers the human salvation he accomplishes signifies a gift which entails a calling, a way to travel, a destination that shapes their identity. It is a gift of faith, or as Paul would say in his Letter to the Romans: it is *the* gift of faith (see chapter 4). But this gift entails a task. When believers actively dedicate themselves to the cause of salvation, they know that this task has been given to them by God: God gives them the task of salvation to accomplish. The structural link between gift and task forms the basis of the gratitude with which believers perform their task, and in it they find the strength and courage to continue and persevere in the face of setbacks.

Besides the paired concepts of gift and task there is another pair: inspiration and orientation. God's faithfulness in the primordial past – as expressed in the stories of creation, the patriarchs, the exodus, the sojourn in the wilderness, the entry into the promised land – can inspire the believer and fill him with joy and enthusiasm. Thus the gift becomes inspiring, exhilarating. God's faithfulness in the eschatological future – as expressed in tales of the wholeness of the individual beyond death, the harmony among people and between people and animals, shalom, the new Jerusalem, the new creation, the new heaven and the new earth – can give the believer a grip on the direction to follow, the course to pursue, the perspective to cling to. Thus the task is not performed blindly but is oriented.

Put differently, when participating in religious traditions and rituals believers *construct* their experience of salvation both *as* being a gift from God and *as* being a task given by God to be accomplished – *as* a task that is both inspired by God and oriented in a direction

indicated by God. In short, believers construct their experience of salvation from a perspective of transcendence.

What can we conclude from this reflection? Most important is that human salvation and divine salvation are not in competition. God and humans do not compete, but neither do they complement each other so that the whole adds up to 100: each party is actively engaged in the process of salvation to arrive at a total of 100 percent. The best way to conceive of it is as a process of mutual participation, as we did in chapter 8, worked out in terms of transcendence-through-immanence, which implies that God's salvific action occurs via human salvific action without being assimilated to it. This leaves the dual structure of gift/task and inspiration/orientation intact.

A soteriological semiotics

Against this background we can develop a soteriological structure for our study of students' attitudes towards salvation. To this end we apply a semiotic procedure which enables us to distinguish between the deep level of soteriological codes and the surface level of soteriological signs. The signs are the actual images and metaphors that our students used, so we assumed, to articulate the notion of salvation. The codes underlie these, the signs emerge from them and are directed by them, as indicated in chapter 7.

The distinctive feature of codes is that they are binary or paired opposites, based on polarised contrasts rather than contradictions. One cannot say, for example, that God's salvation both occurs and does not occur here and now, that it is both a gift and not a gift (contradiction); one can say that it occurs both in the present and in the future, that is it is both a gift and a task (contrast). In effect we develop a soteriological semiotics of antonyms relating to the belief in divine salvation, conceived of as human salvation in a perspective of transcendence.

The antonyms from which we developed the semiotic structure are the following: (1) transcendent versus immanent, referring to the co-extensive dialectical relationship between divine and human salvation indicated above; (2) present versus past, referring to God's salvific activities here and now or his activities in the primordial past, prior to any human action of whatever kind; (3) present versus future, again referring to God's salvific activities in the present, as opposed to God's consummating actions in the eschatological future, beyond

all human actions of whatever kind; (4) intrapersonal versus inter-personal, implying that the human salvific activities in which God's actions are embodied are enacted within the individual, or in the person's relations with other people; and finally (5) local versus global, indicating that the human salvific activities in which God's salvation is realised are enacted at either a local or a global level.

We proceed on the assumption that there are no major soterio-logical structures relevant to our research that cannot be traced to these five antonyms or combinations of them. We shall now exam-ine these binary oppositions more closely.

Transcendent versus immanent. Both concepts occur in the Christian tra-dition. The one emphasises the redemptive God who, prior to and independently of human action, brought salvation which people, through their innocent and culpable fallibility, cannot accomplish for themselves, even though they are themselves responsible for the plight in which they find themselves and the harm that they have done. The other is the belief that God is a symbolic metaphor referring to the novel, unexpected, startling way in which people construe their dire situation and, through this reconstruction, transform it. These are two extremes: in the first case human action contributes nothing but merely constitutes the material for God's action, a view encountered in orthodox and neo-orthodox circles. In the second case divine action contributes nothing and the word "God" can be replaced by any fictional, literary, poetic and hence social or indi-vidual therapeutic strategy, a view encountered among proponents of a liberal kind of cultural Christianity. Both notions derive from a philosophical structure that conceives of a dualism between God and human beings: the first notion is an affirmative expression of it, the second a negative reaction to it.

From what we have said it should be clear that in this chapter we have consciously and explicitly opted for maintaining a dialectic tension between transcendence and immanence. We said that God gives humans a salvific task of their own; he does not exclude them, does not ignore human salvific actions but in fact calls people to perform them and is actively present in these activities by inspiring and orienting them. How else are we to understand the discourse attributed to Jesus in Matthew 25, that jewel of biblical imagina-tion? In the salvation that you brought to the afflicted, Jesus said, I am personally present. Jesus identifies himself with the hungry who

are given food, with the thirsty who are given drink, with the naked
who are clothed, with the prisoner and the sick who are comforted
and heartened by a visit; at the same time he identifies these salvific
acts as blessed by the Father. The benediction is more than a rhetor-
ical ritual to conclude a church service; it refers to God's presence
in human actions, through which humans participate in God's salvific
work (cf. Halkes 1989, 95–102).

But there is more to it. In the discourse attributed to Jesus we
also read that we do not know as yet who has performed salvific
actions and who has not; the book of life will only be opened and
read at the end of time. Should this not lead us to conclude that it
does not behove us – that it is in fact arrogant – to work out now
who has and who has not realised God's salvation in their actions?
We have pointed out already that salvific actions are not momen-
tary acts aimed only at the here and now, because they should also
allow for action experienced in the past and action anticipated in
the future. Hence it is premature to want to separate the sheep from
the goats in the here and now, even in regard to the past, because
that too changes constantly – in a reconstructive sense – on the basis
of each new here and now. However, to amplify and deepen this
action theory reflection, the story of Matthew 25 should also be read
as a more specific, here a religious motivation to refrain from any
soteriological tests whatever in the here and now. One can see it as
a spiritual summons to the virtue of humility – "let us not pride
ourselves on belonging among the sheep, not the goats". A much
more profound insight is that we really do not know where the divid-
ing line between sheep and goats lies. We may have our surmises,
expectations, our hopes, but no certain knowledge. God's kingdom
is near, but we don't know where! (Van der Ven 1998, 365–378.)

Present versus past. In this case, too, we were able to determine that
both notions occur in the Christian tradition. The first puts the
accent exclusively on the present in which God's salvific activities
are accomplished. This actualist view explicitly or implicitly rejects
any kind of soteriological retrospection, as if God was confined to a
kind of "golden age" in the past; but it also rejects any soteriologi-
cal prospection, as if God is entirely future, like some distant utopia,
as if he is *the* future. Instead it advocates introspection aimed at
recognising and acknowledging God's salvific presence in the depths
of human existence and/or the deep level of society (Moltmann

1964). In the second view, by contrast, the emphasis is exclusively on God's salvific acts in the past, especially the primordial past, which is not just the first phase of history but its beginning, thus constituting all history as we know it (cf. Barth 1960; 1964; McGrath 1994). This pertains to the original stories of creation and of every new beginning which, in the fictional literature of the Bible, invariably refer back to the stories of creation, at the same time reinterpreting them in terms of inter-signification in each instance, as in the stories of the covenant, the exodus, the entry into the promised land, et cetera (Ricoeur 1998). It was then, in the beginning, at each new beginning, that God established salvation for humans and made them share in it for ever, so all one has to do is commemorate the narrative and celebrate the multiple origin ritually, thus internalising and constantly re-internalising it.

It will come as no surprise that, in terms of our argument so far, we should prefer to keep the dialectical tension between past and present intact. On the one hand actualism poses the danger that concern with the foundational stories of the primordial past will lessen and we will be blinded by the tasks facing us in the present, without pausing in gratitude to consider the treasure entrusted to us long ago as a tradition to be handed down from one generation to the next. On the other hand what we might call "primordialism" poses the danger of a flight into the past, in which the romantic notion of salvation established long ago may prove illusory because its ever new significance for the present and the future is not deciphered. Does every age not represent a new beginning which, in terms of the great epics, demands fresh interpretation and reference each time?

Present versus future. The notion of God's salvific action in the present versus his salvific actions in the future is the mirror image of the previous binary opposition. Over against soteriological actualism, which puts the accent wholly on the present, is the eschatological, even apocalyptic, hope which puts the focus exclusively on the assured coming of divine salvation as a radically new creation: a miraculous gift that only God can bring about. Only God and God alone, in his grace, can create and present us with his kingdom in which believers can share (Berkhof 1973, 544; König 1999, 81–88). A typical Reformed view is the following: "The Christian conception of heaven is essentially that of the eschatological realisation of the presence and power of God, and the final elimination of sin. The most helpful

way to visualise it is to regard it as the consummation of the Christian doctrine of salvation, in which the presence, penalty and power of sin have all been finally eliminated, and God's total presence in individuals and in the community of faith has been achieved" (McGrath 1994, 476). A milder version is the notion that God's salvation in the future should be seen as an "apocalyptic interruption" which will not destroy all continuity with what people have done up to that "moment", but in which discontinuity will still predominate (Metz 1981; Häring 1996).

Against the background of the views expressed above, we cannot but prefer to keep the dialectic wholeness of past, present and future intact, or even better, the dialectical wholeness of present and past and of present and future, through which past and future are interlinked (cf. Heidegger 1979; Ricoeur 1984). The same applies to God's salvific acts. Salvation is an exceptionally complex idea, embracing not simply a future event, but also something which has happened in the past. But the relation between present and future is no less important than that between past and future: after all, believers know that they are called to work for the coming of the God's kingdom as God's co-workers, in the power of his Spirit (Pieterse 1993, 137; Van Ruler 1969). Temporally the eschaton does not await us only in the future but is already in the present: it is in the here-and-now of the world (Moltmann 1969, 5–25). In the salvific diaconate of people in all spheres of society the kingdom of God is accomplished proleptically but effectively (cf. Heitink 1999).

Intrapersonal versus interpersonal. Here the question is whether God's salvific activities occur in and via activities that people perform in their inner selves or in the social relations of love and justice that they maintain with others. In the first case the accent is on activities like individual introspection, contemplation, reflection, meditation and prayer. It means that people establish contact with feelings lurking in the depths of their existence in order to be freed from unconscious, negative feelings of frustration and alienation, that they open themselves to the positive feelings hidden beneath the negative burden on their inner selves, and thus achieve peace and reconciliation with themselves. This healing inward journey, characterised by the active passivity and passive activity of receptiveness, is also the way in which God salvifically reveals himself to people in the depths of their existence. It is the way in which humans and God

encounter one another, both in meditation – which entails thought that both originates in and leads to God – and in prayers of love and thanksgiving. In this human self-redemption God's redemptive acts take place, without being assimilated to it.

In the second case God's salvific activities are located in the mutual support that people give each other, in which they act as peacemakers to each other. The main forms that this takes are love and justice. Love aims at optimal realisation of the other person's human talents, so that they may develop to the highest possible joy and happiness (i.e. flourishing). Justice aims at proportionally equal distribution of liabilities and desires, duties and rights, responsibilities and privileges. The two presuppose and need each other. Love is needed so that justice does not degenerate into a crude, arithmetical justice of exchange based on the principle of *do ut des*. Justice is necessary so that love will not end up in the pitfalls of hidden egocentrism (love only for oneself), "philiacentrism" (love only for significant others) or sociocentrism (love only for one's community) instead of being directed, not only to the other (*alter*) but especially to strangers (aliens) from outside our own community who, as human beings with their own dignity, are no less entitled to recognition and respect of their human rights as members of our own community. The golden rule from the Bible, both the Jewish Bible and the New Testament, "Treat others as you would be treated", which also occurs in the scriptures of other religions, can easily be interpreted in a "philiacentric" and sociocentric way, thus violating the stranger's right to recognition (Schillebeeckx 1977). A more abstract interpretation of this in Kant's categorical imperative ("treat humanity in one's own person and in the person of others as an end in itself and not simply as a means"; see Ricoeur 1994, 219) broadens the focus to include everyone who shares in our very existence: humanity (Ricoeur 1994, 262, 266). Ricoeur puts it pertinently: "Treating others simply as means is already starting to do violence to them" (Ricoeur 1994, 266).

Once again an option for either intrapersonal or interpersonal salvation seems an unnecessary dilemma. To be sure, overemphasis of intrapersonal salvation can lead to monadic solipsism, but interpersonal salvation may just as easily lead to a purely extroverted, bustling diaconate. On the one hand the rich mystical tradition of intrapersonal salvation refers to the inner person as a launching pad for an extroverted salvific orientation, as is evident in the dialectic between

the mystical metaphors for the inner self – cell (*cella*), house (*casa*) and city (*citta*), in the work of Catherine of Siena (Fresen 1995, 113–227). On the other hand the salvific, pacifying work of love and justice requires sustained spiritual nourishment from within in order not to run dry and to avoid aridity, which would jeopardise the inspiration and orientation of the salvific human activities referred to above.

Local versus global. Nowadays people are more convinced than ever that concern for global peace and harmony goes hand in hand with concern for local peace and harmony, and vice versa, since each presupposes and influences the other. The reason is that globalisation is characterised by an extension of space (distance no longer matters) and of time (working time has stretched to 24 hours of the day), and at the same time by a compression of space (different networks are linked to each other on the spot) and time (its passage is ever more rapid). What happens or fails to happen in place A has direct repercussions for developments in places B, C and D elsewhere in the world. This global interdependence binds local groups and communities more closely together than ever before. Thus Pakistani opposition to the American war against political Islamic fundamentalism in Afghanistan in 2001 evoked similar protest among certain groups in rural areas in South Africa and the Netherlands, while the same protests became a leading theme in front page news in the *International Herald Tribune.*

The same applies to people's salvific actions which embody divine salvation in place A (or the lack of such action, resulting in an absence of divine salvation), and their repercussions on developments in places B, C and D elsewhere in the world. In more abstract terms, salvific actions here and now (or the lack of them) have implications for the whole of humankind, in one way or another. Here Kant's categoric imperative applies even more forcefully: "treat humanity in one's own person and in the person of others as an end in itself and not simply as a means", since in the context of growing global interdependence "the person of others" and "humanity" increasingly coincide. In the African context the humanity of the other is expressed in the concept of *ubuntu* or true humaneness, implying the value of universal brotherhood in which sharing and treating other people as humans are concretised (Prinsloo 1998, 41), as well as the values of

empathy, congruence and open communication. As a result nobody becomes an object of violence and hence a victim (Makhudu 1993).

11.2. Salvation leading to human rights?

Against the background of these antonyms we developed six attitudes towards salvation in the theoretical domain in order to guide our exploration process in the empirical domain and answer the question whether the attitudes in the theoretical domain are corroborated by those in the empirical domain (for the distinction between the theopretical and empirical domains see chapter 7). After that we study the effects of these attitudes on our students' human rights attitudes.

We try to answer the following four questions:

1. What are our students' attitudes towards salvation?
2. Are there differences between the attitudes towards salvation of multicultural and monocultural school students?
3. What are the effects of attitudes towards salvation on the students' human rights attitudes?
4. Do the effects of attitudes towards salvation on the students' human rights attitudes differ between multicultural and monocultural school students?

Attitudes towards salvation: theoretical domain

As may be seen in the next table, we divided the attitudes towards salvation into two groups: attitudes towards the character of God's salvific action and towards the place of this salvation. We subdivided the first group into one immanent-transcendent attitude and two transcendent attitudes. The immanent-transcendent attitude refers to God's presence in salvific human action here and now, whereas the transcendent attitudes refer to divine salvation in the primordial past and in the eschatological future. We subdivided the second group into three attitudes: intrapersonal, interpersonal/local, and global human salvation in which divine salvation manifests itself. We assume that these six attitudes in the theoretical domain are present in the students' consciousness, which is to be tested empirically.

Table 11.2.1. *Attitudes towards salvation: theoretical domain*

Character of God's salvific action
  I. immanent transcendence in the present   (9, 11, 17, 19)
 II. transcendence in the primordial past   (1, 12, 14, 16)
III. transcendence in the eschatological future   (6, 13, 18)

Place of God's salvific action
IV. intrapersonal   (3, 4, 15)
 V. interpersonal/local   (2, 5, 10)
VI. global   (7, 8, 20)

This list of attitudes towards salvation in the theoretical domain resulted from a free application of the soteriological instrument developed by Jeurissen (1993). It was adapted by interpreting the topic of peace, which is focal in Jeurissen's study, in terms of the topic of salvation in this chapter. These attitudes are operationalised in a total of 20 items, as indicated in brackets in the table (see appendix 11).

Attitudes of salvation: empirical domain

To analyse students' scores on the 20 items we made use of the statistical method of factor analysis. This enables one to determine the interrelationship between items and thus to divide them into empirical groups. Factor analysis assumes that the interrelationship between items is attributable to one or more underlying phenomena called factors.

Table 11.2.2. *Attitudes towards salvation among students of multicultural and monocultural schools: empirical domain*

	multi 1995	mono 1996	multi 2000	mono 2001	total
Character of God's salvific action					
1. immanent transcendence at present (I)	3.7	4.1	3.6	4.0	3.9
2. transcendence in primordial past (II)	3.6	3.8	3.5	4.0	3.7
3. transcendence in eschatol. future (III)	3.9	4.4	4.0	4.3	4.2
Place of God's salvific action					
4. personal/local (IV & V)		4.0	4.2	4.1	4.3	4.2
5. global (VI)		4.0	3.8	3.9	3.9	3.9

We conducted two separate factor analyses: one on the scores relating to the character of God's salvific activity and the other on those relating to the place of God's salvific activity. A comparison between tables 11.2.1 and 11.2.2 shows that the attitudes in the theoretical domain and those in the empirical domain relating to the character of God's salvation appear to overlap, but those relating to the place of God's salvation do not. The intrapersonal and interpersonal/local attitudes turned out to constitute only one factor, not two, so we labelled it "personal/local".

From this table we are able to answer the first question: "What are our students' attitudes towards salvation?" The scores in the last column indicate that the students clearly agree with every one of the five images of salvation.[3] This means that they agree not just with one particular image of salvation but with a plurality of salvation images. This finding cuts the ground from under the feet of those who, on the basis of their own belief and/or obedience to the (supposed) word of God in the Bible and tradition, try to steep their audience in that one image of salvation in terms of which God is said to have realised his relationship with humankind and the world, be it God's immanent transcendent salvation in the present (attitude 1), God's transcendent salvation in the primordial past (attitude 2), God's transcendent salvation in the eschatological future (attitude 3), God's salvation in the intrapersonal and interpersonal/local domain (attitude 4), or God's salvation in a global sense (attitude 5). To our students salvation – or at any rate its image – manifests itself only in a pluralistic way.

We want to highlight two other data. The first is that God's immanent-transcendent salvation in the present scores almost consistently higher than his primordial salvation in the past, but consistently lower than his eschatological salvation in the future. The pattern of soteriological preference of students in both types of schools runs from past to present to future. This linear sequence from past to present to future is evidenced by the aggregate average scores of the year groups in the final column (3.7, 3.9, 4.2). While this may strike the reader as an aesthetically ascending series, it contradicts the expectations implicit in the views we have outlined. These proceed from a twofold series, present/past and present/future, the highest rating

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[3] For the interpretation of these scores: see chapter 8, note 5.

being assigned to God's salvation in the present, with both past and future salvation regarded as implicit in, and hence derived from, present salvation. The students display a different pattern, in which the future is given the highest rating – although one should not attach too much value to it, since the differences are rather small. Yet the question remains: does the preference for God's salvation in the future arise from fairly great, not easily resolved frustration and alienation in present-day society and culture?

The second point we want to make is the preference for the personal and the local rather than the global as the place of God's salvation. This also appears the be an almost consistent pattern. Again we cannot attach too much importance to it, since the differences are quite small. Nonetheless it is a striking, if understandable, finding that the students are oriented primarily to salvation in their immediate environment, while in this sphere global processes take second place.

In sum, our students appear to be very religious as far as their belief in God's salvation is concerned. They agree with all aspects of this belief, especially God's transcendent salvation in the eschatological future (4.2), which means that they really hope for a good future, and God's personal salvation in their own life and their own local communities (4.2), but also God's immanent transcendent salvation in the present, which mean that they believe in salvation now (3.9) and God's salvation in the global world (3.9), which refers to other communities farther away, albeit slightly less so. Their belief in God's transcendent salvation in the primordial past is less strong; nevertheless they agree with that also (3.7).

From this table we can answer the second question: "Are there differences between the attitudes towards salvation of multicultural and monocultural school students?" The striking feature is that there is only one relevant difference in the comparison between 1995 and 1996, and that is as regards God's salvific presence in the eschatological future: whereas the multicultural school students agree with this (3.9), those in monocultural Afrikaans medium public schools agree strongly (4.4).[4] The comparison between 2000 and 2001 likewise yields only one relevant difference, namely in regard to God's salvific presence in the primordial past: here the public school students scored noticeably higher (4.0) than those at private schools

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[4] For the criterion of relevance: see chapter 8, note 6.

(3.5). The two differences point to a stronger orientation to transcendence among multicultural Afrikaans-medium public school students than among students at multicultural schools.

Effects of attitudes towards salvation on human rights attitudes

However positive this overall picture may be from the perspective of the Christian faith, the most important question is whether and to what extent this strong belief in God's salvation really influences our students' human rights attitudes, because their strong Christian belief does not automatically affect their attitudes towards human rights. The effects of their attitudes towards salvation might be positive or negative, or there might be no effect at all, hence zero effect. To make this more concrete: will the two modes of salvation to which the students are committed most strongly – God's salvation in the eschatological future (4.2) and God's salvation in the student's personal and community life (4.2) – have the strongest effect on their human rights attitudes?

To determine the effects of our students' attitudes towards salvation on their human rights attitudes we conducted a large number of regression analyses: one for each of the 15 human rights in each of the four year groups (1995, 1996, 2000 and 2001).[5] Each regression analysis yields one or more predictions: it indicates which attitude towards salvation has predictive value for students' attitudes towards a particular human right.

The vertical axis in table 11.2.3 gives the five attitudes towards salvation that we studied empirically: attitudes towards God's salvation in the present, in the primordial past and in the eschatological future, as well as God's personal and global salvation. On the vertical axis we added, as mentioned in chapter 7, a number of relevant population characteristics to control the effects of the students' attitudes towards salvation on their human rights attitudes for these population characteristics.[6] The horizontal axis reflects the total of 15 human rights attitudes per year of students at multicultural and monocultural schools. The numbers in the cells indicate the number of times we obtained a significant beta coefficient, either positive or negative within a range of 1 to 15.[7]

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[5] We conducted 60 regression analyses altogether; see chapter 8, note 7.
[6] For the underlined variables: see chapter 8, note 8.
[7] For the range (1–15): see chapter 8, note 9.

Table 11.2.3. *Effects of attitudes towards salvation on human rights attitudes among students at multicultural and monocultural schools (numbers betas)*

	multi 1995		mono 1996		multi 2000		mono 2001		total	
	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg	pos.	neg.
attitudes tow. salvation										
1. present	1	1	1	–	1	1	–	–	3	2
2. past	–	–	–	–	1	1	1	1	2	2
3. future	–	–	–	–	–	–	–	–	–	–
4. personal	–	–	–	–	2	–	–	–	2	–
5. global	2	–	–	3	–	–	–	–	2	3
controlled for:										
demographic										
gender	4	–	4	1	–	1	2	1	10	3
age	–	–	2	–	–	2	1	1	3	3
familial										
home language	(4)	–	–	–	(2)	–	(1)	–	(7)	–
political										
importance	2	–	2	1	2	1	2	–	8	2
preference	–	–	(1)	–	(2)	–	–	–	(3)	–
comm. parents	1	–	2	–	1	–	2	–	6	–
agree others	–	–	1	–	–	–	–	1	1	1
cultural										
ethn./transethn.	(1)	–	–	–	(2)	–	(1)	–	(4)	–
mat./postmat.	(1)	–	(3)	–	(1)	–	(2)	–	(7)	–
religious										
comm. parents	2	–	1	1	–	–	–	–	3	1
transfer parents	–	1	–	2	–	1	–	1	–	5
steering	–	–	–	–	3	–	–	1	3	1
Bible reading	–	–	1	3	–	1	–	5	1	9
salience	–	1	–	1	–	2	1	2	1	6
church membership	(1)	–	(1)	–	(1)	–	(1)	–	(4)	–
church particip.	–	–	1	1	–	–	2	–	3	1
rites of passage	–	–	1	–	1	–	–	–	2	–

This table enables us to answer question 3 at the beginning of this section: "What are the effects of attitudes towards salvation on students' human rights attitudes?" The last two columns show that there is only one attitude towards salvation that has a purely positive effect: God's personal salvation (positive: 2; negative: 0). Only one attitude has zero effect: God's salvation in the eschatological future (posi-

tive: 0; negative: 0). The remaining attitudes have an ambivalent effect: the attitudes towards God's salvation here and now (positive: 3; negative: 2), God's salvation in the primordial past (positive: 2; negative: 2), and God's global salvation (positive: 2; negative: 3).

This is a remarkable result, because we expected the attitudes towards salvation to which our students are really committed to have the greatest effect on their human rights attitudes: the attitudes towards God's salvation in the eschatological future and God's personal salvation. Whereas in the latter case our empirical findings corroborate this expectation, in the former they do not: it has no effect at all, either positive or negative. The only effective attitude towards salvation is the attitude to God's personal salvation.

Does this mean that our students are influenced by a broader movement current in South Africa and other parts of Africa, namely a shift towards a more person-oriented, charismatic, pentecostal type of Christian religiosity (Jenkins 2002)? It is too early to venture a final answer, although the positive attitudes towards immanent and liberation images of Jesus cited in the previous chapter point in the opposite direction. We shall return to it in the final chapter of this book.

The attitude towards personal salvation is not the only factor affecting our students' human rights attitudes. The population characteristics appended to the salvation attitudes in table 11.2.3 also have a clear impact, as is evident in the last two columns of totals. Of the demographic characteristics, and indeed of all the population characteristics, gender has the greatest effect on our students' human rights attitudes: in 10 out of 13 instances female students have a greater preference for human rights than their male peers. Age appears to have an ambivalent effect (positive: 3; negative: 3). With regard to the familial characteristics we investigated, home language is a major factor: in two thirds of the cases students who speak an official black language at home have a stronger preference for human rights than those who speak English, Afrikaans or some other language. Among the political characteristics political importance and political communication with parents manifestly have the greatest explanatory power: in 8 of the 10 cases students who consider politics important support human rights more strongly than those who find politics unimportant, while students who regularly discuss politics with their parents all have a greater affinity with a human rights

than those who do not. Among cultural characteristics materialism/
postmaterialism plays a major role: in over two thirds of the cases
students with a moderate to strong postmaterialistic orientation show
stronger support for human rights than those with a materialistic
approach. Among religious characteristics religious transfer by par-
ents, Bible reading and religious salience appear to have the great-
est explanatory power, albeit a negative one: all of them have a
wholly or almost wholly negative effect on the students' human rights
attitudes. This does not apply, or any rate not without qualification,
to church membership and church participation. In the case of church
membership Anglican and Methodist students have a greater pref-
erence for human rights than students belonging to the Catholic
Church, the Afrikaans Reformed Churches or other Christian churches.
As for church participation, in 3 of the 4 cases it appears that the
more frequently students attend church services, the greater their
preference for human rights.

It is interesting to ask the question frequently raised in this book,
namely whether and to what extent human rights are entirely a
product of Western thought, as they appear not to accord with the
mind-set of non-Western populations, especially in developing coun-
tries. According to table 11.2.3, students from black families who
speak their own languages at home have a two thirds chance of
favouring human rights more than their peers who speak English,
Afrikaans or some other language at home. This is the case irre-
spective of their ethnic or transethnic orientation and of their mate-
rialistic or postmaterialistic orientation.

Having studied the effects of our students's salvation attitudes on
their human rights attitudes and having controlled them for the rel-
evant population characteristics, we now try to answer our fourth
question.: "Do the effects of attitudes towards salvation on the stu-
dents' human rights attitudes differ between multicultural and mono-
cultural school students?" There are only two relevant differences.[8]
As table 11.2.3 shows, in the 1995–1996 period the only discernible
difference is in respect of the attitude towards God's salvation in a
global sense: whereas multicultural school students assign it positive
value for their human rights attitudes (positive: 2; negative: 0), the
monocultural school students assign it negative value (positive: 0;

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[8] For the criterion of relevance: see chapter 8, note 10.

negative: 3). Comparison between the 2000 and 2001 groups again reveals just one difference, namely in regard to God's personal salvation: multicultural school students assign it positive value (positive: 2; negative: 0) whereas monocultural school students assign it no value (positive: 0; negative: 0). Does this mean that multicultural school students are more influenced by the broad trend towards the aforementioned person-oriented, charismatic, pentecostal type of Christian religiosity than their peers at monocultural schools? As we said, we shall return to this question in the final chapter.

Answers to the research question

These data enable us to answer the four questions posed at the beginning of this section.

1. What are our students' attitudes towards salvation?
* All attitudes towards salvation meet with round agreement.
* The attitudes towards God's salvation in the eschatological future and God's personal salvation meet with the strongest agreement.

2. Are there differences between the attitudes towards salvation of multicultural and monocultural school students?
* Multicultural school students agree with God's salvation in the eschatological future, and monocultural school students agree strongly.
* Multicultural school students agree with God's salvation in the primordial past, and monocultural school students agree strongly.
* The two differences point to a stronger orientation to transcendent salvation modes among monocultural Afrikaans medium school students than among students at multicultural schools.

3. What are the effects of attitudes towards salvation on the students' human rights attitudes?
* The only positive effect is that of the students' personal salvation attitude.

4. Do the effects of attitudes towards salvation on the students' human rights attitudes differ between multicultural and monocultural school students?

* The attitude towards God's global salvation has a positive effect among multicultural school students and a negative effect among their peers at monocultural schools.
* The atttitude towards God's personal salvation has a positive effect among multicultural school students and zero effect among their peers at monocultural schools.

CHRISTIAN COMMUNITIES FOR HUMAN RIGHTS

Despite the title of this chapter, it is by no means self-evident that
Christian communities and human rights are compatible: often they
are not, as our references to history in the previous chapters show.
The question we shall be dealing with is not whether Christian com-
munities are institutions *of* human rights – as we have said, often
they are not, although this statement might be too sweeping to fit
each and every case – but whether they are institutions *for* human
rights. This immediately raises a further question: can *any* institution
be said to promote human rights in the outside world if it does not
practise them within its own ranks, or practises them too half-heart-
edly? This is a thought-provoking question which stops us from being
overly arrogant or sanguine about the relationship between churches
and human rights.

Let us take the examples of the Catholic Church and the Afrikaans
Reformed churches, to which the authors of this article belong. The
Catholic Church is known for its outspoken protests against viola-
tions of human rights in any society on any continent. Yet within
its own structure, which reminds one of the feudal system of pre-
modern times, human rights like the rights to freedom of speech,
freedom of religion and cultural identity – all of them established
human rights – are not structurally implemented. This church sharply
criticises discrimination against women in all sectors of society, but
within its own ranks it has no inkling of the notion of gender equal-
ity. Human rights out there, yes, but within its own power struc-
ture? This structure – so the interpretation goes – is God-given and
immutable in terms of divine law (*ex iure divino*). This is stipulated in
canon 330 in the Catholic codex (Listl 1983, 92–94), although it is
not postulated in either the Bible or the early church. The notion
stems from Greek thought which influenced Western jurisprudence,
whence it found its way into Catholic canonical thinking (Corecco
1983, 13). The Council of Trent condemned with an *anathema sit*
anybody who denied that the threefold ministry (bishop, priest, dea-
con) is *ex iure divino*. The Second Vatican Council phrased it more

abstractly, maintaining that the ministry as such is *ex iure divino* (Küng 1967, 477). But this does not do away with the fact that the ministry remains *ex iure divino*, which implies the immutability of a male-dominated, hierarchical, monocratic power structure. Thus a scrutiny of human rights in the context of the Catholic Church gives us no cause to rejoice.

There is even less cause to rejoice when we contemplate the history of apartheid, which the Afrikaans Reformed churches in South Africa legitimised with their interpretation of the theme of creation and the God-given separateness of races based on white supremacy. This was not just an evil but an absolute evil, for which these churches through their leadership honestly and sincerely begged forgiveness. Asking forgiveness, giving forgiveness and receiving forgiveness are three different things, which may occur over a long period. Perhaps forgiveness is received only if and when awareness of the need for forgiveness really penetrates the innermost self of the people and the cry for forgiveness rings from these depths, ever louder and ever more profoundly, both individually and collectively. At all events, the authors do not approach the theme of this chapter – the broken relationship between the churches and human rights – with a triumphal attitude.

And yet we feel that the theme should not be neglected, as it raises an issue which is vitally important for a modern democratic society, while the masses of people who are involved with the churches may still hear voices there that plunge them back into pre-Enlightenment darkness. Ignoring such a theme would mean losing an opportunity to dream the dream of human dignity, freedom and equality and then move on from there, clarifying what (small) steps should and can be taken to achieve a good life for all – something for which human rights are a necessary condition (Ricoeur 1992a, 227–239, 249–262). We take as our point of departure those transformational Christian communities that are heading in this direction, or at least those aspects of churches which may be considered necessary conditions for creating a human rights culture. The reason for this is that churches can be judged on the basis of their violations of human rights – both past and current – counter to their own scriptural sources and traditions, when they fail to live up to their own ideals and standards. The best possible critique is always that of "loyal opposition", that is critique from the inside, that of *noblesse oblige.*

In this chapter, therefore, we look at the relationship between human rights and specific aspects of church identity and church structure found in all kinds of churches at the grassroots in local contexts, aspects which we think may advance the much needed human rights culture. We do so by investigating our students' attitudes towards these transformational church processes on the one hand, and towards human rights on the other. The aim is to determine whether and to what extent their attitudes towards these church processes affect their attitudes towards human rights: are these effects positive or negative, or are there no effects at all, zero effect? The question is interesting, not only academically but also from a practical point of view. These students, like most South Africans, will remain involved with their Christian communities and, since they will shape society in the future, it is important that they should be looking at human rights from a more transformational church perspective.

In the first section of this chapter we examine some historical aspects of the relationship between Christian communities and human rights and develop a semiotics of ecclesiastic attitudes. In the second section we study our students' attitudes from an empirical perspective and investigate the effects of these attitudes on their human rights attitudes.

12.1. CHRISTIAN COMMUNITIES

The claim that human rights are a legacy of churches may apply to some trends in the various religious traditions, at least as far as the moral infrastructure of a human rights culture is concerned, but not necessarily to the actual churches as social institutions. And when we speak of a human rights culture it must be remembered that, although the Jewish and Christian traditions advocated social justice for widows, orphans and strangers, this socio-economic dimension of the moral infrastructure of a human rights culture did not automatically extend to their dealings with adherents of other religions and nonreligious people, since they were intent on keeping their members within their own communities and mostly intimidating those who wanted to take a look at the religious world outside the fold. This means that there is no historical case for an interreligious human rights culture.

One may comment ironically that those who like to claim that

the churches were present at the creation of human rights "might at least send a card of thanks to modernity, to the Enlightenment, for having led them to the delayed – fifteen centuries late! – discovery of the latent pro-human rights, pro-religious rights, elements in their treasury" (Marty 1996, 11). In her *On revolution* Hanna Arendt writes: "A few words need still be said about the not infrequent claims that all modern revolutions are essentially Christian in origin, and this even when their professed faith is atheism. . . . Secularization, the separation of religion from politics and the rise of a secular realm with a dignity of its own, is certainly a crucial factor in the phenomenon of [democratic] revolution. . . . The fact is that no revolution was ever made in the name of Christianity prior to the modern age, so that the best one can say in favour of this theory is that it needed modernity to liberate the revolutionary germs of the Christian faith, which obviously is begging the question" (Arendt 1963, 18–19).

The church and human rights: the right to religious freedom

However apposite the irony expressed in this generalised quotation may be, it is still necessary to differentiate between various periods in the twenty centuries of church history and see how human rights and human rights culture – or what subsequently came to be known by these names – were handled. We shall do so briefly by determining what part religious freedom played in each era (Heckel 1988; Lecler 1955; 1966; Van der Ven 2002), since this right, along with freedom of conscience, may be regarded as the wellspring of human rights and a democratic, republican society (Weber 1980, 725–726; Bellah 1998).

The first period is that of the church from before Constantine which is characterised by Christian apologists who engaged in tolerant dialogue with the surrounding non-Christian world. They included Tertullian, who held that it was natural law that each human being should worship as he or she chose; Lactantius, who claimed that nothing was as voluntary as religion; Cyprian, who earned both fame and notoriety for his dictum that there is no salvation outside the church, although he added that the church, being governed by a spiritual circumcision, should use a spiritual rather than a physical sword against transgressors; Clement, who discerned

elements of truth in "pagan" philosophy which reached their fruition in Christianity, and who regarded this philosophy as an education preparing humankind for Christ; and, finally, Justin who, under Stoic influence, maintained that the seed of the Logos was also active in non-Christian religions (Lecler 1955; 1966; Schouten 1993). All in all, they attested freedom of religious activity – to be understood as Christian religious activity, of course – and an inclusive approach to other religions.

By the same token there were positive voices with a similar purport in the 4th century after the edicts of tolerance in 311 to 313, when Christianity was no longer treated as a *religio illicita* and gradually came to occupy a privileged position. Thus Athanasius emphatically called on emperor Constantine not to put pressure on the faithful: "The nature of religion is not to command but to persuade." And Hilary observed: "God is Lord of the cosmos and has no need of enforced homage." Finally Augustine articulated freedom of religion in terms that were to make history: "human beings cannot believe unless they want to" (*credere non potest homo nisi volens*).

When Theodosius elevated Christianity to the official religion of the empire, in the East in 380 and in the West in 394, however, stern action was taken against "pagandom": temples were either reconsecrated to the Christian liturgy and other Christian activities, or they were closed down and even destroyed. Those who continued to take part in "pagan" worship were severely punished; and entire nations, on pain of forfeiture of rights and possessions, were forced to be baptised and thus be "converted". Christianity increasingly came to fulfil a political and an ideological function and was unable to resist the concomitant tendency to intolerance and imperialism (Schillebeeckx 1985, 143–145).

At the same time schisms and heresies within the Christian church were forcibly suppressed and laws were passed specifically to persecute offenders. In the process the death penalty was not shunned, as Manichees, Donatists and the followers of Eunomius and Eutyches were to discover. The positive voices that were still raised were advocating mitigation and tempering of this religious violence, but they were few and far between and easily drowned by the stamping of ecclesiastic boots. Thus Augustine initially advocated less harsh action against both Manichees and Donatists, maintaining that religious dialogue would be more fitting. But eventually he, too, fell in with the

forcible action that was prevalent everywhere, even though, like John Chrysostom and Martin of Tours, he explicitly denounced the death penalty.

In the latter days of the Roman empire and the period that followed mass conversion continued wholesale, with the word "conversion" once more calling for quotation marks. This was not only because of the military coercion which attended the process, but also because of the *Gefolgschaftsdenken*, which meant that all soldiers, supporters and subjects were expected to follow the lord/leader in his usually politically and militarily motivated adoption of Christianity. The result was delayed social and mental penetration: Christianity reached the masses later than the elite, and really intensive penetration of the faith among the populace took even longer. Often conversion remained confined to purely external behaviour for a long time, with the result that 'pagan' and Christian notions and practices continued side by side as a kind of dual strategy, prompting some commentators to speak of a double insurance policy (Bredero 2000; Blockmans & Hoppenbrouwers 2002, 89). The conjunction of secular and spiritual power, evidenced by the 'conversion' of entire nations, sometimes also led to a paralysing power struggle between the two, as a result of which some nations reverted wholly to 'pagandom' for long periods (Le Goff 1987, 53).

In the Middle Ages the mass "conversions" continued, for instance among the Saxons under Charlemagne. Again freedom of religion was asserted to counteract these, specifically by pope Nicholas I, who condemned all violence in this regard. His statement, together with the claim by Augustine and others regarding freedom of volition in religious matters, was summed up by Thomas in the doctrine that unbelievers (*infideles*), being Jews and adherents of other religions (*pagani*), more particularly Muslims, should not be forcibly converted to Christianity but should be accommodated in a spirit of tolerance. Whether they were also free to conduct their own services of worship was another matter. Thomas saw Judaism as a good thing because it had once (*olim*) foreshadowed Christianity, but pagan faiths, in his view, had no truth or usefulness ("*nihil veritatis aut utilitatis*") and hence could be tolerated only in order to obviate a worse evil.

The attitude of tolerance advocated in the case of Jews and even Muslims contrasts favourably with the absolute intolerance shown to those who strayed from the Christian fold by corrupting the faith, such as heretics, or who abandoned it totally, like apostates. The

death penalty, which Augustine had still foresworn, was imposed frequently on the grounds that although acceptance of the faith was a matter of free will, adherence once it had been embraced was mandatory. Apostates were given the choice: the faith or death.

After the Reformation all this intensified. In France the same principle still applied: one faith, one law, one king – which meant that large numbers of Lutherans and Calvinists were burnt at the stake despite the humanists' pleas for religious dialogue as a solution. But the rampant progress of the Reformation made it impossible to sustain this principle. At the peace of Augsburg (1555) the German principalities perforce accepted a compromise on the basis of the principle subsequently formulated as *cuius regio, illius religio*. What this boiled down to was that people whose religion did not conform to that of the monarch had to move to another state where their religion was practised, albeit without forfeiting their property. But in the long run even this principle, which in effect legitimised the absolutism of monarchs, and hence their religious freedom but not that of their subjects, could not be upheld. The different religions opposed each other too adamantly, even within the same state; their conflict caused too much devastation, cost too many lives and jeopardised the unity of the state. In France the only way out was to treat religion as a matter of conscience which must not be violated, that was the veto at Poissy in 1561, and to recognise religious pluralism within a country, such as Catholicism and Protestantism in France, even though the edict of Nantes (1598) allowed Protestants only limited freedom of worship. This step was taken mainly for internal and external political reasons, which meant that when the urgency of these political pressures abated, tolerance lost its point. Eventually, through the edict of Fontainebleau in 1685, it was revoked and the Protestant church was once more criminalised (Kriele 1987). In short, the period of the Reformation, counter-Reformation and restoration was marked by endless religious wars, of which the Thirty Years' War (1618–1648), ending in the treaty of Münster in 1648, was by far the most atrocious. Religious freedom – that much the intellectual elite realised – demanded an entirely new foundation, meaning and definition in the new era.

That brings us to the dawn of what is known as the radical Enlightenment, which was to last a century and which, stimulated mainly by Spinoza, produced all the new ideas which were to be developed, elaborated and applied in the centuries to come. The

following principles played a major role: freedom of thought (*libertas philosophandi*), freedom of expression, freedom of conscience, freedom of assembly, freedom of the press (which Spinoza considered even more important than the other freedoms, as is evident in the conclusion to his *Tractatus theologico-politicus*), replacing the concentration of power in the monarchy with the separation of three powers in a republic, and the separation of church and state (Kriele 1986).

These were the themes that were given a constitutional basis in the revolutionary documents of the 18th century, from the constitution of Virginia (1776), the United States Bill of Rights (1787) to the French *Déclaration* (1789), many other constitutions from the 18th to the 20th century, eventually the United Nations Declaration of Universal Human Rights (1948) and, most recently, the universally acclaimed constitution of South Africa (1996). If Tocqueville was right when he averred that the Enlightenment was characterised by a certain "passionate atheism", then religion – in this case the various Christian denominations – had certainly asked for it. Pius VI's response in the encyclical *Quod Aliquantum* (1791) to the adoption of the 1789 French constitution, in which human rights were codified by the constituent Assembly (one quarter of which comprised members of the clergy!), was both understandable and revealing: he specifically denounced the section that stipulated that nobody may be persecuted because of their religious convictions.

Appreciation of the importance of human rights and their codification, at any rate by the Catholic Church, was to take much longer. The entire 19th century and the first half of the 20th century were marked by either adamant or more subtle condemnations (Baczko 1986; Idensee 1986). These included the encyclical *Quod Aliquantum* (1791) of Pius VI, which calls the French constitution of 1789 an "absurd libertarian lie"; the apostolic letter of Pius VII (1814), which bemoans the fact that the restoration of the former dynasty had not brought the abrogation of such freedoms as religious freedom, freedom of conscience and worship, and freedom of the press; the encyclical *Mirari vos* (1832) of Gregory XVI, which condemned every striving for "liberal" reform which impinged on the "rights" of the church; the encyclical *Quanta cura*, including the *Syllabus errorum* (1864), in which Pius IX denounced all liberalism as utter lunacy and the fallacy of the age; the encyclical *Libertas praestantissimum* (1888), in which Leo XIII, while opening the door to dialogue with modern democracies, condemned freedom of conscience, the press and religion,

albeit conceding that he could "tolerate" these three freedoms in the interest of public peace and out of respect for human persons.

However, this tolerance applied only to countries where Catholics were in the minority; in countries where they constituted the majority it was withheld, so that it was more a matter of "tempered intolerance" (Schillebeeckx 1966, 197; Dondeyne 1962, 222–224). Whereas Pius XI stuck to the rejection of freedom of conscience, one discerns some change in a speech by Pius XII (1953): he at least realised that the church represented a minority in the world and would remain one, being a factor that had to be taken into account. Still, this indicates pragmatism rather than appreciation of the importance, however limited, of tolerance in its own right. The first real breakthrough came with John XXIII, Paul VI and Vatican II, which no longer spoke of tolerance as a privilege to be granted – and even then only to certain groups – and which could be withdrawn again, as history teaches us (Nantes 1598, Fontainebleau 1685), but which accepts freedom of conscience and religious freedom as a right, an inalienable, fundamental right (Israel 2001, 266). Nonetheless the declaration on religious freedom by Vatican II in 1965 still leaves certain issues open to debate: although it grants religious freedom to non-Catholics, it concedes only limited freedom to members of the church (Van der Ven 2005).

The churches in South Africa and human rights

Having examined the churches' relationship with human rights in the course of history with special reference to the Catholic Church over the centuries, we now turn to the situation in South Africa: how did it develop, especially after the imposition of the apartheid regime in 1948? Did the churches behave like ostriches while one law after another was passed by the (then exclusively white) parliament, enforcing separate living, education and schooling, medical treatment, employment, recreation, marriages, even burial? Did they reinforce, tolerate or protest against these laws, these flagrant violations of human rights?

The ecclesiastic landscape can be divided into three parts: the right, the middle and the left. On the right were the Afrikaans Reformed churches, that is the *Nederduits Gereformeerde Kerk* (NGK), the *Nederduitsch Hervormde Kerk* (NHK) and the *Gereformeerde Kerk*. These, explicitly or implicitly, directly or indirectly, supported the apartheid

regime. Paradoxically, this put them in an apartheid situation them-
selves, an ecumenical, religious apartheid, as they were excluded –
or excluded themselves – from all national and international gath-
erings, conferences and congresses. Apartheid begets apartheid, not
only for the victims but also for the victors, and drives itself to
extremes: that is what we can learn from this utterly dismal page in
human history. The NGK actually legitimised apartheid from 1951
to 1986 by providing a racist interpretation of the Bible, which caused
some members, ministers and theologians of this church acute conflict
of conscience and faith and, through a painful process, led them to
distance themselves in one way or another, from being silenced at
gatherings to being expelled from the church or leaving the church
of their own accord. During the 1980s the situation changed, and
when the synod of the NGK accepted the report, *Church and society*,
it actually turned away from apartheid. But notwithstanding the
official rejection of apartheid, confessing it to be sinful and declar-
ing its religious justification heterodox – which the church in fact
courageously did in 1986 and 1989 – it will take a long time before
the rejection of the earlier religious doctrine on church and society
will really be accepted in the minds and hearts of all members of
the NGK. In the first years after apartheid many of them experi-
enced a sense of loss and powerlessness and suffered from a reli-
gious and ecclesiastic identity crisis. They even had a sense of betrayal
because their leaders failed them, not just their political leaders but
especially their religious leaders (Dreyer 2000, 22–23).

Secondly there are those churches which remained members of
the South African Council of Churches (SACC) all along. These
include major denominations like the Anglican Church, the Methodist
Church, the *Nederduits Gereformeerde Kerk in Afrika* (NGKA), the *Nederduits
Gereformeerde Sendingkerk* (NGSK) and the Evangelical Lutheran Church
in Southern Africa (ELCSA). After the NGK's withdrawal from the
SACC in the 1960s, and especially during the mid-1980s, these
churches adopted a progressive, radically liberal course without actu-
ally flouting the apartheid system: they took up a position to the left
of the official opposition but on the whole confined themselves to
passing declarations and resolutions. In the 1980s Meiring (1983)
asked: "Is the church – in South Africa too – a paper church, cov-
ered with writings concerning worthy judgments and testimonies and
resolutions, but in the final assessment as light as paper?" Even this
was a radical change from earlier years, when it seemed as though

"the church sleeps on – though it occasionally talks in its sleep" (Meiring 1983, 330). Between 1948 and 1957 this sleep was frequently disturbed by internal discussions and conflicts, for example in the Anglican Church, about what route to follow: either resist those who said that the church had nothing to do with politics or resist those who favoured active political engagement (cf. Worsnip 1991). In regard to resistance against the proponents of political activism, the Anglican Church was said to be in bondage and captivity, cornered and trapped (England & Paterson 1989). Whenever the churches went beyond composing notes and position statements, their opposition entailed the following strategy: "What the churches constantly will do is to push for one concession after another by their very nature. They will not press for the system to be overthrown" (Rothe 1990, 359). Nevertheless churches which adopted this strategy were leading actors in the broad liberal movement in those days. A special position was taken by the Catholic Church, which made a major shift between 1948 and 1957, declaring in an official statement in 1957 that apartheid was a "fundamental evil" (Abraham 1989).

Finally there was what is known as the "confessing movement" within the churches. Their premises were taken from various documents: the Cottlesloe declaration of the World Council of Churches in 1960, which condemned the segregation of whites, coloureds and blacks in churches (cf. Naudé 1995, 46ff.); the Belhar confession of 1982 (cf. Berkhof 1982, 107–110; Horn 1998), a declaration of faith in a non-racist gospel and a non-discriminatory church which condemned apartheid politics in the same way that the *Bekennende Kirche* did in its *Barmen Erklärung* to the Nazi regime of Hitler's Germany, which has been paralleled with the apartheid regime ever since (Brink, 1996, 20–23, 24–46); the liberation-theological Kairos document published in 1985; and the theological ideological critique and programme of the Christian Institute headed by Beyers Naudé (cf. Van der Ven 1999). The confessing movement was committed to uncompromising solidarity with the poor and the oppressed and, on principles of non-cooperation and civil disobedience, strove for the total abolition of the apartheid system. As an ecclesiastic pressure group it also criticised the compromise politics of the SACC, even though the latter represented the left wing of the opposition in those days. Although the confessing movement comprised a relatively small group of active Christians, they were a thorn in the flesh of both the government

and the churches. What was sometimes perceived as a growing church-state confrontation in South Africa was in fact a conflict between the government and some extraordinarily courageous individuals and their marginal organisations, representing the "Christian wing" (cf. Carstens 1978; Rothe 1990, 384).

This "Christian wing" was not peculiar to South Africa. Everywhere where the official churches adopt either a symbolic, legitimising attitude towards totalitarian regimes or are prepared to make piecemeal compromises that do not affect the actual system, one finds small or larger groups on the leftist fringes actively taking on the struggle with the establishment out of prophetic concern. When we consider, for example, the decolonisation process in Mozambique and the Catholic Church's role in it, we cannot but conclude that the church was primarily intent on surviving, and that the critical prophetic groups fulfilled the function of providing it with an alibi. They vicariously functioned for the church: as "*stellvertretend*" (Van Lay, 1981, 285).

When one tries to grasp the whole picture, one feels that the Truth and Reconciliation Commission described the situation at that time very aptly: "In most cases, faith communities claimed to cut across divisions of race, gender, class and ethnicity. As such, they would seem *by their very existence* to have been in opposition to the policies of the apartheid state and, in pursuing their own norms and values, to have constituted a direct challenge to apartheid policies. However, contrary to their own deepest principles, many faith communities mirrored apartheid society, giving the lie to their profession of a loyalty that transcended social divisions" (TRC Report, vol. 4, ch. 3; Dreyer 2000, 23). This assessment applies to most churches and ecclesiastic groups at the time, albeit differentially and with the exception of the "confessing movement".

While this exception is and should be honoured, maybe we should stop right there. For we have to admit that the churches, even in this case of flagrant violation of human rights on a large, structural scale for some 45 years, neither convincingly fulfilled their prophetic task nor actually contributed to any change that was due to happen. When the churches keep silent or even extend their blessing when a "lesser" evil takes place, one can understand their lack of courage or blindness. But when "*das Gebot der Stunde*", an expression used by Karl Barth in the context of Nazi Germany, requires that the churches speak, speak loudly, vehemently, prophetically, without regard to persons, and they fail to do so, then they lose their legit-

imacy and plausibility, their right to speak, their very right to exist –
as even a liberal theologian like Kuitert, who in those days wrote a
book entitled *Everything is politics, but politics is not everything*, would have
protested. As he put it, in times when there is absolute, structural
evil out there, the churches must speak out (Kuitert 1985a; 1985b).

But no, we shall not stop here. The reason is that we would like
to stress the Truth and Reconciliation Commission's statement that
the churches by and large did not live up to their own ideals and
standards. As the churches asked forgiveness from those whom the
apartheid regime had oppressed and victimised, we from our side
may find ourselves forgiving the churches, not out of insane par-
tiality, nor out of unhealthy compassion, nor out of a desire to for-
get all that as soon as possible. No, if we find ourselves forgiving
the churches for having neglected, denied, even renounced their very
calling and duty, we may do so – or rather, we may be called upon
to do so, because we are forgiven ourselves (Ricoeur 2000, 621) –
on two conditions,. The first condition is that the churches com-
memorate vigilantly the absolute evil they participated in and con-
tinue to do so for several decades (Dreyer 2000). The second is that
they deepen their awareness that they *are* more than what they *did*
or – to use more philosophical terms from the dialectic between *actus*
and *potentia*, actuality and potentiality – that having done what they
did does not exhaust what they are and can do (Ricoeur 2000, 642).
This requires that the churches promise to learn from one another,
nationally and internationally, as some churches are moving towards
a more participatory, open, prophetic and liberating fulfilment of
their calling in the modern world. They are doing so by promoting
a human rights culture which reinforces this modern moral code
that appears to be gradually permeating the consciousness of peo-
ples and nations all over the world, however complex the relation-
ship between its particular Western origin and its worldwide, universal
claims may be. The two conditions correlate, because forgiving does
not imply forgetting but commemorating, whereas receiving forgive-
ness can only happen on the basis of being set free from one's guilty
past (Ricoeur 2000, 637–642).

A semiotics of ecclesiastic attitudes

Before dealing with our students' ecclesiastic attitudes, we need to
look at their membership of religious communities. From our survey

we know that the vast majority of them belonged to one of the
established Christian denominations and a small minority to other
religious communities: Zion Christian Church, other Apostolic churches,
other black Independent Churches, other Christian churches, and
African traditional religious communities – amounting to about 10
percent.

   The ecclesiastic items which we asked students to respond to basic-
ally apply to the vast majority of students who belong to the estab-
lished Christian denominations, but also to those who belong to the
Zion Christian Church and African Independent Churches, includ-
ing other Apostolic churches, because these Christian communities
adopted the framework of the established Christian denominations
for their community organisation (Schreiter 1985, 147). They prob-
ably also apply to members of Christian churches like the Church
of Christ of the Latter Day Saints and the Seventh Day Adventist
Church, as they are on an equal footing with other more or less
well organised churches (cf. Census 1996; Hendriks 2000).[1] If one
uses the typology based on church, denomination, sect and cult dat-
ing back to Weber (1980) and Troeltsch (1912), one may be tempted
to regard the established denominations as proper denominations
and the other communities as sects because of their less developed
bureaucracy and the emphasis on conversion and introversion in
some of them, and on adventist eschatology in others (O'Dea 1968).
But we feel this is inappropriate, because these communities would
perceive such a classification as an insult or even an injury: from
their perspective they consider themselves to be churches, the more
so since in Africa the word "sect" – at any rate in ecclesiastic and
theological circles – is easily associated with "primitive heathenism"
(Kiernan 1994). As mentioned already, the Independent Churches
on the whole derived their organisational framework from the estab-
lished denominations, and the Seventh Day Adventists appear to
have developed sociologically – at least according to some schools
of thought – from what is classically called a sect into a denomina-

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[1] For the African Independent Churches, which separated from the mainline
denominations for economic and political reasons (poverty, apartheid, injustice), cul-
tural reasons (level of understanding of African traditional cultures – Daneel 1988)
and religious reasons (organisation and investing energy in propagating the mes-
sage – Goodhew 2000), and which have been widely researched between the mid-
1960s and the mid-1970s (Hastings 2000, 33ff.), see for example West (1975) about
African Independent Churches in Soweto Johannesburg.

tion (Dobbelaere 1988). To tone down this typology, we want to emphasise its ideal-type character in the Weberian sense. This means that the concepts developed in a researcher's mind are not clear-cut representations of reality but function merely as intellectual instruments or, if you like, constructs to organise the complexity of real-life phenomena. Thus we might say that established denominations could display traits belonging to the constructs "church", "sect" and "cult", just as sects may have traits belonging to the constructs "church", "denomination" and "cult" (Van der Ven, 1996 23–27).

As indicated in chapter 7, we use a semiotic procedure in order to study our students' ecclesiastic attitudes. The antonyms in this procedure may be divided into two groups. The first pertains to the church's identity and the conditions under which this identity can be realised. The second group relates to the structure and culture of the church.

The first group comprises the following sets of antonyms: (a) prophetic challenge versus comfort, that is, the extent to which the church's calling should be understood as either prophetic, entailing participation in the transformation of society, or as an emotional outlet and emotional compensation out of compassion and fellowship with the weak; (b) political influence versus isolation, which has to do with the church's basic attitude towards society, which may tend towards either interaction with society with a view to transforming it or isolation from society and doing only what it regards as its task, namely preaching and mediating individual salvation; (c) professional competence versus normative competence, which relates to the kind of knowledge the church needs to address its audience in order to participate effectively in social transformation, or the value-driven insight that derives directly from its holistic, normative tradition and creed. The second group entails the following antonyms: (d) decentralisation versus centralisation, which refers to the extent to which the church develops participatory leadership and power structures in its own ranks or clings to hierarchical lines of command; (e) cultural openness versus cultural exclusiveness, that is, whether the church connects with new ideas that emerge in society and critically discusses them, or shuts them out.

Prophetic challenge versus comfort This set of antonyms demonstrates the importance of using oppositions entailing contrasts rather than contradictions. Probably no church settles exclusively for either a challenging

or a comforting role. They appear to combine them all the time, although some churches may put greater emphasis on the challenge dimension and others focus more on the comfort dimension (Glock & Stark 1965). It depends largely on how the church understands its calling and hence interprets its identity. Calling in turn is connected with the church's perception of God, that is to say, how it thinks God reveals himself to the church and how it interprets the great narratives about God and his people. Is he first and foremost a liberating God who calls on human beings – men and women – to be aware of having been created in his image (Gen 1), however fragile and vulnerable that image may be (Gen 3), and hence to act and care for their brothers and sisters (Gen 4) as he himself did, keeping the promise implicit in his very name ("I am who I am for you" – Ex 3), while guiding his people in the exodus from Egypt, the 40 years' journey through a wilderness of rock and sand and desolation, and the entry into the promised land Israel (LaCocque & Ricoeur 1998)? Or is he first and foremost a compassionate God, the good shepherd who leaves the 99 sheep behind and goes looking for the one lost sheep that is to be found where nobody would ever have spotted it, caught in the thorny vicissitudes of life?

   Here we have a polarised contrast whose extremes presuppose each other, rather than a contradiction whose extremes exclude each other. But in the context of the relationship between church and society a choice has to be made – not an exclusive choice, but a choice about what should be the highest priority. Clearly a church that opts for an exclusively political orientation would neglect its individual members, including their authentic need to express their pain, grief, bereavement and to be consoled. On the other hand, a church that devotes itself exclusively to consoling and comforting its own members would restrict itself to coping with symptoms, neglecting the deeper causes of the suffering of all humans – members and non-members alike – which stem from the structures of poverty, domination and oppression, and would thus allow these causes to continue their devastating work for ever (Boff 1985; 1987; Schillebeeckx 1989). Here one senses a dramatic tension in each and every church between what Barth called two forms of corruption: the first is religious alienation (*Fremdhörigkeit*), which makes the church put up with strange lords, gods, idols; the second is self-sanctification (*Selbst-Heiligung*), which makes it direct all its energies inwards (Barth 1955, 747–765). As we said above, a church must choose its priorities. To

put it bluntly: is the church primarily a church *of* the poor, in the sense that it emerges from the life of the poor (these being its "core members"), and a church *with* the poor, in the sense that it identifies with the poor who may actually be outside the church for all sorts of reasons – historical, demographic, geographical? Or is it primarily a church *for* the poor (cf. Gutierrez 1977; 1987; Van der Ven 1996, 508ff.)?

Political influence versus isolation This set of antonyms refers to the church's basic attitude towards society: does it feel itself called to a kind of ongoing interaction with society, through which both church and society change and which is a condition for furthering social transformation? Or does it feel itself called to be and to remain a pure, authentic, uncontaminated community, nurturing a relationship between God and human beings so as to allay their suffering caused by finitude and individual guilt? Surely interacting with society is risky because of the political negotiations and compromises it entails, which seriously jeopardise the church's religious calling to proclaim God's kingdom that has to be established by and among the poor, the oppressed, the alienated, and to anticipate that kingdom (Schillebeeckx 1989, 176–177). But don't we have the churches of the SACC in the apartheid era as a terrifying example that should deter us from choosing this kind of middle position, in which, like it or not, we always end up with dirty hands? Yet there is no real alternative except ecclesiastic separation and isolation. And even then the church incurs a risk of being held responsible for what happens in society, because by choosing to keep aloof from societal processes, one in fact chooses to legitimise and consolidate the status quo, at least by failing to act for its transformation (Schillebeeckx 1972, 199–200). This omission, like all omissions, cannot be said not to be action, because it is action of a kind: consciously and intentionally deciding not to intervene but to let things take their course. Besides culpable action we also have culpable omission (Ricoeur 1992a, 157; 1992c, 213–217; Lenk 1980).

In other words, there is no solution to the polarity between political influence and isolation. This means that, to the extent that the church cherishes ideals which are far removed from the social status quo, it will get virtually zero support from society and will have almost zero influence. On the other hand, to the extent that the church, by omitting to act at all, actually reinforces the social status

quo, it betrays its very identity, including bringing and practising the good news. The only way is to enter into negotiation and accept compromises, with the proviso that we keep it in mind that these are compromises and not the ideals which legitimise them as possible steps towards the attainment of our ideals (Thung 1976; Van der Ven, 1996, 222ff.). The church can then try to influence the politicians, either directly, or indirectly by informing public opinion which will in its turn influence the politicians.

Professional competence versus normative competence This set of antonyms can be interpreted with reference to Weber's opposition between instrumental and normative rationality and between professional and traditional authority. The first poles of both these distinctions refer to the empirical knowledge and analytical insight which are necessary to describe and explain a given state of affairs and to handle it strategically by planning what direction to take and what steps to follow. The second poles refer to the reflection on ideals, values and norms that guide human beings towards the good life, that is freedom, justice and solidarity. The qualities named in the first poles may be termed professional authority, whereas the ones named in the second poles relate to traditional authority, since ideals, values and norms are embedded in traditions and customs which have to be reinterpreted time and again so as to determine their meaning for every new situation (cf. Weber 1980; Etzioni 1988; Sonnberger & Van der Ven 1992; Van der Ven 1996, 295–302, 311–328; Sonnberger 1996). Because the church lives by and in a tradition full of utopian perspectives (the kingdom of God, the new Jerusalem, a new heaven and a new earth), guidelines (the ten commandments, the beatitudes), lists of Christian (or Stoic) virtues to be practised (the virtues of strength, prudence, temperance, justice) and vices to be eschewed (arrogance, greed, impatience, lust for power), one tends to think that it has only one option: normative rationality, normative authority and normative competence.

But this would be short-sighted, because if the church wants to make a difference in society, it needs more than just normative competence. Dealing and coping with the knotty problems in our complex modern society require developing descriptive and analytical competence in order to map these problems as adequately as possible and, having created such a map, reflecting on the findings in terms of the moral and religious traditions that the church lives by

and represents. The two should go together, because without professional competence the church can only react blindly, and without normative competence it has no perspective in which to react (cf. Schillebeeckx 1977; Auer 1984). Here the religious meaning of time, especially the future, also enters into it. Those who put the emphasis exclusively on professional competence are inclined to see the future as an extrapolation of the present (*futurum*), whereas those who stress normative competence may allow for the surprising newness of the future, in biblical terms the coming of God (*adventus*). But the time which characterises the coming of God's kingdom may link continuity and discontinuity in discontinuous continuity or continuous discontinuity, albeit without erupting into the present and destroying the good things which good people have achieved, as Metz (1977) suggests from an apocalyptic point of view. This relationship between continuity and discontinuity is grounded in God's perennial newness, because he is not subject to human time which extends over past, present and future: God transcends this extension by making each and every moment a "now" (Ricoeur 1998b, 344).

Decentralisation versus centralisation A major problem in any community, institution or organisation is the distribution of power. This view is not very popular in ecclesiastic circles, because the gospel inverts all power into weakness and all dominance into servanthood. But however beautiful this utopian perspective may be, in the actual circumstances in which the church exists we have to do with leadership, authority, and hence power. The lust for power is one of the three human drives which Ricoeur believes to be structurally implicit in human existence: lust for possessions (*avoir*), for power (*pouvoir*) and for reputation and honour (*valoir*). It requires some introspection to become aware of these drives and some psychodynamic clarification to be able to cope with them, which does not imply being cured of them because, as Freud said, one cannot save patients – including ourselves – from suffering but can only help them to free themselves from neurotic suffering and then deal with the real suffering that remains (Ricoeur 1992, 99–210). If that is so, we had better look "the beast of power" in the eye. To begin with, we need to distinguish between power-in-common-with and power-over (Arendt 1983). The former is a participatory concept of power, that is to say, every individual, whatever their situation, has an irreducible personal responsibility to participate in decision making in the community. The latter

relates to the concentration of power in the hands of one person or
a few people who rule, one might say unchecked, for ever, domi-
nating those who have to abide by their decisions and measures.
Here the dividing line between power and violation becomes very
thin (see chapter 2).

Hence the main problem wherever people live together, also in
the church, is not whether to opt for democracy or hierarchy, because
every democracy has a hierarchy (and must have it if it is not to
end up in anarchy), albeit a hierarchy elected for a fixed period and
subject to controls, but whether to opt for democracy or monocracy.
A monocracy can develop in two different ways. The first is autoc-
racy, implying both the power of one almighty leader, and theoc-
racy, being the religious legitimation of such autocratic power. The
second is polycracy or oligarchy, where all power is in the hands of
an elite, however fraternal the relations between these wielders of
power may be, for instance in the case of an episcopal college (Van
der Ven 1996, 317–325).

But these refinements do not alter the essential characteristics of
monocratic as opposed to democratic power. A democracy is secu-
larly founded on the dignity of every person, and on the principle
of autonomy implicit in that dignity. This autonomy may be divided
into individual and political autonomy. Individual autonomy refers
to the capacity of every human being to take charge of her or his
own life and live it according to his or her own insight. Political
autonomy means every human being's civic capacity to participate
in his or her government, which is the very basis of democracy
(Ingram 1994, 106–112). Introducing democracy into the church and
developing it can be religiously legitimised by the rich symbolism of
the church as the people of God, the body of Christ and the com-
munity of the Spirit (Van der Ven 1996, 191ff., 268ff., 425ff.; id.
1998c, 100ff., 106ff., 111ff.).

Regarding the meaning of the church as the people of God,
Vatican II (1962–1965), on the basis of exegetical and theological
studies, indicated that this symbol emphasises the togetherness in the
church before making any distinction between priesthood and laity.
In fact it transcends this distinction: from an ecclesiological per-
spective, each and everyone is subject to the word of God, priests
and laity alike (Lumen Gentium 9–17; Semmelroth 1966). Regarding
the church as the body of Christ, in the letter to the Romans and
the first letter to the Corinthians relations among church members

are the key issue, as well as their indispensability, their togetherness and oneness. These letters, in contrast to the later letters to the Ephesians and the Colossians, do not focus on Jesus' headship of the church but on the members being a community through their common baptism and the eucharist, in which "the body of Christ" has a twofold reference: one ecclesiastic, the other eucharistic, the two being linked together (Küng 1967, 236–259). Regarding the church as the community of the Spirit, the pivotal idea is that all members have received the gift of the Spirit inasmuch as they are bearers of the higher charismata (faith, hope, love) and the lower or ordinary ones (*kerugma, leitourgia, diakonia* and *koinonia*), as well as the extraordinary ones (glossolalia, healing) manifested by the *pneumatikoi* (Küng 1967, 210ff.). The church is essentially an anamnetic-pneumatic community, as it continuously commemorates the sayings and deeds of Jesus that inspire it to follow him in his Spirit, just as it sees its own inspiration as a sign of the inspiration given by the Spirit (Van der Ven 1996, 425–447). This means that the gift of the Spirit is not the exclusive prerogative of the church leadership: the charismata come first, whereas the leadership should be understood in terms of service to the charismata, even though it is itself a charisma, albeit of a lower degree (Van der Ven 1996, 427; Smit 1989). At the same time the relationship between the church and the Spirit should be put in perspective, because the Spirit is always further, broader and deeper than the church (Haarsma 1967).

Cultural openness versus cultural exclusiveness The question underlying this set of antonyms is whether the church has to keep in touch with its cultural environment and engage in argumentative communication about what happens in it, or whether it should isolate itself from cultural trends and movements by going its own way (Yinger 1970). Some churches favour the former approach, some the latter. The same church may appear to take the first option in optimistic, vibrant times, and the second in pessimistic, depressed times, at least according to its perception of such times. The Catholic Church provides an example of these shifting moods when it opened its windows in the 1960s during what was called the *Aggiornamento* (renewal), then closed them again from the 1970s onwards.

When a church is culturally open it looks like an "adhocracy", not a bureaucracy. In an "adhocracy" one is constantly making occasional (ad hoc) changes, reforms and re-figurations because of the

ever changing environment. Its symbol is not the palace but the tent, as "a tent can be picked up and moved at will" (Mintzberg 1979, 433; 1991). Such a culturally open community, the model of which can be applied to the church, engages in a specific interaction with its environment, which can be characterised as follows. The more dynamic the environment, the more a community like the church profits by openness and flexibility; the more complex the environment, the more a community like the church profits by a continual exchange of ideas, opinions, convictions, however conflicting they may be; the more diversified and differentiated the needs of the people in the environment, the more a community like the church profits by listening critically and understanding what is going on and critically adapting to it (cf. Van der Ven 1996, 411ff.).

Does this not mean that the church is in danger of the kind of religious alienation that Barth warned against, as we noted above? Indeed it does, but the alternative is to close all doors and windows, thus preventing the church from having any transformational influence at all. Hence there really is only one possibility, at any rate if the church is to be understood in terms of its transformational and liberating calling to anticipate the kingdom of God, and that is critical exchange with the cultural environment in which it lives and participates, and with which it interacts (Van der Ven 1996, 345ff.). Here the distinction between church/denomination and sect might be relevant, but in a differentiated way: the church may lose its religious identity altogether if it is subject to religious alienation, but it may take on a sectarian character if it favours a closed mind-set. An open mind-set should not be taken for granted, as a long research tradition since Allport's study of the authoritarian personality and what is known as the fascism scale indicates that church members are significantly more inclined to have a closed mind-set than an open one. The empirical phenomenon that Christians and church members – if we distinguish between them for the moment – are more inclined to ethnocentrism, in terms of both positive attitudes towards their ingroup and negative attitudes towards the outgroup, fits into the same pattern, also in South Africa (Pieterse, Scheepers & Van der Ven 1991; Eisinga & Scheepers 1989). It seems as if faith and the church – or at least the faith and the church of a great many people – have nothing in common with imaginative openness, tolerance of new ideas, and eagerness for surprising events and developments, but are characterised rather by dogmatism, moralism and rigidity.

Transformational Christian communities

If we combine the first poles of each of our five bipolar oppositions, we get some indication of the main features of a transformational ecclesiology for transformational Christian communities that were outlined above. Such communities are challenging rather than comforting, strive for influence rather than isolation, pursue professional competence rather than normative competence, are decentralised rather than centralised, and cultivate cultural openness rather than cultural exclusiveness. This does not to mean, as we have said repeatedly, that the second pole of each of these binary codes should be disregarded or undervalued, but it should not be the top priority.

12.2. CHRISTIAN COMMUNITIES AS MEDIATORS OF HUMAN RIGHTS?

Having studied the antonyms which underlie the tensions all churches deal with, we are now able to investigate our students' ecclesiastic attitudes as well as the effects of these on their human rights attitudes.

In this section we try to answer the following four questions:

1. What are our students' attitudes towards Christian communities?
2. Are there differences between the attitudes towards Christian communities of multicultural school and monocultual school students?
3. What are the effects of attitudes towards Christian communities on the students' human rights attitudes?
4. Do the effects of attitudes towards Christian communities on the human rights attitudes differ between multicultural and monocultural school students?

Ecclesiastic attitudes: theoretical domain

First we describe our students' ecclesiastic attitudes in the theoretical domain and then in the empirical domain. The former derive from the ecclesiological reflections expounded above. The latter aim at determining whether these attitudes in the theoretical domain are corroborated by the empirical data we collected in our survey project.

From the five sets of antonyms we developed in the first section we devised five attitudes in the theoretical domain for investigating our students' ecclesiastic attitudes, taking the first antonym in each set as our point of departure. As mentioned already, we divided them into two groups, the first referring to the church's identity and

the second to its structure and culture. In addition we decided to divide the church's orientation to political influence in society into two kinds: political influence on politicians and political influence on public opinion. This was because the two target groups, as indicated in chapter 3, are essentially different and require different strategies and tactics. This gave us a total of six attitudes in the theoretical domain.

As table 12.2.1 shows, the first group comprises (I) the prophetic challenge of the church, (II) its political influence on politicians, (III) its political influence on public opinion, and (IV) its striving for professional competence. The second group comprises (V) decentralisation of the church and (VI) its cultural openness.

Table 12.2.1. *Ecclesiastic attitudes: theoretical domain*

Identity of Christian communities	
I. prophetic challenge	(6, 13, 14, 16)
II. political influence on politicians	(8, 12)
III. political influence on public opinion	(2, 3, 4, 11)
IV. professional competence	(5, 9)
Structure and culture of Christian communities	
V. decentralisation	(1, 10)
VI. cultural openness	(7, 15, 17)

As in the case of the other attitudes, we assumed that these six attitudes were present in our students' minds. The question is whether this assumption is correct. To find the answer we investigated the students' response to them. The numbers in brackets refer to some items from the instrument developed by Jeurissen (1993, 306–307) that we used to measure these attitudes, adapting it to our theme simply by replacing his emphasis on church and peace with our issue regarding church and society (see appendix 12).

Ecclesiastic attitudes: empirical domain

We conducted two separate factor analyses, one of the first group of ecclesiastic attitudes referring to the identity of the Christian communities (I–IV) and one of the second group referring to the structure and culture of these communities (V–VI). These factor analyses showed that the two groups of ecclesiastic attitudes in the theoreti-

cal domain were corroborated by the ecclesiastic attitudes in the empirical domain, with only one exception: empirically the two theoretically developed attitudes towards political influence (one on politicians, the other on public opinion) appeared to form a single factor, as can be seen in table 12.2.2.

Table 12.2.2. *Ecclesiastic attitudes among students of multicultural and monocultural schools: empirical domain*

	multi 1995	mono 1996	multi 2000	mono 2001	total
Identity					
1. prophetic challenge (I)	3.2	3.2	3.2	3.3	3.2
2. pol. influence (II–III)	3.3	3.3	3.2	3.3	3.3
3. profess. competence (IV)	3.5	3.3	3.6	3.2	3.4
Structure and culture					
4. decentralisation (V)	3.1	3.1	3.0	2.8	3.0
5. cultural openness (IV)	3.4	3.4	3.3	3.2	3.3

From the last column in this table we are able to answer the first question: "What are our students' attitudes towards Christian communities?" The students appear to be rather supportive of the prophetic challenge of the church (3.3); they tend to subscribe to a political influence orientation for the church by trying to influence both politicians and the general public, but without seeing an essential difference between these two target groups (3.3); and they clearly favour professional competence, feeling that the church should possess such competence in order to exert its influence effectively (3.4). They are not so sure whether the church should decentralise or centralise, as they find themselves midway between the two orientations (3.0); they are rather in favour of cultural openness, implying that they think the church should participate in new ideas and movements (3.3).[2]

By and large the students support an open, progressive, transformational church and especially inclusive Christian communities, but they are ambivalent about the decentralisation or centralisation of these communities.

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[2] For the interpretation of these scores, see chapter 8, note 5.

These fairly transformational orientations may conceal a small time bomb, because the students' ambivalence regarding a democratic versus a monocratic (or polycratic) church structure may influence their other ecclesiastic attitudes one way or another in time to come. Church history tells us that the church's internal structure, be it monocratic or democratic, often mirrors its external orientations (its prophetic versus comfort orientation and its cultural openness versus exclusiveness orientation) and dialectically influences them. Because of our students' ambivalence, this deadlock between decentralisation and centralisation may develop into either increasingly transformational attitudes or decreasing willingness to change both church and society. Future research will tell which it is to be.

From this table we can answer the second question posed at the beginning of this section: "Are there differences between the attitudes towards Christian communities of multicultural school and monocultual school students?" The answer is no, there are no relevant differences, although the difference between multicultural and monocultural school students regarding the professional competence of the Christian communities in 2000 and 2001 cannot be ignored (3.6 and 3.2).[3]

Effects of ecclesiastic attitudes on human rights attitudes

Having dealt with our students' ecclesiastic attitudes, we now investigate whether and to what extent these attitudes contribute to their human rights attitudes. We conducted 15 regression analyses, one for each of the 15 human rights that we identified in relation to each of the four year groups: 1995, 1996, 2000 and 2001.[4] The ecclesiastic attitudes appear on the vertical axis in the next table: the attitudes towards the prophetic challenge of Christian communities, their political influence, professional competence, decentralisation and cultural openness. The question is whether and to what extent each of these five ecclesiastic attitudes has effects on the students' human rights attitudes. On the vertical axis we added, as mentioned in chapter 7, a number of relevant population characteristics to control the effects of the students' ecclesiastic attitudes on their human rights attitudes for these population characteristics.[5] The hor-

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[3] For the criterion of relevance, see chapter 8, note 6.
[4] We conducted 60 regression analyses altogether: see chapter 8, note 7.
[5] For the underlined variables: see chapter 8, note 8.

izontal axis refers to the total of 15 human rights attitudes per year of students at multicultural and monocultural schools in 1995 and 2000 and in 1996 and 2001. The numbers in the cells indicate the number of times that we obtained a significant beta coefficient, either positive or negative, within a range of 1 to 15.[6]

Table 12.2.3. *Effects of ecclesiastic attitudes on human rights attitudes among students at multicultural and monocultural schools* (numbers betas)

	private 1995		public 1996		private 2000		public 2001		total	
	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg.
ecclesiastic attitudes										
1. proph. challenge	–	–	3	–	1	–	–	–	4	–
2. pol. influence	2	1	–	–	1	–	3	–	6	1
3. prof. competence	4	–	3	–	2	–	2	1	11	1
4. decentralisation	3	–	–	–	1	–	–	–	4	–
5. cultural openness	–	–	2	–	–	–	2	–	4	–
controlled for:										
demographic										
gender	2	–	2	1	–	1	3	–	7	2
age	–	–	1	–	–	1	–	1	1	2
familial										
home lang.	(3)		(2)		(3)		(1)		(9)	
political										
importance	3	–	2	–	2	–	5	–	12	–
preference	(–)		(2)		(–)		(1)		(3)	
comm. parents	1	–	1	–	1	–	–	1	3	1
agree others	1	–	2	–	–	–	–	–	3	–
cultural										
ethn./transethn.	(–)		(1)		(1)		(–)		(2)	
mat./post-mat.	(3)		(6)		(1)		(2)		(12)	
religious										
comm. parents	–	–	1	1	–	2	1	1	2	4
transf. parents	–	–	–	3	–	1	–	–	–	4
steering	–	–	2	–	–	–	–	1	2	1
Bible reading	–	–	1	2	–	1	–	3	1	6
salience	–	2	–	2	–	3	1	2	1	9
church memb.	(–)		(–)		(2)		(1)		(3)	
church partic.	–	1	–	1	–	–	–	–	–	2
rites of pass.	–	1	–	–	1	–	–	–	1	1

[6] For the ranger (1–15): see chapter 8, note 9.

From the last two columns in this table we are able to answer the third question: what are the effects of attitudes towards Christian communities on the students' human rights attitudes? All five attitudes have positive effects on our students' human rights attitudes: the attitudes towards the prophetic challenge of the Christian communities (positive: 4; negative: 0); political influence (positive: 6; negative: 1); professional competence (positive: 11; negative: 1); decentralisation (positive: 4; negative: 0); and cultural openness (positive: 4; negative: 0). Especially political influence (positive: 6) and above all professional competence (positive: 11) strongly affect our students' human rights attitudes. If we invert these data, it means that when Christian communities are characterised by clinging to the status quo, isolating themselves from politics, rejecting professional advice and competence, centralised management by a monocracy or a plutocracy and a closed mind to cultural change, these attitudes will have outright negative effects on our students' human rights attitudes.

As we have said, we controlled the effects of our students' ecclesiastic attitudes on their human rights attitudes for a number of population characteristics. Let us look at the most effective ones. Regarding the variable 'gender', female students appear to be more in favour of human rights than their male peers. The students' home language is another relevant characteristic. We distinguished between four language groups: English, Afrikaans, official African languages, and 'other languages'. Students who speak one of the official African languages at home are most in favour of human rights. When it comes to political characteristics, they – not surprisingly – have a positive influence on human rights attitudes. With regard to political preference, students who support the ANC are more in favour of human rights than the others. Materialism/post-materialism appears to contribute to human rights attitudes, in the sense that post-materialistically oriented students value these rights most. Next we have the religious characteristics, of which Bible reading and religious salience are the most relevant: the more the students read the Bible and the more important religion is to them, the less they support human rights. Lastly, the church-related characteristics (church membership, church participation and participation in rites of passage) have minor effects on our students' human rights.

Lastly we try to answer the fourth question we posed at the beginning of this section: do the effects of attitudes towards Christian com-

munities on the human rights attitudes differ between multicultural and monocultural school students? In the period 1995–1996 there are four relevant differences between multicultural and monocultural school students. They relate to prophetic challenge, political influence, decentralisation and cultural openness.[7] Two of these transformatory ecclesiastic attitudes appear to have more effects on human rights attitudes among monocultural school students than among multicultural school students: the attitudes towards the prophetic challenge of Christian communities and their cultural openness. The other two appear to be conversely effective, as attitudes towards political influence and decentralisation are more effective among multicultural school students than among their peers at monocultural schools. In the 2000 and 2001 year groups the attitude towards cultural openness is most effective among monocultural school students, whereas the attitude towards political influence has as it were changed places: it is most effective among monocultural rather than among multicultural school students.

Answers to the research questions

These data enable us to answer the four questions posed at the beginning of this section.

1. What are our students' attitudes towards Christian communities?
* Open, progressive, transformational Christian communities meet with agreement, as evidenced by positive attitudes towards their prophetic challenge, political influence, professional competence and cultural openness.
* The attitude towards decentralisation or centralisation of these communities meets with ambivalence.

2. Are there differences between the attitudes towards Christian communities of multicultural school and monocultual school students?
* There are no differences.

3. What are the effects of attitudes towards Christian communities on the students' human rights attitudes?

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[7] For the criterion of relevance, see chapter 8, note 10.

* All five attitudes towards Christian communities have positive effects:
  the attitudes towards their prophetic challenge, decentralisation,
  cultural openness, especially political influence and above all pro-
  fessional competence.

4. Do the effects of attitudes towards Christian communities on the
human rights attitudes differ between multicultural and monocultural
school students?
* The attitudes towards the prophetic challenge of Christian com-
  munities and their cultural openness appear to be more effective
  among monocultural school students.
* The attitude towards decentralisation is more effective among mul-
  ticultural school students.

INTERRELIGIOUS INTERACTION AS A CONTRIBUTION TO HUMAN RIGHTS

On the face of it that's what we have: the image of the 'rainbow nation', which former archbishop Desmond Tutu proclaimed, as it were, for South African society, and successfully too, for who does not believe in it? Indeed, who does not *believe* in it? As so often happens with rhetorically trained preachers, church leaders and theologians, reality and ideal, description and prescription, empirical fact and normative ascription tend to merge into each other. In other words, is South Africa a rainbow nation or does it still have to become one? At this point in time it is not, considering the vast gulf separating the teeming underclasses of penniless people, crowded into squatter camps with only one thing in common – the need to survive – on the one hand, and on the other the mighty rich driving their BMW convertibles with great éclat and blaring music along sunlit roads, alongside which lie squatter camps reminding one more than anything else of the tumbledown barracks in Nazi concentration camps, forever shrouded in mist and darkness (*Nacht und Nebel*). To be sure, a rainbow nation it must become, but the road that leads there is long and bumpy. What is needed is significant expansion of the middle class, attainable only through a higher level of education at the grassroots – an educational policy to which the present government is firmly committed.

But the image of the rainbow nation also, even primarily, has religious connotations, deriving as it does from the stories about the mythical figure of Noah who, having survived the flood in an ark, was to see the rainbow in the sky signifying God's covenant with him and, through him, with future generations (Gen 9:8–13). Is South Africa a rainbow nation in a religious sense? We have pointed out more than once that, while South Africa is a secular state, it is a religious society, even a deeply religious society. But does it have room for two specimens of every conceivable religion, as there was room in Noah's ark for two specimens of every kind of animal – male and female, the text adds, so they can procreate? Is there really

room, in addition to the 74.1% Christians in the 1996 census and the 79.8% in 2001, for the small groups of Muslims, Hindus and Jews and an even tinier handful of Buddhists, Confucians and Parsees, who together make up roughly 5%? Are they allowed to procreate and expand? With such small percentages an affirmative answer is readily forthcoming, but what would be the response if instead of 5% they were suddenly to increase to 25% and the scene was dominated by black-veiled women and girls with headscarves at primary and secondary schools?

The image of a rainbow nation could mean that there is a place in the sun for everybody and that bounteous rain falls on them all, as the gospel puts it. But that in itself does not transcend a particular form of apartheid: religious apartheid. We realise that to South Africans this expression may have a nasty ring, if it were not that the very same term is used in Western countries to convey the religious segregation there. Religious apartheid is a fact, whereas the religious rainbow nation, at least as an ideal, reaches beyond that and – certainly in the South African context – seeks to put an end to it. For the time being one may well rest content with religious apartheid – 'it's not as bad as all that' – while watching in horror the religious conflicts and wars raging elsewhere on the African continent and in the world. Yet one has to bear it in mind that the 'cold peace' prevailing now may turn into different forms of interaction and could degenerate into a cold war, conflict and combat as a result of developments in global society. After all, terms like 're-evangelisation' and 're-Islamisation' are rife in conservative Christian and Muslim circles.

The question is, how should religions deal with one another? What forms of interaction suggest themselves and which are to be preferred? And – a question that certainly has to be considered – how do we prevent religious apartheid from degenerating and going from bad to worse?

The answer proffered by the theology of religions over the past twenty years is interreligious dialogue. It started with the classification by Race (1983) into exclusivism, inclusivism and pluralism, to which the model of interreligious dialogue was added. Our impression is that the theology of religions has not produced any essentially new ideas since then, apart from a few corrections and amplifications, and that this classification represents both its starting point, zenith

and end. Many publications are marked by endless quotations and repetition.

Moreover, it constantly strikes us that pluralism – the third model in Race's classification – is always assessed negatively in theological reflections. It is said to be expressive of religious relativism that erodes the identity of the religions concerned, especially the Christian religion. This contrasts shrilly with the fact that, according to empirical research, the same pluralism can always rely on a positive reception from 'ordinary' people, especially youths, both in the West (e.g. the Netherlands, Germany) and in South Africa, as we established in our surveys in 1995 and 1996, and again in 2000 and 2001 – four times in a row. What lies behind this contrast between the normative perception of pluralism by theologians and the empirical fact that the same pluralism is viewed positively by young people? How does one explain the contradiction between normative opinion and empirical reality? And how come that in the same empirical studies interreligious dialogue is either viewed ambivalently or rejected outright? These questions continue to puzzle us.

Let us for a moment turn the issue around and put a question mark over interreligious dialogue rather than over pluralism: where does interreligious dialogue actually take place and what is this theology actually about, at least in an empirical sense? Who conducts the dialogue, and where? If one classifies the dialogue partners into four levels – members of grassroots religious communities, their local leaders, national and international leaders and academic professionals – one finds, albeit with some simplification, that it scarcely occurs at the first two levels and only occasionally at the other two.

Dialogue at the first and second levels – those of ordinary members and local leaders – is complicated by the fact that the various religious and cultural groups live in areas that are often mono-cultural in composition. And if one can credit reports from multicultural areas, they are often, apart from the decent neighbourliness and solidarity, marked by negative labelling and avoidance. Interreligious dialogue 'around the kitchen table', as it is sometimes called, is more of an object of wishful thinking than a reality, maybe not in South Africa's Western Cape where Christians and Muslims – a very small group only – are sometimes relatives, but certainly in other contexts. Naturally local leaders of religious communities maintain contact with each other, even if only to protest collectively against some government

decision that affects their common interest, such as religious educa-
tion at schools, or, more positively to undertake some action of sol-
idarity or even organise an interreligious service. It is questionable,
however, whether what is called an interreligious service is in fact
interreligious rather than just multireligious, whether it is nourished
by interreligious dialogue or by multireligious comparison of hymns,
texts and concepts, and whether it gets beyond an intriguing ritual
exhibition of the exotic.

At the other two levels, those of national and international reli-
gious leaders and academic professionals, the situation is somewhat
different. Contacts between national and international leaders are no
doubt important, since they could pave the way for interreligious
dialogue that can and must be conducted in the future. But it is not
always possible to decipher, behind the rituals surrounding these con-
tacts, the parties' actual, practical intentions towards each other, espe-
cially since these demand reciprocity. Frequently it raises the question
whether there is reciprocity and, if so, what does it consist in and
what is its aim? It makes one wonder to what extent such dialogue
goes beyond the characteristics of a ritual, as the participants appear
to value their interreligious dialogue *as* a ritual, however meaning-
ful that may be (Dupré 2003, 70–74). It also makes one wonder to
what extent it is a case of what has been called the 'theatricalisa-
tion' of religious identity, impression management and power with
a view to religious image building. As Goffman (1959) puts it in his
report on an empirical study: "We hope you see we celebrate together."

The most serious interreligious dialogue probably occurs at the
level of academic professionals. These contacts have been going on
for a long time, are characterised by commitment and seriousness.
But it involves only a small group, whose language – rightly marked
by scientific abstraction and detachment – is way above the much
propagated interreligious dialogue 'around the kitchen table'. One
could also ask oneself, as do some missiologists who frequently join
in such discussions, whether – apart from quantitative paucity (i.e.
few participants) – they actually achieve the desired quality, namely
dialogue leading to purging and transformation of the partners' own
religions, despite the best of intentions.

These critical considerations are not meant to convey that we
write off interreligious dialogue as useless or pointless. We are sim-
ply divesting it of the self-evidence, not to say facile conviction, that
some people attach to it. But that is not all that this chapter is about:

we also have a positive aim in mind. We want to show that inter-
religious dialogue will have to become both broader and deeper if
it is to contribute effectively to greater understanding between reli-
gions. By 'broader' we mean that it needs to be put in a broader
framework, and by 'deeper' that it needs deeper conceptual prob-
ing than has hitherto been the case in most instances. Breadth can
be attained by not immediately adopting a participant perspective
but first approaching it from a more detached observer perspective
and, on that basis, putting it in the framework of the 'clash of civil-
isations' and of human rights. Depth can be attained by switching
between an observer and a participant perspective and, in that frame-
work, analysing what conditions have to be met to make the dia-
logue fruitful. We hope to show that these conditions will also gain
in profundity by viewing them in the context of human rights.

Against this background we shall first see what it means to view
cultural and religious interaction problems in present-day society from
an observer perspective. Next we consider what this implies for han-
dling these problems in the perspective of civilisation and in that of
the constitutional state and human rights. Finally we look into the
place of interreligious dialogue within this framework (13.1). We then
examine the attitudes of our two student populations towards inter-
religious interaction and what effects these have on their human
rights attitudes (13.2).

13.1. Interaction with other religions

We have said that we advocate viewing the religious and cultural
interaction problems in modern society from an observer perspec-
tive. To explain what that means we need to relate it to the con-
trasting concept: participant perspective.

Observer perspective and participant perspective

We shall start with the participant perspective. It refers to people's
ties with their own civilisation, culture and religion, in terms of which
they perceive, interpret and evaluate their environment and the peo-
ple, things and situations in it. We cannot observe the diverse processes
and structures in our environment from any angle but that of our
own ties and loyalties and encounter them in those terms, certainly
not if we take the context we live in for granted and regard it as a

self-evident background. We would turn into split personalities if we constantly had to discriminate between the cognitive and affective maps we spontaneously and unreflectingly use when we enter our world and the alien cognitive and affective maps that descend on us from the outside, which we would continually have to learn to read. A lot of what we do from day to day is done according to ingrained patterns, familiar procedures and internalised control mechanisms without giving it much thought (Schütz 1981).

In other words, the perspective that is familiar to us from our everyday life – both in the life world and the systems of the economy and state bureaucracy – and that we have internalised, often unwittingly, must perforce be a participant perspective. Even those who have acquired a cosmopolitan perspective or have grown up in one from childhood live in 'their' cosmopolitan world that they have reconstructed for themselves, tinctured as it is by chance circumstances such as family, friends, neighbours and colleagues in whatever part of the world they happen to be. Only when one's everyday life world is fractured, either by collective calamities (war, natural disaster) or personal misfortune (illness, suffering, death), or when socialisation is defective or arrested, doubts may arise and fractures have to be repaired; or one may have to extend or shift the boundaries of one's world.

The same happens when we encounter 'the other' in the person of representatives of another civilisation, culture and religion whose meaning, substance and contours are foreign to us and we try to open ourselves to them. It could be – if it works out, for it cannot be taken for granted; the obvious response is to lock the door and draw the curtains – that we engage in an authentic, personal dialogue, but that is a tall order, one that often proves impossible to fulfil, usually on both sides. It is a tall order, for it presupposes that for the time being we genuinely participate, cognitively and affectively, in the other's world. It does not mean 'converting' to it and identifying with it, but that we transpose ourselves to it, take the other's vantage point, stand in the other's shoes.

It could also be – if we remain genuinely interested, which cannot be taken for granted; all we can take for granted is our own world – that we adopt a more abstract perspective and, by comparing the other's ideas and customs with our own and those of people we know a little better, try to understand the reality confronting us. That is when one can speak of an observer perspective. Adopting

an observer perspective is like entering a helicopter and ascending from ground level into the sky – not too high, otherwise one can no longer see the tiny men, women, buildings, streets, villages and cities, but high enough to be able to survey the whole panorama so as to impose some sort of structure on the mishmash of data: a structure of similarities and dissimilarities.

We have now described in concrete terms what it means to adopt a participant and an observer perspective. One might think – to use Habermas's terms – that a participant perspective pertains to the life world and an observer perspective to the systems of the economy and state bureaucracy, but that is a category blunder since it confounds 'object' (economy, state, life world) and epistemology (participant and observer perspective). Prohibiting the adoption of an observer perspective on the life world or the adoption of a participant perspective on the economy and the state bureaucracy is like trying to checkmate the king with the ace of spades. One can study both the life world and the systems of money and power from either a participant perspective or an observer perspective (Habermas 1986, 377–396).

In the religious domain, too, both perspectives are needed. The participant perspective is necessary to get to know and understand our own religion better, even if we have grown up in it. A religion can only be understood by examining it from the inside, experiencing its myths and rituals from the inside and joining personally in the community. Conversely, we only get to know the distinctive character of our own religion by comparing its structures and processes with those of other religions and determining the similarities and differences between people's religious experiences in our own and in other religions. In short, we need to (learn to) switch between the participant and observer perspectives not only in respect of other religions but also in respect of our own. In both instances, however, there are limits. To think that one has plumbed the depths of one's own religion is to kid oneself, because one's own religion is as 'other' as one is 'another' to oneself. To think that one understands another religion is equally wide of the mark. To two of the three authors of this book, who have come to know each other quite well, the Catholic Church with its hierarchical order and 'secret' codes remains as 'other' as the Scottish Calvinist pietism of the Afrikaner soul is to the third author.

One can express it more abstractly. Adopting a participant perspective as a matter of course is rooted in the personal world in

which we live and belong. Here the term 'world' does not refer to the 'totality of things' but to our own environment, which we in a sense construct in interaction with other individuals, groups and institutions, from which we view the 'totality of things' and, with the aid of cognitive, affective, social and ritual tools drawn from our own world, interpret for ourselves – create our own version of it, as it were. From this world we also view other versions of the 'totality of things' from an insider perspective. Thus Christians view their own Christian religion from an insider point of view and feel at home because of all the familiar things they experience there. But they can also look at other religions from the same insider perspective and on that basis evaluate them as less familiar, unfamiliar, strange, inferior, unworthy. That is where exclusivism and inclusivism come from – two of the terms from Race's trichotomy that we referred to. Exclusivism is when Christians reject other religions from a Christian perspective in terms of their own Christian world as not possessing either God's revelation or God's salvation. Inclusivism is when, from the same insider perspective, they discern at least traces of God's revelation and/or salvation in other religions.

Adopting an observer perspective is a different proposition. It enables us to view our own version of the 'totality of things' from an outsider perspective and compare it with other people's versions of that same totality, for each individual or group has its own version. We should add the qualification: if such a 'totality of things' in fact exists, for that we do not know. We might be assuming intuitively that the various versions somehow approximate that totality or even touch on it without being able to establish the existence of 'the same neutral, underlying world', since all we actually have to go on are 'merely' different versions of it. None of these tells us about *the* world or *the* totality of things: each of them simply tells us about *a* way the world is, *a* way the totality of things is (Paden 2000; Davidson 1985).

What does this comparison imply? At all events it implies that we distance ourselves from our version qua personal version and try to detect similarities and differences – structural, cultural and functional – between our own and other people's versions. Structural similarities and differences relate to the material and social infrastructure of religions, such as times and places, buildings, funds and staff, and to patterns of power distribution and formal and informal leadership. Cultural similarities and differences pertain to myths and rites, texts and symbols, traditions and doctrines, folk religiosity and

(religious, social and/or academic) elite religiosity. And functional similarities and differences refer to the role religions play in relations between and within communities (societal integration), relations between communities and the individual (social integration) and relations between processes within the individual (individual integration).

The difference between the two perspectives is pinpointed by the following antitheses: native language (the language we speak in our own world and in which we name our environment) versus translation (translating statements in our native language into another, more abstract, more universal language); naming (giving people and situations names in terms of a participant perspective) versus describing (determining similarities and differences); native description (describing people and situations from an insider perspective) versus comparative description (describing people and situations comparatively with a view to classification and generalisation); folk taxonomy (classifications in our native language, such as 'exclusivism' and 'inclusivism') versus scientific taxonomy (classification from the detached perspective of an analytic, scientific observer); emic methods of research (depth interviews, story telling) versus etic methods (survey research). There are other antitheses to be found in the literature, but these are the most important ones (Jensen 1999; Martin 2000; Smith 2000; Paden 2000; Van den Heever 2002).[1]

One example will suffice to clarify the point. From a participant perspective Christians could say that to them Jesus is the Christ, because in his person and work God's revelation took concrete shape – a revelation that is unique and represents for them an all-transcending, (probably) absolute value. It should be noted here that the concept of revelation is of recent origin; there is no support for it in the Bible or the patristic writings and it can have all sorts of

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[1] It should be noted that if one sticks to a participant perspective in qualitative research one does not get beyond the reiteration of the names given to people, situations, processes, structures, etc. in the 'native language' of the population one is researching, and never gets as far as translating these into concepts that will permit comparison, classification and theorising. Qualitative research methods worthy of the name always systematically allow for such translation, comparison, classification, generalisation and theorising, for instance the grounded theory method (the term is self-explanatory) of Glaser and Strauss (1967) and the qualitative analysis computer program Qualitan (Wester 1984). For an application of such a qualitative research method to the theme of religion and suffering (theodicy), see (Van der Ven 1998b, 123–142).

meanings, such as revelation as doctrine (orthodoxy, neo-orthodoxy), as dialogic encounter (E. Brunner), as history (W. Pannenberg), or as existential experience (Bultmann), and in the process one covers the entire period since the Enlightenment, from rationalism to romanticism and existentialism (Eicher 1977; 1980).

From an observer perspective one proceeds to 'translate' this 'revelation' into some (more) abstract concept, for example 'manifestation'. Here Rudolph Otto's concept of manifestation, for instance, could be helpful; he saw it as an experience of the holy or the wholly Other, analogous to mystery, and its character as alien, uncomprehended and unexplained, mediated by emotions of overwhelming dread, majesty and urgency (*tremendum*), as well as wonderful love, mercy, pity and comfort relating to the beatitude of the holy. Van der Leeuw's manifestation concept, too, could be useful; he regards it as an experience of the extraordinary and awesome Other, which manifests itself with such veridical force that it cannot be ignored or resisted, and is associated with affective efficacy in the subjective form of emotions such as amazement, fear and awe. Eliade assigns manifestation yet a different meaning: he subsumes it under an even more abstract category, hierophany, within which he distinguishes between two subcategories: cratophany (manifestation of sacred power) and theophany (manifestation of a god), as well as the various emotions that feature in it. Such concepts make it possible to see various times, places, things, meteorological phenomena, lakes, mountains, plants, trees and animals as forms of divine manifestation; also people, like Jesus, and his acts, such as the miracles he performed and the acquittal of sin that he gave the prostitute who kissed and anointed his feet (Lk 7:48.50). By comparing these forms of divine manifestation we can make classifications that can serve as a basis for generalisation to other instances, and hence for theorising (Ryba 2000, 177–184).

To avoid misunderstanding we should point out that the antithesis, 'participant perspective versus observer perspective', is not the same as the antithesis, 'self-perspective versus other-perspective', to be dealt with below. The two are often confused in the literature, so it is important to be alert to the difference from the outset. We can mention at this stage that both antitheses are epistemological; the first one falls in the socio-spatial category of proximity and distance (belonging and distancing), whereas the second is an interpersonal category: the dialogue between 'self' and 'other'. Self-perspective

is in fact a participant perspective in that the self belongs to her religion as an insider; but so is the other-perspective: the other belongs to his (a different) religion, and both are aimed at mutual participation. The observer perspective, by contrast, is totally different: the insider belongs, the outsider is detached (Dreyer 1998). We shall return to this when we come to interreligious dialogue.

Civilisation, culture and religion

We now proceed to look, detachedly as outsiders from an observer perspective, at the broader framework in which cultural and religious problems in present-day society present themselves, and try to determine why interreligious dialogue is not equal to the task of solving them.

When one contemplates present-day society one might be inclined to see it as comprising so many islands of diverse cultural and religious communities: the native population – which group(s) is that? – is rooted in their own country; immigrant groups – which groups are those? – live an uprooted life. But this picture is misleading. The so-called immigrant groups are not insulated. Apart from the fact that their individual members may well maintain family ties with communities in the countries where they once belonged, thus participating in the culture and religion of their countries of origin, they also belong to larger cultural entities called civilisations.[2] These may

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[2] In regard to the relation between culture, civilisation and religion we are guided by certain notions from the diagnosis by Huntington (2002) regarding a 'clash of civilisations'. That does not mean that we endorse Huntington's entire diagnosis. On the contrary, it raises fundamental critical questions. For one thing, he concentrates on the periodic conflicts that have always arisen between civilisations, largely ignoring the peaceful coexistence of different civilisations either today or in the past. He wrongly maintains, not only that civilisations' external relations are always marked by isolation and strife, but also that their internal relations are invariably characterised by common bonding and solidarity, whereas in fact one can cite just as many instances of conflict and strife within civilisations, for example between fundamentalist and liberal groupings. The most distressing examples in Western civilisation are the religious wars of the 16th and 17th centuries and the two world wars of the 20th century between countries and nations belonging to the same Christian faith, which claimed tens of millions of co-religionists as victims. Secondly, the *Kulturkampf* described by Huntington is totally devoid of economic, geopolitical and military factors which, along with relatively autonomous religious factors, continually give rise to friction and war (Riesebrodt 2001, 15–33). Besides our criticism of Huntington's diagnosis, we wholly reject his prescribed therapy, because he refuses to accept both 'multiculturalism at home' and 'monoculturalism abroad', as

be regarded as a kind of broader cultural space or setting encompassing a number of nations, each national culture representing a particular form of the whole. In fact a civilisation may be seen as the broadest cultural entity there is, comprising the largest possible cultural space and setting. Civilisations "comprehend without being comprehended by others", as Toynbee put it.

Civilisations are characterised to a significant extent by the religion that forms their core, from which their constituent nations and communities derive their cultural identity and social attributes. This is not to equate civilisation with race, for the great missionary religions, Buddhism, Christianity and Islam, encompass societies comprising a variety of races. Even though civilisations die – they rise, expand, dominate, decline and vanish, as in the case of the Egyptian and Babylonian civilisations – they are extremely long lasting (*longe durée*, as Braudel once put it), spanning many centuries if not millennia. They are said to outlive everything and everybody: governments, judicial structures, political systems, even empires. Not that they are static and rigid: they are dynamic and adapt to new developments, which they in their turn influence.

Against this background we can distinguish between several civilisations in our day and age, such as Chinese, Japanese, Hindu, Islamic and Christian (with a further distinction between Western and Orthodox). Whether there is a Latin American and an African civilisation is a topic of debate. Because of the powerful Western influence Latin America mat be regarded as a sub-civilisation of Western civilisation with its own attributes. As for Africa, the northern parts and the east coast are characterised by Islamic civilisation, and the southern part by Christian civilisation. On the other hand tribal identities are pervasive and intense, giving rise to a sense of African identity which may lead to sub-Saharan Africa developing into a distinct civilisation, as Huntington (2002, 47) puts this.

As a result society is no longer characterised by just one common culture and religion (if it ever was), but displays a multi-civilisation

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he considers a 'multicultural world' unavoidable, to which end "the preservation of the United States and the West requires the renewal of Western identity" (Huntington 2002, 318). Here he actually disregards the implications of this 'multicultural world', both 'abroad' and 'at home'. His sole aim is the continuance of Western supremacy that has to be preserved unpurged and unadulterated, which means that his therapy can serve as an ideological legitimation of any war the West may choose to declare, including pre-emptive war.

diversity because of the diversity of cultural and religious communities belonging to the various larger wholes or civilisations. Even before the major migration influxes got under way this might have applied on a smaller scale, but because of the massive escalation we are only properly realising it now. In this new awareness the call for 're-evangelisation' and 're-islamisation' from fundamentalist and conservative circles features prominently. Whereas formerly people often lived side by side as decent neighbours, accepting each other, we now hear a multi-civilisation and multireligious sabre rattling right round the globe that makes us far more alert than we used to be.

This poses enormous problems for the religious communities that constitute the larger civilisations. We have said that the crucial question is how they should deal with one another. If one views the whole problem from the angle of civilisations, the solution proposed in the 1980s appears both simplistic and naive. The belief in, and hopes of, a 'universal theology of religion' advocated by Wilfred Cantwell Smith, not even to mention the chances of an 'ecumenical esperanto' proposed by Leonard Swidler, must be dismissed as a 'civilisationary' illusion. But there is a real danger that current theology of religions, too, which keeps thumping the drum of interreligious dialogue, is ignoring the huge problems and even conflicts that confront the religions for the very reason that they belong to the broader – the broadest possible – contexts of civilisations. It is not just a matter of dialogue, as anybody who follows current affairs in the media knows – neither does theology of religion claim that it is. But one cannot keep harping on interreligious dialogue; the problems are too deeply rooted in history (history spanning many centuries, even millennia), far too extensive (whole and half continents) and far too complex for that.

Religious identity and power Let us examine the realities of interreligious interaction with the aid of a matrix – admittedly one that reconstructs reality very much ideal-typically in the Weberian sense and consequently simplifies it. It pertains to the various interaction styles that religions employ.

According to our scheme religious interaction is determined by two dimensions: differences in sense of identity and differences in power. The first difference relates to the fact that a religion has a particularistic sense of identity and another religion has a universalistic sense of identity. Particularistic means that one is not actively

aware of other religions and if one is, one wants to limit their influence. Universalistic means active awareness of other religions and regarding them with an attitude of openness. The second difference relates to the degree to which one religion occupies a position of power and the other a position of weakness.

By combining these two dimensions one can construct a matrix with four cells characterised by four different interaction styles. If a religion has constructed a particularistic identity and occupies a position of considerable power, it will adopt a militant attitude towards the other religion (cell 1); if it perceives its identity from a universalistic perspective and occupies a position of power, it will adopt an open style (cell 2); if its identity is particularistic but it occupies a weak position, it will tend towards isolation (cell 3); and if it experiences its identity as universalistic but occupies a position of weakness, it will look for adaptation (cell 4).[3]

Figure 13.1. *Religious interaction styles*

| | | I d e n t i t y | |
		particularistic	universalistic
p o	strong	(1) *militant style* exclusivism inclusivism	(2) *open style* dialogue
w			
e r	weak	(3) *isolationist style* sectarianism	(4) *adaptive style* inculturation

This matrix helps us to understand some of the interaction styles between religions referred to in theology of religions, which will be dealt with in more detail below. In terms of this theology the first

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[3] Here we apply the matrix developed by Thurlings (1971, 185–187) to clarify the history of the Catholic Church and its interaction with Dutch society to the interaction between religions: we replace the two positions that he specifies on what he calls the perceived identity difference dimension, namely 'great' and 'small', with particularistic and universalistic identity, with the result that the label for the contents of the fourth cell, which he calls 'defeatism', is replaced by 'adaptation'.

cell refers to a militant style expressed in exclusivism and inclusivism. Their identity is particularistic vis-à-vis other religions and they occupy a position of power. They are found in fundamentalist, orthodox and conservative communities, which insist that they are the sole purveyors of truth and salvation. Inclusivism differs from exclusivism in that it acknowledges at least elements of truth and salvation in other religions. At the same time it does not view other religions from their perspectives but always from the perspective of their own religion, and thus seeks to incorporate the elements of truth in other religions into their own.

The second cell refers to an open style expressed in what theology of religions calls dialogue, which one encounters in liberal communities. This style stems from a universalistic rather than a particularistic orientation, with the result that they are tolerant and respectful towards other religions and, since they wield considerable power, they are ready to engage in dialogue.

Remarkably, theology of religions fails to describe the other two styles encountered in interreligious interaction, namely isolationism and adaptation. An isolationist attitude is typical of all minorities with a particularistic identity but little power, as in the case of sects.

An adaptive style is the product of a universalistic identity combined with lack of power, expressed in inculturation. We are aware that missiologists are not inclined to link adaptation and inculturation in this way, because historically inculturation is considered to represent a (relative) advance on adaptation, inasmuch as adaptation sticks to the surface whereas inculturation goes deeper than drums and clapping of hands and probes the depth of cultural symbols and archetypes (Wijsen 1993). If one disregards this historical missiological self-reflection, however, from an observer perspective one finds that the difference is less great, as both terms refer to a continuum, which relates to such diverse issues as absorbing older ritual calendars, integrating traditional dancing and ancestor veneration in liturgy, practising initiation rites and accepting polygamy in social-moral life. Compared with the other styles (militant, dialogic and isolationist) the similarity between adaptation and inculturation, from the point of view of the two dimensions of identity and power, is greater than the difference between them, just as, analogously, the similarity between exclusivism and inclusivism in this scheme is greater than the difference. Examples of adaptation and inculturation abound: Catholicism in India with its Hindu culture; Protestantism in Africa

with its indigenous cultures; and Christianity – transcending Catholicism and Protestantism – in Europe with its humanism and Enlightenment (cf. Jenkins 2002, 107–139).

Modern societies – comprising individuals and groups of diverse cultural origin, belonging to the larger whole of their original religions and civilisations – constitute, it is said, multicultural rather than monocultural systems. But the problem is even more complex: they are not just multicultural but multi-civilisation systems. In these systems, moreover, the countries of origin do not occupy an equal position, since each civilisation has a core country, around which other countries are grouped as 'kin countries' belonging to that civilisation. Thus Hindu civilisation has its core in India, Orthodox civilisation in Russia, Islamic civilisation in the holy sites of Mecca, Medina and Jerusalem, and Western civilisation in the two core areas: the United States and a Franco-German core in Europe, with Britain in between.[4] What Russia did in the former Yugoslavia during the Balkan war with the Orthodox Serbs, and Germany with the Catholic Croats, speaks volumes, whereas the Muslims in Bosnia received substantial help from 'civilisation-kin' in the form of money, weapons and supplies, referred to by the collective noun, 'kin-country syndrome'. In addition to kin countries there are the various migrant groups in diaspora in countries beyond the ambit of their respective civilisations. They identify even more strongly with the core country than the groups residing in that country: they are more Catholic than the pope.

As a result modern societies are not just arenas where different cultures interact but where different civilisations confront each other, which makes the problem far greater and more complex. The evidence is there: countries with several cultural and religious communities that belong to the same civilisation may have conflicts verging on provocation, as in Northern Ireland. But countries accommodating different civilisations become cleft countries, in which the various communities drift apart, as witness the Balkan war and all sorts of recurrent uprisings in Asia (India, Sri Lanka, Malaysia, Indonesia)

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[4] For Islamic civilisation we do not mention a core country but core sites, because there is no core state and in fact no Islamic national state at all. According to Huntington (2002, 174) this is because "Islam has had a hollow middle in its hierarchy of loyalties"; that is to say, the Islamic world does have intra-national tribal ties and transnational cultural and religious ties, but no national ties.

and Africa (Sudan, Nigeria, Tanzania, Kenya, Ethiopia/Eritrea). History shows that inter-civilisation contacts are almost never close, usually cool and often hostile, and when peace prevails it is at most 'cold peace'.[5]

Committing oneself to the interreligious dialogue and ignoring the militant, isolationist and adaptive interaction styles, as theology of religions does, is unwise to say the least. From the point of view of a peaceful society the militant style is not the only problem, for the isolationist style is not conducive either to healing ruptures and bridging gaps, focusing as it does on cultivating various forms of self-chosen apartheid in the economic, social and cultural spheres and, if at all possible, in the political or sub-political sphere as well. It is not uncommon for religious minorities with a strong particularistic sense of identity to do their utmost to build up their own economic networks, establish their own schools and social associations and develop their own cultural communities. The ambivalence inherent in the adaptive style should not be underestimated either, or the resultant double message: does one or does one not belong to the civilisation of one's country of residence, and if one does, how and to what extent? None of the four styles is designed to tackle the problems of a multi-civilisation society. For that something else is needed.

We have dismissed the advocacy of a universal theology of religion as illusory. But it is more than that. What is far more problematic is that it is a residue of a Western ideology, as is the notion of a universal civilisation, to which non-Western countries with their own civilisations, now that they are increasingly going their own way, respond with derisive laughter if not outright rejection. Civilisations like to use other civilisations so as to survive or enrich themselves, both spiritually, as Chinese civilisation adapted Buddhism to Chinese purposes and needs, and Muslim Arabs used Hellenistic notions and techniques in the Middle Ages without relinquishing their fundamental Koranic values and norms. In other words, we are dealing with a multi-civilisation and a multireligious society and the question

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[5] Of course, the 'clash of civilisations' is not confined to conflict *between* civilisations. Traces of it are also discernible *within* civilisations, a criticism of Huntington's analysis made by scholars like Ch. Pupchan (2003, 69–71). Here one has to be mindful of interrelationships, for friction *within* civilisations is partly a result of diverse reactions within one civilisation to the actions of another civilisation (as witness the divergent reactions in Islamic civilisation to (military) actions by (the chief) representative(s) of Western civilisation.

is not how to transform it into a universal civilisation and a universal religion, but how to handle this multireligious and multi-civilisation diversity. That is the crucial issue.

Religious and nonreligious world views There is a further complication. We have pointed out that the problem of interreligious interaction is often focused on or even confined to interreligious dialogue, within which one can make a distinction between interreligious dialogue between different parties and that within the individual, known as double belonging or multiple religious identity (Valkenberg 2004). But what is almost totally overlooked is that an important part of the world – and Europe, while not all that large, is certainly an important part – is undergoing a secularisation process that has no parallel in history. In several European countries unchurched people are a substantial minority (e.g. the Czech Republic, Hungaria, Russia, Ukraine), in others they are the majority (e.g. Estonia, Latvia, the Netherlands) (Draulans & Halman 2003, 382). And there is no question of any religious revival.[6] While it is said to be a specifically European phenomenon and hence is known as Eurosecularity (Berger et al. 1999; Woodhead et al. 2001), a similar process is under way in the United States, especially among academics and more particularly among liberal academics, even though this is glossed over by general national statistics that suggest a certain constancy. Yet if one examines the statistics closely, one finds that the mainline churches show a steady annual decline and many people are leaving them to join charismatic and fundamentalist congregations. A similar exodus is happening in South Africa, notably to independent churches, if the mainline churches are not becoming more charismatic themselves (cf. Verwij 1998).

It is not impossible that the same process is occurring or will occur among academics in developing countries, although here, especially

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[6] Here we disagree with scholars who broaden the concept of religion to include such existential issues like the search for the inner self, identity and integration, although secularised people do not accept being labelled religious in that way. Jonathan Smith (2000) has described the development from 'religion' to 'religions' to 'religious', the latter in the sense of Tillich's ultimate concern, in which regard he comments: "then it becomes difficult if not impossible to distinguish religion from any other ideological category. This would be the direction that Ninian Smart (1983) points to in suggesting that religion be understood as 'worldview', with the latter understood as a system 'of belief which, through symbols and actions, mobilize(s) the feelings and wills of human beings'" (p. 281).

among the lower classes and underclasses in Africa and Latin America, a shift is observable towards charismatic and pentecostal religosity (Jenkins 2002). According to Norbert Elias's findings in his configuration historical study, *Der Prozess der Zivilisation* (1982), developments – especially those entailing rationalisation and starting among the elite – usually filter down to the lower echelons of society over time. This is confirmed by people who have had critical and searching discussions with academics in such countries. It raises the question whether interreligious interaction should not be broadened to interaction between world-views. Those who feel that this would exceed the frame of reference of religiously affiliated civilisations should consider that Western civilisation is regarded by many, not only in non-Western countries but in the West itself, as a secularised civilisation. As far back as the the middle of the previous century many studies of Jews, Protestants and Catholics in the United States pointed out that their common denominator and their contribution to national unity are not at the level of 'transcendent religion' but at that of civil religion, traces of which are discernible in Europe as well.

Against this background it is understandable – which does not mean that it is legitimate – that church leaders are declaring Europe mission territory. The call is no longer for 'renewal' (*aggiornamento*) as it was at the time of Vatican II, but for 're-evangelisation', just like there are calls for 're-islamisation' elsewhere. One might ask whether this is aimed at restoring social bonds that have been dissolved by modernisation or at restoring religion. In the case of the 'revenge of God' (*la revanche de Dieu*) it probably involves both, but which is the dominant factor? The underlying reason is that modernity, at least in its own self-interpretation, can get by without God, as noted already in Grotius's approach to natural rights. It can also get by without a morality based on religion, as historical research into the relation between religion and morality among 'enlightened' citizens has demonstrated (Groethuysen 1927) and as is evident in current empirical research: religious decline does not entail moral decline; religion and morality are independent of each other (Draulans & Halman 2003, 396–397). Secularisation is a fact, just as desecularisation or un-secularisation are facts, albeit a reaction to the former.

Human rights

As noted already, we believe the whole complex of problems associated with multi-civilisation society should be viewed from an observer

perspective. This perspective ensures the tolerance necessary for inter-
religious interaction before any dialogue is feasible. As De Gruchy
has said repeatedly with reference to South Africa, what is needed
is "a society in which all people are truly equal and yet difference
is respected" (De Gruchy 1995, 7), and "what is needed is an ethos
of multicultural respect and tolerance in our divided country" (De
Gruchy 1994, 18–19). Of course, these values – one could call them
virtues – do not come from nowhere. For a large part they derive
from the religions; they may even form the religio-moral basis of
human rights; and they also nourish and enrich these rights, as was
apparent in chapters 4 and 5. But it needs no argument – every-
body knows – that in the course of their history the very religions
that advocate these values have trampled them underfoot time and
again and practised the opposite: intolerance instead of tolerance,
disrespect instead of respect, not to mention their many excesses.
History teaches us that "[t]he blood of thousands is at the doors of
churches, synagogues, and mosques . . . – that of dissidents, women,
children, and sojourners, most prominently" (Witte 1996, XX–XXI).

The proper framework for promoting respect and tolerance is a
constitutional state founded on human rights. The constitutional state
is an important form of political organisation, because it is grounded
in a constitution in the sense of the nation's compact with itself,
implying that the people – 'we, the people', as the opening words
of many constitutions state – has agreed to be bound by it. Consti-
tutionalism means that citizens are able to assess the legitimacy and
propriety of public policies. This in its turn means that government
is publicly accountable and its politics has to be transparent. It also
means that all laws that are promulgated must accord with the spirit
and the letter of the constitution and must not exceed the constitu-
tionally entrenched limits and procedures that are designed to pre-
vent arbitrary exercise or arrogation of power. The normative premise
on which the constitution is based is human dignity, a principle we
have dwelt on at length (chapter 6). Not only is it the basis of the
constitution, in a sense it also forms a connecting link with human
rights, of which it is the first and most important principle. That is
why constitutionalism is so important in South African history, for
the constitution of 1996 put an end to the doctrine of parliamen-
tary sovereignty. That doctrine in effect permitted parliament to grant
the apartheid government virtually dictatorial powers, which it duly
did. The foundation of the *Rechtsstaat* is not the doctrine of parlia-

mentary sovereignty, but constitutionalism based on the nation's compact with itself, as the beautiful expression goes (Devenish 1999, 14–17).

Human rights define the principles on which the constitutional state is based. When we postulate that the complex of multi-civilisation problems should be tackled in the framework of human rights, we are not thinking of an approach based on specific rights, such as civil rights belonging to the first generation, including freedom of conscience, religion, expression, the press and assembly. Neither do we mean specific minority rights, including cultural and religious minority rights, belonging to the third generation of collective rights, no matter how important these may be. We have in mind an approach premised on the fundamental principles of human rights: human dignity, freedom and equality, including the principle of non-discrimination.

Human dignity Human dignity is focal in the South African constitution, implying that the other two principles and all other human rights should be interpreted in terms of it (Chaskalson 2000). We have seen that this concept does not derive from the Christian tradition but from the Stoics, as do many other concepts, for instance in the Pauline corpus. In Stoicism it acquired a meaning that is relevant to our context: instead of signifying only the dignity associated with the political position a person occupies in public life, it indicates the intrinsic dignity peculiar to every human being. Kant, we have seen, defined it clearly with his distinction between the concepts of price and value: human beings have intrinsic value and cannot be sold at any price – "his dignity is above all price and admits of no equivalent" (Devenish 1999, 81). It is accompanied by this wise Kantian maxim: a human being may never be used purely as a means but always at the same as an end in itself. The reason is that human dignity is founded in the person's moral autonomy. If Pico della Mirandole had ever read Kant, he would probably have said that this makes it possible for people to see their lives as their own project, and Boethius that it made humans as project-creating beings aesthetically beautiful (chapter 6).

If human beings are autonomous in designing their own life projects – an autonomy they cannot be deprived of, since that is what makes them human and constitutes their human dignity – then the same applies to their religious life: that, too, may be seen as a project that they design autonomously. The person's own identity, own

values and own religious practices form the very core of this pro-
ject. In this view contempt of any religious belief or practice con-
tained in such a life project – be it of fundamentalist Christian,
Muslim, Hindu or traditional African origin – is anathema because
it violates the person's religious self-esteem, which, in terms of good
old Roman-Dutch law that still prevails in the South African legal
system, is a violation of human dignity. It is not just an inalienable
birth right but a non-derogable right, which cannot be suspended
even in an occasional state of emergency (Devenish 1999, 82–84).

Reflections on the subject that are raised as objections against the
concept of autonomy underlying human dignity actually cut no ice.
One such objection is that such autonomy merely entails 'freedom
from' and is not compatible with 'freedom to'. It is a strange objec-
tion, for autonomy is quite definitely a 'freedom to', namely to design
one's own life project so as to actualise one's human dignity. The
concept of autonomy is also said to be incompatible with 'freedom
in solidarity', as if autonomy was no more than solipsistic individu-
alism. This objection, too, needs to be refuted, since in Kant's phi-
losophy human beings are bound to practise virtue and, as we have
seen, to act *from* duty and not merely *according to* duty. In acting *from*
duty they realise their own moral perfection and, in their relation
with others, show regard for their happiness. One cannot turn this
around, as if I should concentrate on my own happiness and regard
my fellow humans as developing their moral perfection (Steingleder
2001, 117).

Another objection is that autonomy does not allow for the polar-
ity between activity and passivity that controls human life every
moment of the day, and that this concept permits only an activist
anthropology that conflicts with the contingency, vulnerability, fragility
and finitude of human life. Does this concept of autonomy really
not allow for the three forms of passivity that Ricoeur identified –
the passivity that my body imposes on me, the passivity inherent in
our mutual recognition of each other, and the passivity that pro-
vides the soil in which the seed of the voice of conscience lodges
(Ricoeur 1992a)? In our view autonomy and passivity are not nec-
essarily mutually exclusive, for why can people not handle these
forms of passivity autonomously? Why can they not accept the tran-
sience of physical life with dignity? Why can they not consort with
a beloved with dignity, when the supreme form of loving lies in
being loved? And why can they not be a sounding board for the

voice of conscience with dignity? Finally, why should their auton-
omy conflict with their creaturely relation to God, since autonomy
is in fact implicit in creation, as Georg Essen (2001) rightly puts it?
A truly searching analysis of the concept of autonomy, to which we
have contributed only a few elements, would help to counterbalance
the negative assessment that often marks theological discourse on the
subject with a more positive one (Van Knippenberg 2003). It could
contribute to an insight that should underlie every theology, also in
this area: God and human beings are not in competition (Schoonenberg
1969).

Freedom Freedom of religion is a much vaunted principle, but the
practice in which it should be realised often reflects the reverse. We
have seen that this principle has solid support in Christian tradition
insofar as it concerns freedom of the act of faith. Many patristic the-
ologians, starting with Augustine, insisted that faith should not be
forcibly imposed, a point that was constantly reiterated in the Christian
tradition: during the Roman period it was not to be enforced by
the sword, during the crusades by the lance, during the 'discovery'
of America by the musket, during the period of colonisation by the
cannon, during the Inquisition by the rack. But apart from being
free to accept the faith, were people also free to change their belief?
Were they equally free if they wanted to turn their back on religion
and live their lives as sceptics, agnostics or outright atheists? How
did religions react to that, especially the Christian religion?

   We have seen that there is a structural parallel in this regard
(demonstrating yet again the advantage of an observer perspective
for tracing structural similarities) between the official doctrine of the
Dutch Reformed Church in South Africa and the Catholic Church.
People are indeed free to embrace the faith, but that freedom ends
the moment they have done so. After that they have to obey the
body exercising doctrinal authority, be it the church council, classis,
synod or papal doctrinal authority. Those who do not submit have
all sorts of punishments dangling over their heads, from a repri-
mand, warning or public rebuke to suspension, defrocking, laicisa-
tion and excommunication. This contrasts shrilly with the principle
underlying the right to religious freedom. The focal premise here,
to quote the South African constitution, is the following: "Everyone
has the right to freedom of conscience, religion, thought, belief and
opinion."

In human rights thought such a clause is usually taken to mean
that one is free to join a religion, practise it, change one's religion
for another or give up religion altogether, as the Universal Declaration
of Human Rights of 1948 puts it (art. 18; cf. International Convention
of Civil and Political Rights of 1966; M. Evans, 1999, p. 9, notes
20 and 21); live life as a practising atheist (Evans 1999, 5); make
propaganda, either as a believer or as an atheist; and as church
members freely experience and express one's faith *within the church*,
which raises the issue of the intra-ecclesiastic aspect of religious free-
dom (Sebott 1977, 216ff.).

As for the right to change one's religion, it should be noted that –
at the insistence of Islamic states, who were fearful of missionary
activities by other religions – this right was watered down in subse-
quent international law declarations to the right to 'accept' a reli-
gion or world-view and to have a religion or world-view of one's
own choice, whereas the European Human Rights convention of
1950 explicitly recognises the freedom to change one's religion (Wuthe
2002, 102–111).

With regard to religious freedom *within* the church, one again
encounters views designed to limit this right. Thus it is often stated
in defence of the church – at least the Catholic Church, which does
not recognise this right – that it is a case of the 'right of truth' ver-
sus the 'right of the person' and that the latter is obviously subor-
dinate to the former (Kasper 1988). But if one is to avoid lapsing
into personifying abstractions, the right of truth is tantamount to the
right, hence the power, of a particular group to dictate to others
what the truth is; so the right of the person is set up in opposition
to the right of the group, here the church's doctrinal authority
(Böckenförde 1990, 23–24, 63–64, 110–111).

Equality The principle that human relations should be determined by
equality, implying equal treatment in equal cases, is as old as human
rights and democratic thought, which is rooted in Greek antiquity,
notably in Aristotle's philosophy. According to his *Nicomachian Ethics*
such equality, in the sense of equal treatment in equal cases and
unequal treatment in unequal cases, is the cornerstone of justice. Of
course, it is far from clear what the expression 'equal cases' means:
what is the criterion of equality? Which cases are to be compared
with which? Which and how many cases in terms of time and place?
At all events, equality is assigned a 'position of pre-eminence' in

human rights thought, also in the South African constitution.

The crux of the equality clause is a prohibition of direct and indirect discrimination on grounds of – as the South African constitution puts it – "race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth" (section 9(3)). This is not just a formal but a substantive equality, implying that people's context should be taken into account and on that basis affirmative action should be taken in regard to marginalised groups – a unique feature of the South African equality clause. It means that a distinction is made between fair discrimination and unfair discrimination, and that fair in the sense of 'benign' discrimination is permissible and may even be mandatory.

Of course, benign discrimination from the point of view of one group may be 'malign' from the point of view of another. That is why one has to take context into account, for instance the structural poverty of the underclasses as opposed to the structural wealth of the upper classes, necessitating statistical information and what is known as sociological jurisprudence. It should be noted that 'malign' discrimination may be direct or indirect, the latter being discrimination that is neither conscious not intended and may not even be discernible on the surface, for instance when something is taken for granted but still has a discriminatory impact and leads to discriminatory effects. Significantly, those who discriminate have what is known as the 'onus of proof': they have to show that they are not discriminating, instead of those who feel discriminated against having to prove their case. As the South African constitution puts it: "Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair" (section 9(5)). This is what makes the equality clause so important: it articulates the principle that all people have equal worth on the basis of their human dignity (Devenish 1999, 38).

In religious communities, where one would expect equality to be paramount, there are numerous examples of indirect discrimination in the sense of being neither conscious nor intended. What should one make of the exclusion from church celebrations of members who cohabit outside wedlock, divorcees who have remarried legally but without religious confirmation of the new union, practising homosexuals? What should one make of the exclusion from a religious funeral service of religious community members who, after mature

deliberation, conscientiously and honourably decided on euthanasia? What should one make of religious community members being excluded from leadership positions because they are female, married or frankly homsexual? If onus of proof entered into these cases at all, some religions may have real problems. For in some of these instances it is not just a matter of (permissible or impermissible) discrimination but also of the principle of human dignity as expressed in the right to privacy (Devenish 1999, 82). Allowance must be made for the fact that "any distinction, exclusion or preference in respect of a particular job based on the inherent requirements thereof shall not be deemed to be discrimination" (Devenish 1999, 51). The question is what 'inherent' means in this context, especially in view of the fact that these requirements have a variegated history that has not yet reached a conclusion.

At all events, many religious communities in many countries are scrutinising the exclusion criteria with growing suspicion. And since social views on these issues are manifestly changing, one would expect that in the near or distant future they will no longer be judicially tenable without further ado. The equality clause and the freedom clause are equally important. The one cannot exist without the other, since they jointly make an essential and fundamental contribution to human dignity (chapter 3).

The equality clause has implications not only for interaction *within* religions but also for dealings *between* religions. Let us take the Vatican document *Dominus Jesus*, a declaration of the Catholic Congregation for the Doctrine of the Faith (Vatican 2000), which reveals an attitude that contrasts shrilly with the principle of equality (cf. Van Wijnbergen 2001). The document may be characterised as predominantly influenced by exclusivist thought, even though some inclusive features are discernible. This means that the accent is on God's unique, exclusive, universal, complete, absolute revelation in Jesus Christ, which precludes any approach that regards this revelation as limited, incomplete, imperfect or even complementary to revelation in other religions (nos. 6 and 15). This is extreme exclusivism. Some regard it as a reversal of the Vatican's interreligious policy, since they believed that exclusivism was no longer the church's official position (cf. Küng 1987, 278–281). On the other hand the same document avers: "Therefore, the sacred books of other religions, which in actual fact direct and nourish the existence of their followers, receive from the mystery of Christ the elements of goodness

and grace which they contain" (no. 8), which amounts to undiluted inclusivism. From this one concludes that the Vatican propounds both exclusivism and inclusivism, and that in its opinion the two are not that far apart and overlap to a considerable extent, or may even emanate from one and the same mind-set. This mind-set is characterised not only by a positive striving for (preserving) 'truth' but by a negative reaction to fear of syncretism that could result from mutual rapprochement between religions (Jenkins 2002, 197). Hence the document may (also) be regarded as anti-syncretistic.

In this respect the directives for interreligious dialogue are interesting. The Declaration specifies that it should be conducted in a perspective of both freedom and equality (no. 22). With regard to freedom it cites the declaration on religious freedom of 1965, to which we referred earlier: this freedom must be respected, the document states succinctly (see chapter 5). Equality, however, is qualified more precisely: "Equality, which is a presupposition of inter-religious dialogue, refers to the equal personal dignity of the parties in dialogue, not to doctrinal content, nor even less to the position of Jesus Christ – who is God himself made man – in relation to the founders of the other religions." The focus on personal dignity, and especially 'equal personal dignity', should be seen as positive from a human rights perspective. But one observes that 'equal personal dignity' is disjoined from the beliefs people cherish and the practices embodying these beliefs, since the document specifies (Vatican documents need to be studied very closely) 'equal *personal* dignity'. This means that human dignity should be respected inasmuch as the persons of representatives of other religions are concerned but not when it comes to their beliefs and ideas: 'not to doctrinal content'.

The same sentence shows what is actually the crunch: the position of Jesus Christ. That must be left alone, for it derives from God himself: 'who is God himself made man', as the text puts it in the incarnational mode of a 'christology from above' (see chapter 10). Indeed, where interreligious dialogue digs in its heels is on the issue of christology, at least when applied in this incarnational mode. The next phrase merits close attention from the angle of the principle of equality: 'the position of Jesus Christ . . . in relation to the founders of the other religions'. It does not say, 'the position of Jesus Christ . . . in relation to the *other* founders of the other religions'. That would relate his position to that of the *other* founders, thus downgrading it. No, it says, 'in relation to the founders of the other religions'. In itself

one could see it as a postulate of modern exegetical research, in
which it is a very real issue whether Jesus in fact founded the church
and whether he himself, being a Jew, was a Christian; also whether,
in view of this, he could be considered the founder of Christianity.
But that is certainly not the intention of the text, judging by the
passage we have quoted: 'who is God himself made man'. It implies
that in some unique, absolute way Jesus is above the founders of
other religions. He is not just above them; he is of a qualitatively
and absolutely different order.

What does that mean in terms of communication, more especially
religious communication, and in terms of anthropology? From a com-
munication point of view the substantive and attitudinal aspects are
separated. The purport seems to be that an attitude exuding appre-
ciation of the personal equality of representatives of other religions
is acceptable, even required. But a method that accords equal com-
parative rationality to the texts of Christianity and other religions is
not acceptable. Divorcing attitude and substance is the death of com-
munication, as anyone who has done an elementary course in com-
munication science knows (Watzlawick 1991).

From an anthropological angle the text divorces respect for other
people's human dignity from respect for the beliefs and ritual prac-
tices they identify with, which is all the more drastic when it affects
religious beliefs and practices that touch on the very meaning of
human existence. This conflicts with the anthropological insight that
the core of personal identity and, concomitantly, of personal dignity
is realised in existential beliefs and ritual practices, and cannot exist
outside these: it is not only expressed in such beliefs and practices,
but is realised in them. The Vatican document totally ignores this
anthropological dialectic (cf. Ricoeur 1992a; 1995b).

In other words, anyone who proceeds on the principle of personal
dignity cannot conduct dialogue with other religions based on an
attitude of exclusivism or inclusivism, which this document prescribes:
it requires something which is communicatively and anthropologi-
cally impossible and illegitimate. Put differently, it is impossible and
illegitimate to conduct such dialogue without an attitude of mutual
hospitality, in which one is prepared to be informed and transformed
by one's guest – and this entails not just ethical hospitality but also
dogmatic and really engaged ritual hospitality. Speaking from his
Jewish background, Derrida (2002, 362) observes: "[T]his is indeed
really about the Messiah as *hôte*, about the messianic as hospitality."

Interreligious dialogue

We have now described the complexity of multi-civilisation problems in the interaction between the diverse cultures and religions in modern society from an observer perspective and indicated that the constitutional state and human rights provide an appropriate framework for the human dignity, freedom and equality which they should accord each other. The aim is to prevent religious apartheid and cold peace between religions – stemming from civilisations of hundreds, sometimes thousands of years ago – from deteriorating into cold war, conflict and strife. That does not rule out interreligious dialogue, as we pointed out, but it has to be situated in a framework of constitutionalism and human rights. Neither should one expect too much from it, for it cannot be assumed that ageold civilisations, each encompassing many nations and peoples, will put their beliefs, values and norms at stake in transforming dialogue just like that.

No, not just like that. But to regard interreligious dialogue, including its transforming orientation, as totally impossible would be going to the other extreme. Because we definitely see a modest but essential place reserved for interreligious dialogue, we shall now examine it more closely. To draw its outlines as clearly as possible we locate it in the debate on Race's trichotomy of exclusivism, inclusivism and pluralism, from which it emerged, at least in a reconstructive sense. One could say that it arose as a solution to the dilemma posed by exclusivism and inclusivism on the one hand and pluralism on the other. We shall explain this more fully to demonstrate that the dilemma is incorrectly stated: it is a false dilemma.

Interreligious dialogue models Theology of religions has produced all kinds of classifications in the sphere of interreligious orientations – by 1970 there were already 27, with no apparent or emerging consensus (Bosch 1991, 478). We mention three that keep cropping up, of which Race's 'eternal' trichotomy is the most commonly cited.

The first classification proceeds from a denominational or confessional perspective (Knitter 1985; 1988; 1995; 1996). Here conservative, evangelical churches adopt the most outspoken particularist stance: "Christianity is the only true religion." The mainline Protestant churches take a broader view, albeit also inspired by particularism: "Other religions contain revelation, but no salvation." The Catholic

Church goes too far on the one hand, and on the other not far enough: "Other religions may contain elements of divine revelation but not revelation in its fullness, even though they can find salvation in their way by adhering to these elements." The theocentric position that transcends the particularistic approaches of these evangelical, mainline Protestant and Catholic churches simply posits: "There are many ways to the one divine centre." In this regard they distinguish between the diversity of human beliefs and symbolisations of God on the one hand and the transcendent nature of God, the Godhead or Reality on the other. The main thing is faith and trust in, and surrender to, this ultimate reality; the symbolisations are (mere) vehicles for that (Hick 1985; 1989).

The second classification has a christological perspective, in which the hand of H.R. Niebuhr is readily recognisable. He studied relations between Christianity and culture rather than those between Christianity and other religions, which this classification applies to interreligious interaction (Knitter 1995). The first two approaches are marked by particularism. The first, that of 'Christ against the religions', postulates: "Christ is the negation of the value and meaning of other religions." The second is that of 'Christ within the religions', the key tenet being: "Christ is the universal saving presence in the other religions." The third approach, that of 'Christ above religions', transcends narrow particularism without being able to abandon it altogether: "Christ is not the cause but the fullest embodiment of salvation." Finally there is an approach labelled 'Christ together with religions', which adopts a pluralist perspective and interacts with other religions on a more or less equal footing: "Christ is one of the many possible saving figures and manifestations of truth."

However, the most commonly used classification, which has attracted most criticism and which we shall in our turn scrutinise critically, is that of Race (1983). It comprehends three models: exclusivism, inclusivism and pluralism. It is said to be characterised by rigidity and simplicity – which, of course, applies to all ideal-typical models in the Weberian sense – but also that, "if we recognize the limitations of all models, if we are always open to modifying and expanding our models, it seems to me that these three classifications represent in broad lines the differing presuppositions and approaches within recent Christian efforts to make sense of the many religions. Such models are limited, possibly dangerous, but also useful" (Knitter 1995, 25–26). To this may be added that Race's threefold distinction "has

become commonplace in the theology of religions due to the influence of the seminal work by Race" (Kritzinger 1997, 48; cf. Netland 1986; McGrath 1994, 459–464).

The essence of the exclusivist model is that revelation in Christ is the sole criterion according to which the relationship between Christianity and the other religions can be understood and evaluated, and that salvation is possible only through Jesus Christ (cf. Acts 4:12; John 14:6; also Race 1983:10–11). According to Race this model is the most clear-cut, because it involves no complicated theory of religious experience; it appeals to "what for many is a self-evident biblical witness"; it is logical; and it corresponds most closely to the orthodox Christian view through the centuries. The inspiration for this model goes back to the 6th century, when Fulgentius of Ruspe asserted that everyone who dies outside the church is damned. This position was officially endorsed at the Fourth Lateran Council (1215), which explicitly stated that there is no salvation outside the church (*extra ecclesiam nulla salus*). Fulgentius's position was revived at the Council of Florence in 1442 – all this before the Reformation. Hence it is presumptuous to claim, as some Protestant theologians do, that the exclusivist model derives chiefly from the Protestant theologians Barth, Brunner and Kraemer, with Barth representing the most extreme form of exclusivist theory. In fact, naked exclusivism is also encountered in Catholic circles today, for instance in Aur and Ratzinger (1983). Apart from various theological objections levelled at this model from a non-exclusivist viewpoint, the principal other criticism is that it ignores all kinds of epistemological problems. This always happens when one is dealing with positivism, even if it is revelation positivism: it simply passes over the historicity of revelation, Bible and tradition and all the historical research involved.

The inclusivist model, rooted in early Christian tradition, implies both acceptance and rejection of other religions, a dialectical 'yes' and 'no'. Although it accepts that God's grace is also operative in other religions, it upholds the uniqueness of Christ and the superiority of Christianity. In this view the Christian religion is regarded as the 'seed' that is broadcast in other religions. Two equally binding convictions are kept in balance: God's universal salvific will, and the uniqueness of the revelation in Jesus Christ (Race 1983, 54).

Although different strands of the inclusivist approach can be identified, it is usually associated with Karl Rahner's theory of anonymous

Christianity. According to this theory the other religions – indeed, nonreligious world-views as well – do contain faith in God, as exemplified and preached by Jesus the Christ in his person, words and deeds, albeit implicitly, unconsciously and unwittingly, hence 'anonymously'. Those who practise love and justice towards others implicitly love God and anonymously honour him (Rahner 1965, 277–298).[7]

Rahner's position becomes clear when one realises that he wants to innovate traditional mission theology by switching from a purely ecclesiocentric to a christological approach. Yet Rahner does not see it as a wholly cognitive issue, as if the relationship between Christianity and the other religions simply entails explicating what has hitherto remained implicit, for that would not do justice to the aforementioned balance between the universality of God's will and the uniqueness of Jesus. To the epistemological notion of the relation between implicit and explicit (God's universal will) he adds the substantial notion that explication entails both augmentation and completion (revelation in Jesus Christ). Seen thus, one could say that Rahner never abandoned the idea of Christianity, neither as the universal religion, nor as the absolute religion accessible only through Christ (Bosch 1991, 481). It is remarkable that Dupuis (1997) was under suspicion from the Vatican, even though his work was characterised by the ideas of Rahner and other inclusivists. Clearly the borderline between this model and the next one, that of pluralism, is not always plain at first glance, at any rate not to literalists. The criticism levelled at Rahner's model is mainly on account of his term 'anonymous Christianity'. On the one hand it incorporates all sorts of religions, groups and individuals who are not remotely affiliated to Christianity, let alone identify with it; on the other it camouflages the ultimate aim of inclusivism: the recapitulation of the religions and the whole of (religious and nonreligious) humankind in Christian terms – their restoration (*re*-capitulation) under Christ, their head (re-*capitulation*).

In contrast to the exclusivist and inclusivist models, both of which can claim 'ample pedigree in the Christian tradition' (Race 1983, 70), the pluralist model belongs to the modern period. There is probably only one early instance of pluralism worth mentioning, namely

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[7] See Rahner in his *Schriften zur Theologie* V, 11–32; VI, 545–554; VIII, 187–212, 329–354; IX, 498–515; X, 531–546.

Nicholas of Cusa's *De pace fidei* published in the mid-15th century. The pluralist model stresses that God is partially present in all faiths, including Christianity. It displays a significant overlap with models encountered earlier in the denominational classification (the theo-centric model) and the christological classification (the 'Christ together with the religions model'). In the theocentric model God, the ulti-mate Reality, transcends the beliefs and symbolisations of the vari-ous religions; in the 'Christ together with the religions model' the God revealed by Christ is one divine manifestation alongside oth-ers. In Hick's work the distinction between the phenomenal world and the noumenal ground of reality – that is, Reality – is focal: "None of the concrete descriptions that apply within the realm of human experience can apply literally to the inexplicable ground of that realm. For whereas the phenomenal world is structured by our own conceptual frameworks, its noumenal ground is not. We can-not even speak of this as a thing or an entity. . . . However, we can make certain purely formal statements about the postulated Real in itself" (Hick 1989, 246). Here Hick refers to Anselm's famous state-ment about God, beyond whom nothing greater is conceivable. Hick's goal and hope are clearly expressed in the following quotation: "The religious life of humanity will no doubt continue to be lived within the existing traditions, though with less and less emphasis upon heir mutually exclusive claims" (Hick 1989, 379).

We shall not deal systematically with the first two models – they have cropped up throughout and we shall return to them – but only with the third model: pluralism. As noted already, it attracted a flood of criticism. There is no point dealing with this in detail – one can read it anywhere. Let us merely sum up the gist of it. A cardinal objection is the cultural and religious relativism allegedly evinced by the model: Christianity and the other religions are all just vehicles of knowledge about, and devotion to, God, contextually confined as they are both temporally and spatially. The cultural relativism evi-dent in this view inevitably leads to religious relativism, which is incompatible with Christianity's claims, not merely to universality but also to uniqueness and absoluteness. Christianity not only has a universal message for all peoples in all ages; that message also con-tains the unique truth, transmitted to us only through the unique, divine person of Jesus the Christ; this truth is also absolute, not to be experienced by any other religion. That, in a nutshell, is the cri-tique of pluralism in the Vatican document *Dominus Jesus* of 2000.

Of course there are some major problem areas. Thus we would question what kind of universality is at issue here – in this book we have described various kinds, such as dialogical universalism (chapter 4) and complex universalism (chapter 6). A second question is what the uniqueness of Christianity means, considering how much of Jesus' message derives from Jewish tradition and the debates within Judaism, in which Jesus – according to the early synoptic texts – intervened, both consciously and unconsciously; and if we consider, moreover, that the way he related to God, his Abba, was in no way unique but derived from Jewish pietism, right up to the use of the name 'Abba'. Finally, the absoluteness of Christianity is not self-evident, in the sense of unproblematic, considering how greatly it was influenced, via Judaism, by the ancient Egyptian and Babylonian civilisations and by Hellenism (see chapters 4–6).

The pluralist model from an observer perspective But this is not the kind of debate we want to pursue here. In our view the real problem lies elsewhere. In the literature the three models are usually put on a par, and the pluralist model is then singled out, consciously or unconsciously, for criticism in terms of the exclusivist and inclusivist models. We believe that a very different approach is possible if one abandons the notion that the three models are on a par.

To this end we reintroduce the distinction made earlier in this chapter between the participant and observer perspectives. We recall that the exclusivist and inclusivist models are approaches from a Christian participant perspective. This means that those who identify with Christianity view their tradition from their insider perspective, and then examine and evaluate other religions from that same perspective. Pluralism proceeds differently. It examines all religions, including the one that the person identifies with (e.g. Christianity), from an observer perspective. One adopts the position of an outsider, also towards Christianity, and describes how individuals and groups in the various religions are inspired by divine manifestation with a veridical force that stimulates them to follow the way of (active and/or passive) salvation, individually and/or collectively, spiritually and/or materially (Ryba 2000). One can also note the similarities and differences – structural, cultural and functional – that we discussed above. That is what distinguishes pluralism from the other two models: one distances oneself and takes a sort of helicopter view of the diverse ways followed by people in different religions in their

search for truth, oneness and wholeness. In this they appear to be inspired by myths and rituals, which function as cognitive, affective and enacted models *of* reality, and to be motivated by these myths and rituals as models *for* reality to attain reconciliation and peace in their own microcosm and macrocosm (Geertz 1969).

In other words, whereas pluralism is criticised from a participant perspective, particularly that of exclusivism and inclusivism, because of its emphasis on cultural and religious contextualism and relativism, from an observer perspective it can be viewed in a wholly positive way. It ensures tolerance, respect and comprehension, especially if applied in a framework of constitutionalism and human rights. It does not achieve the same depth of comprehension that can be reached with a participant perspective – although that, too, is limited, as noted already; but it puts religious particularities in a broader classificatory framework, thus revealing aspects that remain hidden from a myopic insider view.

An observer perspective also affords a special slant on exclusivism and inclusivism. However one evaluates these models from a participant perspective, from an outsider position Spinoza's judgment (although couched in different terms) in his *Ethics* and *Tractatus Theologico-Politicus*, if somewhat audacious, is interesting and worth thinking about. According to him both models can be seen as forms of militancy and may be understood, first, in terms of the narcissistic self-election of the person and the group; then of the self-election of the person and the group above other people and groups; and finally of the person's and the group's election by God. The latter leads to complete rejection of other people's and groups' religions (exclusivism) or to their incorporation (inclusivism). To Spinoza that is the line separating religion from superstition, which in a sense is self-sufficient and not marked by this kind of militancy (Juffermans 2003, 67–158, 452–455).

Our postulate is that the interreligious dialogue model emerged as a solution to a dilemma that strikes us as a false dilemma. The dilemma is that theologians feel bound to reject exclusivism and inclusivism for being overly particularistic, and to reject pluralism for being overly relativistic. To get rid of the dilemma, according to to our reconstruction, they then create a new model and append it to Race's trichotomy: the dialogue model, but without adequate conceptual analysis of this term – a point we shall return to below.

But there *is* no dilemma: what is taken for one is a false dilemma.

After all, there can be no dilemma if we relate statements made from a participant perspective, such as that of exclusivism and inclusivism, to statements made from an observer perspective, such as that of pluralism. We are not saying that the statements could not pose problems for each other – they certainly, almost invariably, do – but not a dilemma. That only arises when the two kinds of statements are put on a par. And in the case of statements made from two such different perspectives it does not arise.

The interreligious dialogue: two pairs of perspectives

Even if there is no dilemma between exclusivism and inclusivism on the one hand and pluralism on the other, it remains questionable how one can relate the dialogic model to the participant perspective and the observer perspective. We now will reflect on this question, because we have argued that the dialogue model could play a modest but essential role in the broad framework of the complex of multi-civilisation problems in society.

What does the dialogue model entail? A key premise is that it is only through dialogue that one comes to realise the identity, riches and depth, as well as the imperfections, uncritical assumptions and fallibility of one's own religion, in our case the Christian religion. The same applies to the other religions. One could see it as an outcome of the Hegelian principle of mutual recognition, including its dialectics of identity and difference: only in dialogue with the other (here another religion) does one come to realise the difference between one's own religion and the other religion, and in this way one realises the identity of one's own religion (chapter 1).

But mutual recognition is not the whole story, for interreligious dialogue is also aimed at transformation. The dialogue partners are not meant to emerge from the process exactly the same as when they embarked on it. The aim is that, by engaging in candid, honest dialogue with one another, in which they come up against imperfections and aberrations in their own religious traditions and communities, they will open themselves to purification, correction and change. Thus, by responding more fully to the essence of their own religion, they will – in a dialectical way – be able to contribute to reconciliation between religions and thus to social unity and peace.

However alluring the prospect, complying with the conditions of

the dialogue model is by no means easy, as is evident in the literature. This probably relates to the distinction made earlier between two paired contrasts, to which we must now return: the contrast of participant versus observer perspective, and that of self- versus other-perspective. We have mentioned that both pairs entail epistemological angles, they merely differ in regard to their regulatory principles. The observer versus participant perspective is regulated socio-spatially in terms of distance and proximity (distancing and belonging), whereas the self- versus other-perspective has an interpersonal regulatory principle. But both self-perspective and other-perspective are participant perspectives and are aimed at mutual participation. It is essential to distinguish between the two sets of contrasts lest one ends up in conceptual confusion, as often happens in the literature. A further point is that, while the self- versus other-perspective is more important for interreligious dialogue, a lesser but nonetheless essential role is reserved for the other pair, participant versus observer perspective. We shall not confine ourselves to these general comments but will explicate them with reference to three conditions for interreligious dialogue: information exchange, perspective exchange and perspective coordination (cf. Van der Ven 2002).

Information exchange This condition can hardly be overemphasised, because a lot of prejudice, suspicion, fear and anxiety stem from lack of information (Dupré 2003). Information refers not only to cognitive but also to other aspects of religion, such as experiential, affective, ritual and communal aspects. Ecclesiastic documents, for example the Vatican document *Dialogue and Proclamation* (1991, nos. 40, 55), confirm this need for information, stressing that the parties should witness to one another about the meaning of their religion. The problem with these documents is that interreligious dialogue mostly stops short at witnessing. Hence information exchange is restricted to mutual witnessing and does not lead on to the two other conditions we mentioned, perspective exchange and perspective coordination. As a result the dialogue is truncated, deficient.

To this we would add that information exchange that consists mainly of mutual witnessing, plus supplementary information to put such testimony in a proper context, occurs from two participant perspectives: those of the self and the other. After all, the two parties are informing each other, each from its own religious tradition, about

the beliefs, values, norms, rituals and customs they hold dear and what these mean to them. Put differently: it is is not a case of communicating religio-scientific, but theological insights.[8]

Perspective exchange Why does the dialogue mostly stop short at mutual information exchange? And why is this unfortunate? The answer to the first question is that perspective exchange appears to be very difficult for most, if not all, religions (or for most, if not all, of their representatives), although the ability to do so goes back to early childhood, as we saw with the distinction between play and game that children are capable of making (chapter 1). But because of religious ethnocentrism or religio-centrism, including sharply defined ingroup/outgroup thinking, religions are – to say the least – hesitant to embark on perspective exchange. Secondly, why is this unfortunate? As people spontaneously look for similarities and differences in their information exchange, similarities are met with satisfaction, but differences evoke surprise, amazement, bewilderment, even irritation. The only way out is perspective exchange, which means switching from a self- to an other-perspective.

What does that mean? Perspective exchange implies exchanging one's own perspective for the partner's, and vice versa. It requires changing places, projecting oneself into the partner's position, putting oneself in his shoes, moving into his musical chair, and from that vantage point trying to understand what the person is saying, the way it is said, and for what explicit reason it is said. One also tries to understand that she stops speaking, the way she stops, and for what explicit reasons she stops – which may be different things. In addition one tries to fathom the presuppositions underlying the partners' speech or silence (chapter 1).

Perspective exchange is lacking, we said, in ecclesiastic documents. It is also not found in theological publications, not only those based on Christian exclusivism but also works that defend Christian inclu-

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[8] This statement, which assumes a difference between theology and religious studies, could lead to misunderstanding. To our mind religious studies are not based exclusively on an observer perspective but entails alternation between a participant and an observer perspective; the same applies to theology. We believe that the difference between theology and religious studies lies not in the alternation between these two perspectives but in their respective aims.

sivism. Inclusivism interprets other religions from a Christian perspective only, whether in terms of the Christian God, Jesus (the eschatological prophet, Jesus incarnate or the kenotic Jesus), the breeze of the Spirit, the fullness of the trinity, or the all-encompassing kingdom of God (Rahner 1978; Dupuis 1997; Greshake 1997, 499–522; Valkenberg 2000; 2001; 2003). All these themes encapsulate the other religions from a – Christian – perspective that is alien or strange to them. This is to demand, wrongfully, "that they can and should shed the narratives and practices they take to be necessary to their lives" (Asad 2003, 75).

Remarkably, when perspective exchange is mentioned in theological publications, it is usually misconstrued. Theological authors do not understand the term in the sense that it has in socio-scientific literature from the 1930s onwards in the tradition of G.H. Mead (chapter 1), but fantisise about it in terms of their own ideas. We cite only two fundamental misconstructions taken from a descriptive section in a recent publication by Valkenberg (2003). Some authors think that if one looks at one's partner's religion and tries to understand it from one's own perspective without *also* viewing it from the other person's perspective, one has already made some sort of perspective exchange. This is clearly nonsense, because it fulfils only the first – and least difficult – condition of interreligious dialogue. It is a perfect example of religious inclusivism. Other authors make a different mistake. They think that perspective exchange entails a kind of conversion to the partner's religion. This is equally wrong. Perspective exchange does not mean converting to the partner's religion but *taking* the partner's perspective, not in order to agree with her but to understand her in terms of her viewpoint and presuppositions. The partner does the same, taking our perspective, again not in order to convert to our religion but to understand it.

Note that the perspective exchange required again involves a self- and an other-perspective, both of which are participant perspectives. After all, both partners procceed from their own participant perspective and try to adopt the other's participant perspective, hence their aim is mutual participation. One could put it more formally. Partner A proceeds from his perspective and from that perspective furnishes information – both cognitive and affective – about the beliefs and ideas current in his religion (A/A). Partner B does the same from her perspective (B/B). Partner A then switches perspectives

and tries to fathom B's beliefs from her participant perspective (AB). Partner B does the same, reversing the roles (BA).[9]

Perspective coordination However complicated perspective exchange may be in itself, there is a third condition for interreligious dialogue: perspective coordination. Let us first say what perspective coordination is not. It is not a fusion of horizons, as Gadamer would have it, because that entails a risk of ending up by confusing the differences (Gadamer 1960). What is needed is differentiated perspective coordination. Like cultural differences, religious differences should be analysed into different parts and elements. These are then treated as selected differences of belief and practice, which need not be accepted and agreed upon blindly but which should be discussed and evaluated from the perspective of the good and the just and from that of authenticity and truth (cf. Griffioen & Tennekes 2001, 39–40; Blum 1998, 73–99). Who would be ready to accept the totality of beliefs and practices in one's partner religion when one cannot even do so for one's own religion, troubled as one may be by certain more or less crucial elements of it?

How does one conduct such discussions and evaluations of selected differences in perspective coordination? We believe that the figure of an imaginary judge offers a solution, thus applying to interreligious dialogue an insight developed by Ricoeur in the field of historical research (2000a, 413–436). Put in a nutshell: to avoid partiality in such dialogue one requires an imaginary judge, who functions in the dialogue partners' minds as a kind of regulatory principle of impartiality (cf. Lohmann 2001). He guides – in the partners' imagination – the discussion and evaluation of the aforementioned selected differences.

What does a judge do? Let us subdivide the process of judgment, somewhat artificially, into three stages. First, the judge takes the parties seriously, treats them as equals and assumes their authenticity and sincerity. He hears the parties out as fully as possible and takes note of the information provided by their witnesses and expert witnesses. In addition the judge takes into account the specific situa-

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[9] Actually full participant perspective exchange requires a further step from both partners, namely that A examines his religion from B's perspective (ABA) and B does the same by looking at her religion from A's perspective (BAB). Clearly this involves two participant perspectives aimed at mutual participation.

tions of the two parties, especially factors that determine their singularity, uniqueness and precariousness. Second, before passing judgment he weighs the arguments for and against the claims pressed by the parties, and tries to determine the pros and cons, effects and side effects of these. Finally he pronounces a judgment, advancing a concise argument for it. In so doing he is aware that this is merely what Ricoeur would call an 'attestatory judgment', that is to say a judgment that is fragile, albeit carefully considered, based not on mathematical proof but on rational insight, and not on logical decision but on prudential decision; a judgment not intended to stand for all eternity, but based on current data and insight which may come up for review if new information or insight is ever presented (Ricoeur 1991, 176–195; 1995, 185–192; 2000a, 413–436; cf. Searle 2001, 61–96).

Again we need to comment on the kind of perspective exchange, or rather perspective exchanges (sic) that are at issue. Perspective coordination is more complicated than either information exchange or perspective exchange. What does a judge do when we view her actions from the angle of the two sets of paired contrasts we have identified: that of the participant self- and other-perspective, and that of the participant and observer perspective? In the first stage the judge performs a participant perspective exchange, trying to transpose herself to the perspectives of both parties in turn. She establishes their situations and contexts, what their beliefs and practices are, what reasons they advance for these, what consequences they link with them, et cetera. In this way she seeks to transpose herself to the 'world' of each party, that is to say, she adopts their participant perspectives. But at some point she has to distance herself. That is the second stage, when she looks as an outsider at the beliefs and practices, the reasons for them and their consequences. In other words, she adopts an observer perspective. Finally, in the third stage she has to deliberate in order to arrive at at what Ricoeur calls an 'attestatory judgment' or a 'wise judgment in situation'. This deliberation entails a dual exchange of perspectives: first an exchange of the participant perspectives of both parties to which she keeps transposing herself, and secondly, an exchange of participant and observer perspectives.

The latter is important, for however hard judges try to stand in the shoes of both parties – which they have to keep doing to the very last minute – ultimately they have to take a position above the

parties, for they in fact occupy the position of a 'third party'. This is analogous to what is known as the accusatorial principle that was probably already current in Roman law, but has certainly functioned in canon law since Gregory I. It requires that the two parties, accuser and accused, be tried on an equal footing by a third party, carefully distanced from both and above them (Geringer 1999, 673). Thus the process of judgment entails, in the first stage, a participant self- and other-perspective, in the second an observer perspective, and in the third a dual perspective exchange – one between the participant self- and other-perspectives and one between the participant and observer perspectives. This vividly illustrates the importance of maintaining a distinction between the two sets of paired contrasts. As noted already, the observer and participant perspectives fall in the socio-spatial category of distance and proximity, while the two participant perspectives, self- and other-perspective, fall under interpersonal dialogue aimed at interpersonal participation.

The question is, what criteria does the judge apply in reaching his verdict? We believe there are two: a theoretical and a practical criterion. Both these criteria are fraught with problems, but we confine ourselves to just one of these. The theoretical criterion has to do with the striving for truth, where one must distinguish between truth claims and regimes of truth (Lincoln 1996). Religions quite rightly present truth claims, but any claim to possessing the truth, which is typical of exclusivism and inclusivism, is an obstruction to interreligious dialogue, if not to truth itself. Hence we cannot see how one *can* (want to) achieve interreligious dialogue from an exclusivist of inclusivist position. *Striving* for truth in dialogue of any kind is difficult enough in itself. We cite some examples of the problems arising in religious dialogue: dissent between conservatives and progressives *within* Christian denominations on the authority and interpretation of the Bible; interminable debates on 'justification by faith' *between* Christian denominations; attempts at dialogue between the Abrahamic religions on such themes as the Messiah or the prophet; experiments in dialogue with Eastern religions on monotheism and polytheism in Hinduism or Nothingness in (official) Buddhism.

Even though such examples can easily lead to despair, the striving for truth cannot and may not be abandoned, especially when one realises that in this area we are merely 'on the way to the path of truth'. What kind of truth is at issue? Or rather, which aspects of truth – correspondence, coherence and/or practical truth? In the

case of correspondence truth we follow Davidson (1985), who stresses that in the search for truth we have no direct access to the reality 'behind' the various versions of reality that we human beings entertain, but that we can proceed on the principle of epistemological charity, assuming a fair amount of overlap between these versions. Coherence truth strikes us as equally important, since incoherence may be taken to signify epistemic confusion or even chaos, which conflicts with the order and unity that one ultimately expects the truth to possess. As for practical truth, it has time-honoured credentials dating back at least to high scholasticism and was advocated at the beginning of the 20th century by the pragmatic philosopher William James and, in the latter part of that century, by the equally pragmatic philosopher Jurgen Habermas. They concur on the notion that the truth of diverse claims is proven in everyday practical life (James 1975; 1978; Habermas 1999a). Besides, coherence and practical truth may be regarded as two aspects of one and the same conception of truth, namely semantic and pragmatic coherence truth (Habermas 1993a, 272–291).

That brings us to our second criterion: the practical one. In the context of this book we cannot but interpret it in terms of justice, as articulated in human rights, particularly in the principles of human dignity, freedom and equality. Here the instances of religious discrimination that we cited above, including religious legitimation of such discrimination, serve as counter examples. But here too there are plenty of pitfalls. For the perennial question in both Western and, more especially, non-Western countries is, as was noted in earlier chapters, whether these human rights are really as collective and universal as they are professed to be or whether they are in fact characterised by Western individualism (as opposed to collectivism) and particularism (as opposed to universalism). Be that as it may, these days most countries' constitutions contain a set of human rights, so that they can certainly serve as a criterion for interreligious dialogue, albeit with due reflection on their interpretation. In so doing human rights play a role both in the search for truth (pragmatic truth concept) and in the striving for justice.

By way of summary: in this section we argued that interreligious dialogue can only play its modest but essential role if it is put in the broad framework of the present-day 'clash of civilizations' and that human rights offer a framework to do so properly. This presupposes that the observer perspective is given priority over the participant

perspective. We also showed that interreligious dialogue is itself characterised by an observer perspective, albeit in interaction with a participant perspective. Finally, interreligious dialogue cannot evade human rights, because they are a major theoretical and practical criterion in the striving for truth and justice.

13.2. INTERRELIGIOUS INTERACTION LEADING TO HUMAN RIGHTS?

We have now examined the complex of multi-civilisation problems of modern society from an observer perspective. We have indicated that constitutionalism and human rights are the right framework for dealing adequately with these problems to prevent cold peace from spiralling into cold war, conflict and strife by putting the accent on human dignity, freedom and equality. This led to the conclusion that the religious pluralism model is most suited for nurturing interreligous interaction, and we slotted the model of interreligious dialogue into that framework.

From this discussion one can readily infer antonyms to direct our study of our students' religious interaction attitudes, so as to be able to study the effects of these on their human rights attitudes.

We asked the following four questions:

1. What are our students' attitudes towards interreligious interaction?
2. Are there differences between the attitudes towards interreligious interaction of multicultural and monocultural school students?
3. What are the effects of these interreligious attitudes on students' human rights attitudes?
4. Do the effects of interreligious attitudes on human rights attitudes differ between multicultural and monocultural school students?

Antonyms in a semiotics of interreligious interaction

As indicated in chapter 7, we applied a procedure that we called a semiotic spiral, in which the 'deep' or 'theme-dependent' codes, functioning as paired contrasts, play a major role. Below we discuss the following two antonyms: (1) observer perspective versus participant perspective; and (2) particularism versus universalism.

Observer perspective versus participant perspective We have dealt with this antithesis at some length, so we can be brief here. The participant

perspective entails looking at one's own religion and others in terms
of one's affiliation with the religion with which one identifies, wholly
or in part, maybe in the face of all sorts of doubts and questions.
This is the perspective in which people construct their world, includ-
ing their cognitive, affective and evaluative maps. It is a fact of life
that people take the participant perspective for granted, often with-
out any thought or reflection. Reflection only happens – and even
then still from a participant perspective – in the event of collective
calamities (natural disasters, war), group calamities (failure to trans-
mit values and norms to the next generation) or individual calami-
ties (illness, suffering, death). The gaps that such calamities threaten
to leave in people's personal lives are filled reflectively with hitherto
unexplored aspects of their affiliation to their own religion.

The observer perspective, on the other hand, entails adopting the
position of an outsider who examines the religion concerned, and
other religions, as impartially as possible – note, not objectively, for
there is no such thing – and then proceeds to describe and com-
pare them. On the basis of such comparison one then categorises
the religious phenomena one observes and these classifications pro-
vide a basis for generalisation and theorising. The participant per-
spective also permits theorising, but the theory will emerge from a
personal belonging to one's own religion, whereas theorising from
an observer perspective requires distancing oneself from any religion.
Theorising from a participant perspective remains confined to theo-
ries on one's own 'case', one's own religion, whereas theorising from
an observer perspective allows for application of concepts to, in prin-
ciple, all cases. The observer perspective requires equal treatment of
equal cases, without insisting that they conform to predetermined
normative criteria. This permits us to formulate a principle based
on freedom (from normative coercion) and equality (equal classificatory
treatment of equal cases), both of which are traceable to and embod-
ied in constitutionalism and human dignity.

This is the principle underlying the religious pluralism model,
according to which religions are described and compared from the
helicopter view of an observer perspective as forms of divine mani-
festation and vehicles of salvation. The main purpose of comparison
is classification, on the basis of structural, cultural and functional
similarities and differences, without (consciously or intentionally)
applying normative theological criteria as happens in the participant
perspective.

In addition to a participant perspective, religious communities should learn to adopt an observer perspective, since, as indicated above, it helps them to deal with multi-civilisation problems in society. For this reason we incorporated the pluralism model, based on the outsider perspective, into our study. Referring to the Catholic Church – which, with its roughly one million members, can have a major impact in this area – Habermas expresses it strikingly. Reminding this church that it is only one religious community among many, he writes: "Even the polycentric world Church remains *one* of several communities of interpretation, each of which articulates its own conception of salvation, its vision of an unspoiled life. These struggle with one another over the most convincing interpretations of justice, solidarity, and salvation from misery and humiliation. The Church must internalize this outsider perspective, make its own this gaze which is directed upon it" (Habermas 2002a, 136).

Particularism versus universalism One may tend to think that the distinction between the participant and observer perspectives is parallel to, or identical with, that between particularism and universalism. Nothing could be further from the truth. Indeed, a participant perspective can include both a particularistic and a universalistic concept of religion, whereas this obviously does not apply to an observer perspective: there any distinction between particularism and universalism is ruled out – that is to say, it can be a research object but not an attribute of the observer perspective per se. By particularism we mean that people regard their own religion, in comparison with others, as the only true faith (exclusivism) or as the most perfect one, other religions merely containing elements of their own religion (inclusivism).

Universalism means that one adherese to one's own religion, but not to the extent of rejecting other religions as possible avenues of revelation and salvation or deprecating them: one in fact encounters them with an open mind. One is ready to engage in dialogue, which in the case of Christianity is conducted in terms of the dialogic universalism that characterises the early synoptic stories about Jesus' message concerning the kingdom of God. In dialogic universalism the focus is not (per se) on one's own premises and beliefs. The partners are prepared to listen to each other (information exchange), understand each other's traditions (perspective exchange) and expose themselves to the other's judgment, constructively drawing inferences from this (perspective coordination). Here it depends how the dia-

logue turns out: its results will determine to what extent one's own premises and beliefs remain intact or are in for purification, correction or review. In this way the transforming intention of interreligious dialogue is realised, however hard it may be and however rarely it happens (cf. Vroom 1989; 1996; 2000).

Interreligious attitudes: theoretical domain

From these two sets of antonyms – observer perspective versus participant perspective and particularism versus dialogical universalism – we infer the attitudes that pertain to the theoretical domain. Then we determine whether they are empirically confirmed by the attitudes encountered in our survey research in the empirical domain.

Table 13.2.1. *Interreligious attitudes: theoretical domain*

Participant perspective: particularism	
I. exclusivism	(1, 6, 11, 15)
II. inclusivism	(2, 8, 9, 14)
Participant perspective: universalism	
III. dialogue	(4, 5, 12, 13)
Observer perspective	
IV. pluralism	(3, 7, 10, 16)

As may be seen in the table, the models from the participant perspective are classified into particularism and universalism. Particularism in its turn is categorised into exclusivism and inclusivism, while interreligious dialogue falls under universalism. Pluralism falls under the observer perspective. The arabic numerals refer to the operationalisation of these attitudes in 16 items (appendix 13).

Interreligious attitudes: empirical domain

To discover to what extent the interreligious attitudes in the theoretical domain are confirmed empirically by the attitudes revealed by our survey, we performed a factor analysis on the 16 items. From this we drew four factors, reflected in table 13.2.2. The Roman numerals refer to those in table 13.2.1, so one can see where the two tables correspond and where they differ (combination of I and II, and the split of III into IIIa and IIIb). What we found was that

only one attitude in the empirical domain corresponded with one of the attitudes in the theoretical domain: pluralism, which is associated with the observer perspective. The other three relate to the participant perspective. Two of these, exclusivism (I) and inclusivism (II), combined into a single factor, which we call particularism. In the case of the other factors interreligious dialogue split into what we call a dialogue model based on the participant perspective (IIIa) and a dialogue model based on the observer perspective (IIIb). We shall return to the latter below.

Table 13.2.2. *Interreligious attitudes among students of multicultural and monocultural schools: empirical domain*

	multi 1995	mono 1996	multi 2000	mono 2001	total
particularism (I, II)	2.5	3.5	2.5	3.5	3.0
dialogue – participant persp. (IIIa)	2.7	2.4	2.5	2.5	2.5
dialogue – observer persp. (IIIb)	3.3	2.9	3.1	3.0	3.1
pluralism (IV)	3.8	2.9	3.8	3.0	3.4

First we consider the combination of exclusivism (I) and inclusivism (II) into a single attitude: particularism. This combination does not surprise us, since we have come across it before in all sorts of research, for instance in a study of 130 students in the southern Netherlands (Van der Ven 1994), a study of 900 Roman Catholic and evangelical teachers of religion in northern Germany (Ziebertz 1993; 1994), and most recently among a representative sample of about 1000 students of Catholic secondary schools students in the Netherlands (Vermeer & Van der Ven 2004). It affirms the view of the Vatican, known for its trenchant description of Christian doctrine generally. In the aforementioned document, *Dominus Jesus*, it proclaims a position reflecting both exclusivism and inclusivism. In other words, the differences between the two are less great than the similarities – the Vatican says so, and so do our students. But this in no way implies that the Vatican and our students rate particularism in the same way. We shall return to this later, but it is evident at a glance that the multicultural school students, nearly half of them at Catholic schools, roundly reject particularism with a score of 2.5, both in 1995 and in 2000.

Next we come to the split of the interreligious dialogue model into what we call the dialogue model based on a participant perspective (IIIa) and the dialogue model based on an observer perspective (IIIb). We did not expect this split and we had to rack our brains to fathom what it meant, as indicated in earlier publications (Dreyer, Pieterse, Van der Ven 1999; 2001; 2002).

Our premise in interpreting the split is shaped by the items we used to test the interreligious dialogue model, so as to adhere as closely as possible to the actual research findings. The dialogue model based on the participant perspective was measured by means of the following two items: "God is only found in the meeting between religions" (item 4) and "The way to real salvation is only to be found in dialogue between the religions" (item 5). Compared with the two items used to measure the dialogue model based on the observer persective, these items have a decidedly participant slant. Why do we say that? We consider items 4 and 5 to refer to a participant approach because both items contain the word 'found', which in South African pietism has a connotation of looking inward to find God in one's inner self. In item 5, moreover, the word 'salvation' is focal, which – in the same pietistic context – has a marked personal flavour: personal salvation, to be 'found' in the heart and mind of the believer.

By contrast the other two items are more objectively oriented, suggesting an observer perspective: "The real truth can only be discovered in the communication between the religions (item 12) and "Before finding real redemption religions must enter into dialogue with each other" (item 13). 'The real truth' in item 12 refers, as it were, to a 'phenomenon' transcending individual people and even individual religions. This 'real truth' is not 'found', which is more appropriate in a pietistic context, but 'discovered', as the item puts it, as though by a researcher setting out on a path of discovery. The word 'real' recurs in item 13, in relation to 'redemption': the latter also has a more objective tone than 'salvation', since it connotes something offered from outside ('objective redemption' versus 'subjective salvation'). Our interpretation, then, is not a matter of theological word play but of a difference in spirituality which, in the context of South African pietism, constitutes a sort of watershed: 'finding' God and his 'salvation' in the deep emotional recesses of one's subjective being, as opposed to the 'discovery' of 'real truth' and 'real

redemption'. The spiritual difference between 'salvation' and 'redemp-
tion' finds some theological support in the work of two theologians
who certainly cannot be suspected of pietism, both of them Catholic
representatives of Western transcendental, idealistic thought: Rahner
and Vorgrimler (1983, 458). In their view the term 'salvation' "does
not primarily signify an 'objective' achievement . . . but rather a 'sub-
jective', existential healing and fulfilment of life". Redemption is the
redemption of all people in all places in all ages, but salvation is the
salvation that I find or hope to find: it is *my* salvation.

The distinction between the two interreligious dialogue models
strikes us as extremely important, since interreligious dialogue – like
all dialogue – can be conducted in one of two ways: firstly, a way
which involves the entire person when one in a sense plumbs the
other's personal depths, and secondly, a more objective, or rather
impartial, way. Both models correspond to a distinction which one
of the authors made twenty years ago in the field of religious edu-
cation and the interreligious dialogue within that field: dialogue with
other religions *from* one's own religious tradition and dialogue *between*
religions. The former is conducted from a participant perspective,
the latter from an observer perspective (Van der Ven 1984; cf. Van
der Ven 1985, 194–195; cf. Sterkens 2001, 66–67).

Although we interpreted the distinction between the two dialogue
models in this study in terms of the presence or otherwise of South
African pietism, it need not and should not be restricted to the South
African context. Each of them represents a distinctive, specific angle
that cannot be reduced to the other. The dialogue model based on
a participant perspective is useful to clarify the 'interreligious biog-
raphy', while the model based on an observer perspective can be
used to clarify the 'interreligious sociography'.

Finally we come to the pluralist model, which, as mentioned
already, is the only attitude in the theoretical domain that is sup-
ported by attitudes in the empirical domain, being the results of our
survey project. We have also noted that in theology of interreligious
dialogue pluralism is usually assessed negatively, whereas we argued
that it should given a rightful place on account of its implicit observer
perspective, and that it may even be regarded as the broader frame-
work in which interreligious dialogue is conducted. This applies all
the more because, on the basis of our factor analysis, we distin-
guished between two models of this dialogue model: a dialogue model
based on a participant perspective and a dialogue model based on

an observer perspective. From this we conclude that the pluralist model constitutes a broader framework. Within that framework we include the dialogue model based on an observer perspective, and within that the dialogue model based on a participant perspective.

The students' evaluation of the models that were identified empirically is too important merely to be noted in passing. the last column in table 13.2.2 provides the answer to question 1: what are our students' attitudes towards interreligious interaction? There are four models: particularism; dialogue based on a participant perspective; dialogue based on an observer perspective; and pluralism.

The ratings of these four attitudes vary significantly. On average only one form of interreligious interaction is given an outright positive rating, and that is pluralism (3.4). It is followed by dialogue based on the observer perspective (3.1) and particularism (3.0), both marked by ambivalence, albeit inclining to the positive side. Finally there is dialogue based on a participant perspective, which is roundly rejected (2.5).[10]

On the one hand this result accords with our own positive interpretation of pluralism as a necessary approach considering the divisions and religious apartheid in present-day society, which demands an attitude of tolerance and respect founded in human dignity, freedom and equality. It complies with the needs of a multi-civilisation society, which governs people's actions in all sectors, both in their life world and in the economy and state bureaucracy.

On the other hand this result contradicts the significance we assigned the dialogue model in the broader framework of pluralism. The dialogue model is less highly rated than the pluralist model, not only in respect of the dialogue model based on a participant perspective, which is roundly rejected, but also, albeit to a lesser extent, in respect of the diaogue model based on an observer perspective, which at least meets with positive ambivalence. As for particularism, our theoretical view concurs with the students' assessment: they regard it with virtually unvarying ambivalence – which is understandable, we feel, in view of the multi-civilisation society we live in.

We shall now proceed to question 2: are there differences between the multicultural school and monocultural school students? There are two relevant differences.[11] The first is substantial. It pertains to

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[10] For the interpretation of these scores, see chapter 8, note 5.
[11] For the criterion of relevance, see chapter 8, note 6.

the particularist model (1996: 2.5 and 1996: 3.5; 2000: 2.5 and 2001: 3.5), which in both instances amounts to a full scale point. The second difference pertains to pluralism, which may be seen as the mirror image of particularism. Again the difference, albeit smaller, is considerable (1995: 3.8 and 1996: 2.9; 2000: 3.8 and 2001: 3.0). Remarkably, students at multicultural church-affiliated Anglican and Catholic schools, roundly reject particularism, whereas their peers at monocultural Afrikaans medium public schools fully affirm it. Are the former unconcernedly open to the meaning of other religions and hence reject particularism, and do the latter block it out, possibly to protect their own religion and culture from becoming diluted? Whatever the answer, both groups belong to the same religion – Christianity. The same pattern, but in reverse and less pronounced, is found in the evaluation of pluralism. Students at multicultural Anglican and Catholic schools accept it wholeheartedly, while their peers at the monocultural public schools are ambivalent.

Surprisingly, there are no relevant differences between the two groups of students in the case of the two dialogue models. Both are ambivalent to fairly positive towards the dialogue model based on an observer perspective, and both are negative towards a dialogue model based on a participant perspective.

Effects of interreligious attitudes on human rights attitudes

Having examined our students' attitudes in the field of interreligious interaction, we turn to the effects of these attitudes on their human rights attitudes. To determine these effects we conducted a large number of regression analyses: one for each of the 15 human rights in relation to each of the four year groups: 1995, 1996, 2000 and 2001.[12] Each regression analysis yielded one or more predictions: it indicated which attitudes towards interreligious interaction predict specific human right attitudes. The interreligious attitudes appear on the vertical axis in the next table: particularism, dialogue based on a participative perspective, dialogue based on an observer perspective and pluralism. On the vertical axis we added, as mentioned in chapter 7, a number of relevant population characteristics to control the effects of the students' attitudes towards interreligious interaction

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[12] We conducted 60 regression analyses altogether: see chapter 8, note 7.

on their human rights attitudes for these population characteristics.[13] The horizontal axis refers to the total of 15 human rights attitudes per year of students at multicultural and monocultural schools in 1995 and 2000 and in 1996 and 2001. The numbers in the cells indicate the number of times that we obtained a significant beta coefficient, either positive or negative, within a range of 1 to 15.[14]

Table 13.2.3. *Effects of attitudes towards interreligious interaction on human rights attitudes among students at multicultural and monocultural schools (numbers betas)*

	multi 1995		mono 1996		multi 2000		mono 2001		total	
	pos.	neg.	pos.	neg.	pos.	neg.	pos.	neg	pos.	neg.
interreligious attitudes										
particularism	–	4	–	–	–	–	–	3	–	7
dialogue partic.pers.	–	–	–	–	–	–	–	2	–	2
dialogue obs.pers.	–	–	–	–	1	–	–	–	1	–
pluralism	–	–	1	–	2	–	–	1	3	1
controlled for:										
demographic										
gender	4	1	3	1	1	2	2	2	10	6
age	–	–	1	–	–	2	–	1	1	3
familial										
home lang.	(2)		(2)		(2)		(1)		(7)	
political										
importance	3	–	2	–	2	2	5	–	12	2
preference	(1)		(1)		(–)		(1)		(3)	
comm. parents	1	–	2	–	1	–	1	–	5	–
agree others	1	–	–	1	–	–	–	1	1	2
cultural										
ethn./transethn.	(–)		(1)		(1)		(–)		(2)	
mat./postmat.	(2)		(2)		(2)		(3)		(9)	
religious										
comm. parents	–	–	–	–	–	–	–	–	–	–
transf. parents	–	–	–	1	–	–	–	–	–	1
steering	–	–	–	–	1	–	–	1	1	1
Bible reading	1	–	2	2	1	1	–	1	4	4
salience	–	1	1	2	–	2	1	4	2	9
church memb.	(–)		(–)		(1)		(1)		(2)	
church partic.	–	2	1	–	–	–	1	–	2	2
rites of pass.	–	–	3	–	–	–	–	–	3	–

[13] For the underlined variables, see chapter 8, note 8.
[14] For the range (1–15), see chapter 8, note 9.

The data in this table provide an answer to question 3: what are the effects of these interreligious attitudes on students' human rights attitudes? From the last two columns we observe that interreligious attitudes decidedly affect the students' human rights attitudes, albeit only partially. The highest positive effect is that of pluralism (3), followed by the dialogue model based on an observer perspective, where it is minimal (1). The negative effects are more dramatic. The highest negative effect is that of particularism (7), followed by the dialogue model based on a participant perspective (2); pluralism brings up the rear with a minute score (1).

However slight the effect of interreligious attitudes on our students' human rights attitudes, it was what we expected. Positive effects are recorded for the two attitudes based on the observer perspective: pluralism and the observer-related dialogue model. Negative effects are reflected for the two attitudes based on a participant perspective: particularism and the participant-related dialogue model.

We want to stress again the importance of the observer perspective, and the pluralist model it implies, for human rights attitudes in the framework we consider most adequate for dealing with the complex of multi-civilisation problems – and this view is confirmed, albeit not strongly, by our research findings. Because representatives of religions, especially the Christian religion, are not accustomed to taking an observer perspective and are opposed to it (since in their view it leads to relativism), a whole learning process is needed in this sphere – one which our students have completed. The learning process is necessary in order to contend with the complexity of the problems confronting modern society as a result of the diversity of civilisations, cultures and religions it contains. These problems often lead to isolation, apartheid and cold peace, if not to actual competition, conflict and strife. Interreligious dialogue on its own is not enough, because there has to be an attitude of tolerance and respect based on human dignity, freedom and equality – an attitude implicit in the observer perspective and the pluralist model. Religions should internalise both of these, as Habermas (2002, 136) rightly avers.

Table 13.2.3 clarifies another point: the relative effect of population characteristics on our students' human rights atitudes. We shall confine ourselves to the most relevant variables. Gender appears to have a strong effect: female students are in the main more favourably disposed towards human rights than their male peers. The same

applies to home language: students who speak one of the official black languages at home are generally more in favour of human rights that those whose home language is English or Afrikaans. Obviously an attitude indicating that politics is important will have a relatively strong effect on students' human rights attitudes. This also applies to students who frequently discuss politics with their parents. A postmaterialistic attitude that is not intent on earning money and on law and order but displays a democratic approach aimed at reducing social inequalities appears to have a greater effect overall than a materialistic lifestyle. As for religious population characteristics, Bible reading balances out: it has both positive and negative effects. Finally, there is a virtually recurrent refrain: students who consider religion important (salience) are less in favour of human rights than those who assign it less personal relevance.

Finally we come to question 4: do the effects of interreligious attitudes on students' human rights attitudes differ between multicultural and monocultural school students? There are three relevant differences: one in respect of particularism in 1995/1996 and 2000/2001, one in respect of the dialogue model based on a participant perspective in 2000/2001, and one in respect of pluralism in 2000/2001, although neither of them is all that big.[15]

In regard to particularism, in the five year interval the difference between multicultural school students in 1995 (positive: 0; negative: 4) and monocultural schools students in 1996 (positive: 0; negative: 0) underwent something like a reversal, with multicultural school students in 2000 obtaining an overall zero score (positive: 0; negative: 0) and monocultural schools students in 2001 a clearly negative score (positive: 0; negative: 3). Multicultural school students show a reduction of negative effects between 1995 (negative: 4) and 2000 (negative: 0), whereas monocultural school students show an increase between 1996 (negative: 0) and 2001 (negative: 3). Generally speaking, in the whole intervening period the effects of particularism on human rights attitudes are equally negative for both groups.

The other two relevant differences referred to above both pertain to 2000/2001. The first is in respect of the dialogue model based on a participant perspective. Among multicultural school students

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[15] For the criterion of relevance: see chapter 8, note 10.

this attitude has no negative effects on human rights attitudes in 2000 (positive: 0; negative: 0), but the picture for monocultural school students is different: for them this dialogue model does have negative effects in 2001 (positive: 0; negative: 2). Something similar happened in the case of positive effects of pluralism, except the other way round. Among multicultural school students particularism has a positive effect on human rights attitudes in 2000 (positive: 2; negative: 0), but not in the case of monocultural school students in 2001 (positive: 0; negative: 1).

ANSWERS TO THE RESEARCH QUESTIONS

The foregoing analysis makes it possible to answer the four research questions succinctly.

1. What are our students' attitudes towards interreligious interaction?
* The students clearly agree with the pluralist attitude.
* Two other attitudes met with an ambivalent response: the interreligious attitude based on an observer perspective and particularism.
* The interreligious attitude based on a participant perspective was rejected.

2. Are there differences between the interreligious attitudes of multicultural school and monocultural school students?
* The multicultural school students manifestly reject particularism and accept pluralism.
* The monocultural schools students accept particularism and are ambivalent towards pluralism.

3. What are the effects of these interreligious attitudes on students' human rights attitudes?
* The most positive effect, although none too great, is that of pluralism.
* The interreligious attitude based on an observer perspective has zero effect.
* The most negative effect is that of the particularist attitude, followed by the interreligious dialogue attitude based on a participant perspective.

4. Do the effects of interreligious attitudes on human rights attitudes differ between multicultural and monocultural school students?

* Among multicultural schools students the effect of the pluralism attitude is positive.
* Among monocultural school students the effect of the dialogue attitude based on a participant perspective is negative.

CONCLUSION: A GOD OF HUMAN RIGHTS?
WHICH GOD, OF WHICH RELIGIOUS ATTITUDES
AND WHOSE HUMAN RIGHTS?

The title of this book is, *Is there a God of human rights?* In this chapter, the conclusion to the empirical study in part III, we try to clarify the problem. To that end our résumé focuses on the most crucial questions in this study: which God, of which religious attitudes and whose human rights?

In addition we devote some attention to the two polarities in the field of human rights that have featured throughout the book: those between individualism and collectivism, and between particularism and universalism. The aim is to trace the effect of religion on these polarities: does it foster individualism or promote development towards collectivism, and does it foster particularism or reinforce processes leading towards universalism without resulting in hegemony?

We shall reproduce the main results of our inquiry into the effects of religious attitudes on human rights attitudes among the two populations of grade 11 students whom we researched. One group derives from multicultural, Anglican and Catholic private schools (abbreviated to multicultural schools), the other from predominantly monocultural, Afrikaans medium public schools (abbreviated to monocultural schools). We remind readers that in the years when we conducted our study – 1995/1996 and 2000/2001 – the first population was composed of different cultural groups, about half of them being white students and the other half students from predominantly black cultures; the second population was a predominantly monocultural group comprising white Afrikaners (section 7.3).

We reiterate that our study is exploratory, in the sense that we did not seek to test hypotheses but concentrated on exploring hypotheses by tracing relations between our students' religious attitudes and their human rights attitudes. We said that this was because there was no earlier research of this nature on which we could build, and that our limited sample of grade 11 students at the two types of schools in the Johannesburg/Pretoria region did not permit us to

generalise to a broader population. This explains the subtitle of the book, which refers to the complex relationship between human rights and religion: 'A South African case' (section 7.4).

We said above that our résumé focuses on the composite question: which God, of which religious attitudes and whose human rights? In the context of this study the last element, 'whose human rights', can be understood in two ways. In the first place the 'whose' refers to the two populations we investigated (students at multicultural and monocultural schools): do they differ in regard to the effects of religion on their commitment to human rights? Secondly, 'whose human rights' also refers to population characteristics like gender (difference between male and female students), home language (students who speak English, Afrikaans or one of the official black languages at home), religious salience (students who consider religion important or less important), et cetera. Here 'whose human rights' implies: are there differences in regard to human rights between male and female students, between students who speak English, Afrikaans or one of the black languages at home and between students who value religion more than other students?

Against this background we propose answering the following three questions in the sections below:

1. What are the effects of religious attitudes on human rights attitudes? (section 14.1).
2. What are the differences in the effects of religious attitudes on human rights attitudes between students at multicultural and monocultural schools? (section 14.2).
3. What are the effects of population characteristics on human rights attitudes? (section 14.3).

14.1. EFFECTS OF RELIGIOUS ATTITUDES ON HUMAN RIGHTS ATTITUDES

In part III we saw that our students' religious attitudes may affect their human rights attitudes positively, ambivalently or negatively, or they may have zero effect. In the last case they contribute nothing at all to human rights attitudes: they have neither a positive, nor a negative, nor an ambivalent effect. We want to emphasise that the extent to the students agree or disagree with a religious attitude, however intense, does not mean that the attitude will have a posi-

tive, respectively negative effect, on their human rights attitudes: it *may*, but it does not necessarily do so. Agreement and effect are two different things. The extent to which the students agree with a religious attitude can have a positive or negative effect. An example of a positive effect is the attitude of religious pluralism: the students agree with it (table 13.2.2) and it also has a positive effect on their human rights attitudes (table 13.2.3). An example of a negative effect is the classical (Nicea and Chalcedon) and dialectical (Barthian) attitudes towards Jesus: the students agree wholeheartedly with both, those at monocultural schools even more so than those at multicultural schools (table 10.2.2), but in neither of the two populations does it have a positive effect on human rights attitudes (table 10.2.3). We want to add the reverse of all of this: the extent to which the students disagree with a religious attitude can have a positive, respectively negative effect. An example of a positive effect is the attitude towards institutional evil: the students disagree with it (table 9.2.2), but to the extent that their disagreement decreases this attitude has a positive effect on their human rights attitudes (table 9.2.3). An example of a negative effect is the attitude towards participatory interreligious dialogue. The students disagree with this attitude (table 13.2.2) and it has a negative effect (table 13.2.3)

So which religious attitudes have a positive effect on human rights attitudes, and which have an ambivalent, a negative or zero effect? To answer this question we need to examine the themes we used to test the students' religious attitudes. These themes, we have said, relate to the fundamental symbolism underlying the Christian religion: creation, alienation and salvation. We analysed this threefold symbolism into the following themes: God, creator and sustainer (chapter 8); the alienation of evil, more specifically of violence (chapter 9); the imitation of Jesus and his message of the kingdom of God (chapter 10); and salvation (chapter 11). To these we added two further themes: Christian communities and interreligious interaction. The former is important because belief in God and his kingdom as uniquely embodied in the person of Jesus is experienced, celebrated and propagated in Christian communities (chapter 12), and the latter because Christian communities are increasingly confronted with a diversity of religious and nonreligious world-views, which compels them to reflect on their own faith (chapter 13).

Previously we mentioned the assumption that the interpretation of these themes is influenced not only by what we called deep codes or theme-dependent codes, but also by what we called primitive

codes. Our insight into the meaning of primitive codes derives from a semantic study conducted by Wierzbicka, who in her 30-year research project compiled a list of 60 – possibly 61 – primitive concepts. Her research into at least ten different languages led to the discovery that the meaning of all other concepts can be reduced to these primitive concepts, in the sense that they can all be semantically reconstructed in terms of the primitive concepts. From this list we selected three: height, length and breadth, which in Wierzbicka's list are formulated as 'above' and 'below' (vertical dimension), 'before' and 'after' (longitudinal dimension) and 'near' and 'far' (latitudinal dimension).

This provided a semantic interpretation of a notion of scholars like Haarsma (1967, 329, 337) and Ricoeur (1992a; 1992b; 1995; 1998), to the effect that the themes of the Christian religion have an underlying three-dimensional structure with a vertical dimension (superiority), a longitudinal dimension (anteriority and posteriority) and a latitudinal dimension (exteriority). To avoid any misconception we pointed out that people need not have a concept of a three-dimensional structure to be able to steer their daily lives unconsciously along the vertical axis in terms of 'above' and below', the longitudinal axis in terms of 'before' and 'after', and the latitudinal axis in terms of 'near' and 'far'. With the help of 'above' and 'below', 'before' and 'after', 'near' and 'far' people look at themselves, others, relationships, processes and structures in every conceivable domain, including the religious domain. We indicated that in the religious domain the vertical axis pertains to the tension between transcendence and immanence, the longitudinal axis to the tension between past, present and future, and the latitudinal axis to the various spheres of everyday life in which religion features, such as the personal, social, natural and cosmic spheres (chapter 7).

The question is not whether this three-dimensional structure manifests in our students' religious attitudes, for that is readily observable, but whether it is apparent in their religious attitudes *insofar as* these have a positive effect on their human rights attitudes. In other words, can their human rights attitudes be reconstructed as effects of the vertical, longitudinal or latitudinal content of their religious attitudes? The table below classifies our students' religious attitudes according to effects: positive, ambivalent, negative and zero. The contents of these religious attitudes, arranged according to theme in descending order in terms of strength of effect, indicate whether they are characterised by vertical, longitudinal or latitudinal aspects.

Table 14.1.1. *Effects of religious attitudes on human rights attitudes*

	positive	ambivalent	negative	zero
belief in God	abs. transcendent non-personal personal in nature complex pantheism	personal in history		
evil	institutional apocalyptic		retaliation intergenerat.	primordial
imitation of Jesus	immanent liberationist	dialectical classical		
salvation	personal	present primordial		eschatolog. global
Chr. communities	prof. competence pol. influence proph. Challenge decentralisation cultural openness			
interrel.interaction	pluralism		particularism particip. dial.	observ.dial

What does the table tell us about the three-dimensional structure of religious attitudes *insofar as* they affect our students' human rights attitudes positively? We propose trichotomising the attitudes for the sake of sharper definition, as follows: God and evil; Jesus and salvation; Christian communities and interreligious interaction.

God and evil The themes of God and evil are antipodes, as it were: creation versus destruction, order versus disorder, cosmos versus chaos. We find that, with the exception of the salvation history attitude (God as personally present in history), the attitudes relating to belief in God all have a positive effect on human rights attitudes: God's absolute transcendence, God as non-personally present in nature and history, God's personal immanent-transcendent presence in nature, and what we called complex pantheism.

On closer scrutiny the attitudes towards God appear to contain three pairs of antonyms, all referring to the vertical axis of transcendence and immanence. The first pair is the antonyms of transcendence

and immanence, evident in the distinction between absolute tran-
scendence, immanent transcendence in nature and absolute imma-
nence in complex pantheism. Secondly there are the antonyms of
iconism and aniconism indicating that God is approached either via
images, symbols and concepts or without these epistemological tools.
The polarity between iconism and aniconism applies particularly to
complex pantheism which, as indicated in chapter 8, appeals to our
students. Finally there are the antonyms of a personal or a non-per-
sonal God. The notion of a non-personal God is often rejected by
theologians as some sort of blasphemy, but it could equally well
express awareness of God as the 'wholly Other', which precludes
ascribing to the divine the limited profile of a human person. After
all, a non-personal God concept could result from a sense that his
all-surpassing, all-exceeding transcendence to some extent contradicts
a personal God concept. In terms of these three pairs of antonyms
(transcendence/immanence, iconism/aniconism, personal/non-per-
sonal) the students' attitudes towards God display a dialectical ten-
sion between transcendence and immanence, hence no preponderant
accent on either God's transcendence or his immanence. Because of
this dialectical tension belief in God contributes to a positive atti-
tude towards human rights (chapter 8).

Whereas attitudes towards God, with one solitary exception, all
have positive effects on human rights attitudes, attitudes towards evil
are a different kettle of fish. Two of these attitudes have a positive
effect: the attitudes towards institutional transmission of evil and
towards an apocalyptic end to evil. The effect of two attitudes is
negative: those towards God's retaliation of evil and the intergener-
ational transmission of evil. The attitude towards primordial evil has
zero effect. Whereas belief in a creator God manifestly has a positive
impact on the striving for freedom, equality and reconciliation – all
of which are implicit in human rights – confrontation with evil, espe-
cially the evil of violence, has an inconsistent effect (chapter 9).

These findings can probably be interpreted in terms of a contrast
experience, a concept that played a key role in our reflection on evil
(chapter 9). As we said, a contrast experience implies that one's first
cry when confronted with evil is, "What's happening here is bad."
This is said to contain an implicit striving to undo the harm and
bring about good. However, as we are now dealing with our empir-
ical findings, we are inclined to say that a contrast experience does
not always work that way. It is more effective when one has a feel-

ing of having, or being able to obtain, some sort of control over the evil, as in the case of institutional evil, or when one has some hope that it will eventually come to an end. It probably works less well, or not at all, in situations where one is powerless and helpless in the face of evil and can only let it run its course, without any expectations or hope. Three attitudes relate to this state of affairs and all have a negative or zero effect on human rights attitudes: those towards retaliation, intergenerational evil and primordial evil. These permit no intervention, either human or divine, which could still offer some perspective of hope. Divine retaliation culminates in the dark night of damnation; the transmission of evil from one generation to the next forges an unbreakable chain which shackles humankind; and primordial evil is totally beyond their control. It is not enacted in history, not even *in* the beginning, but lies *at* the beginning, which is why it is primordial: it exercises its influence on history quite independently of that history, beyond any human intervention.

These three attitudes all have a wholly determinative influence admitting no ray of light. They apply to highly exceptional situations of injustice and violence, such as under the apartheid regime or in Nazi Germany, where people lost all hope and the 'degrees of freedom' of movement and even of thought plummeted to zero. Then the concept of contrast experience no longer works: there is nothing left to contrast with evil. The light has gone out for good; it is night. Consequently these attitudes cannot lead to the light that shines at the heart of enlightened human rights. All evil is not the same: there are not only greater or lesser evils but also evil and absolute evil, both on an individual and a collective scale, that can in no way be legitimised. A contrast experience is not efficacious in the case of absolute evil on a collective scale.

There are counter examples, however: some people did manage to survive the mist-shrouded darkness (*Nacht und Nebel*) of the German concentration camps, as did thousands of freedom fighters under the oppression, torture and martyrdom inflicted by the apartheid regime. Did they in fact have a contrast experience? Did they draw strength from it? Did they in this way draw strength from their religion, or from any nonreligious but idealistic world-view?

That evil does not always lead to good – at any rate not the good implicit in human rights, as our findings indicate – also conflicts with a key tenet in Calvinist tradition. In (early) preaching and liturgy, Bible study and catechesis this tradition first drives home the utter

sinfulness, corruption and evil of human nature, to the extent that people deserve only retaliation and total rejection. This crushing of the spirit (*vermorseling van 't hart*) is considered necessary to make them more receptive to the grace of faith in God and his justification. This may still apply to the Scottish Calvinist pietism that continues to permeate some South African religious communities, but a notion of total, impenetrable darkness in which humans dwell as human beings certainly no longer works for our students. Evil, sin, guilt – these can only act as a lever towards good and righteous living if people have leeway to help prevent evil and they can see some light at the end of the tunnel.

In the case of the two attitudes that have a positive effect on human rights attitudes – the attitudes towards institutional evil and apocalypse – one discerns an aspect of immanence on the vertical dimension: evil exists, but it does not transcend and overwhelm human beings. There is scope for intervention, either human or divine, which is eagerly awaited and from which people draw hope in active receptiveness. The evil does not plunge them into total passivity: there is scope for action, either in the form of active intervention in institutions or of active expectation and active receptiveness to divine intervention in the future. In similar fashion one can discern an aspect of absolute transcendence in the other three attitudes: The evil embodied in these is totally beyond human powers, not only their power to intervene but also their cognitive and emotional powers. They are impotent, they do not understand it, they cannot grasp it emotionally: it flattens all hope and all expectations.

The vertical dimension where the aspect of immanence belongs should be linked with the longitudinal dimension. After all, the intervention category that forms part of the immanent domain, even when it is the actively receptive soil for divine intervention, is located on the temporal axis: it happens pre-eminently in time, so much so that without intervention there would be no time, hence no longitudinal dimension at all. Institutional transmission of evil can only be understood via the longitudinal axis, for institutions are like snakes: they go on for ever and keep changing their skins, implying that they are always adapting their means and ends in order to survive, as is evident in their history. The apocalyptic attitude likewise belongs on the longitudinal axis, although facing in the opposite direction: that of the future, to which people look forward in active hope and anticipation, albeit fearfully and apprehensively, because through God's intervention evil will finally be turned into good.

Jesus and salvation From the table it is evident that there are two attitudes towards Jesus that have a positive effect on our students' human rights attitudes. The first is the one we christened 'immanent'. The word 'christened' is apposite for, as indicated already, this attitude lies on the borderline between a christology from below and a secular christology. In the christology from below Jesus as a human person is seen as the unique embodiment of God's revelation, whereas the secular christology reveals a humanistic approach: Jesus as a unique example of human solidarity. This immanent attitude has a strong positive effect on our students' human rights attitudes.

The second is that of liberation christology, in which Jesus is viewed as an inspiration for liberation from oppression and want. This attitude also has a positive effect, but not nearly as strong as the first. The other two attitudes towards Jesus – the Barthian dialectical attitude, in which Jesus is regarded as the cross and judgment on all human doings, and the classical attitude, which sees him as 'God made man' (Nicea and Chalcedon) – have an ambivalent effect, as is evident in the table (chapter 10).

Turning to attitudes towards salvation, we find that what we call personal salvation has a positive effect on human rights attitudes. Three other attitudes – salvation in the present, in the primordial past (the mythical, primeval time of Adam and Eve), and global salvation (referring to salvation of the entire world) – appear to have an ambivalent effect, while salvation in the eschatological future at the end of time has zero effect. With regard to the latter, this eschatological future probably lacks the dramatic quality of the struggle between good and evil associated with the apocalypse, which, as noted already, does have a positive effect on human rights attitudes (chapter 11).

How should we interpret the positive effects of attitudes towards Jesus' person and deeds? This question, too, may be answered in terms of the three-dimensional structure of religious attitudes, again with reference both to the vertical axis relating to transcendence and immanence, and to the latitudinal axis.

The first noteworthy feature is that the accent is on Jesus' immanence. In the polarity between transcendence and immanence that dominates christology as well the emphasis is squarely on immanence, but without overshadowing the transcendent component; that much is clear from the christology from below that forms part of the immanent attitude, although there, too, the accent is on the human Jesus. This clearly differs from the attitudes towards God,

where a bipolar tension with equal emphasis on both the transcendent and the immanent pole is maintained. Here it is not as clearcut: the focus is on the human Jesus, but without disregarding his relation to God, and it is this focus on the human Jesus that has a positive effect on our students' human rights attitudes.

There is a second remarkable result, which can likewise be explained in terms of the three-dimensional structure of religious attitudes, this time with reference to the latitudinal dimension. After all, the immanent approach to Jesus and salvation has two tracks, the one individual, the other collective. The individual track pertains to personal salvation, the collective track to striving for liberation from situations of exploitation and poverty. However pietistic South African spirituality may be and however great the emphasis on personal heart- and soul-searching in order to find healing and wholeness, reconciliation and peace, the collective aspect is not overlooked. On the contrary, our students are not indifferent to the divide between rich and poor and the oppression and suffering of the poor on the fringes of society, and this concern triggers a positive attitude towards human rights. In other words, religious attitudes on the latitudinal dimension are not confined to the self and the immediate circle but extends to the broader circle of all those who, in a religious perspective, need support for their human dignity, freedom and equality, the fundamental principles of human rights. Put differently, on the latitudinal dimension of Jesus and salvation there is a dual breakthrough: a breakthrough from individualism towards collectivism, and a breakthrough from particularism towards universalism. The latter is not an undifferentiated global universalism – the global aspect has only an ambivalent effect on our students' human rights attitudes, as is evident in table 14.1.1 – but a liberationist universalism oriented to the poor, the oppressed and the alienated.

In other words, the trend towards a purely charismatic religiosity that is said to pervade all of Africa, and indeed Latin America as well, is totally absent among our students. Such a trend undeniably exists among the lower classes and the underclass, but one must be careful not to generalise it to the total population. Put differently: stratification research (research into similarities and differences between social strata or groups) is one of the pillars of the empirical trade and those who disregard it, as happens in *The next Christendom* (Jenkins 2002), do not even realise that they are generalising unscientifically.

Why is the charismatic trend lacking among our students? There

are two reasons. One is that they put greater emphasis on a secularised (we called it immanent) approach to Jesus, which, while conflicting with a charismatic approach to the Jesus figure, has a comparatively strong effect on human rights attitudes. Secondly, they do not put the accent exclusively on personal salvation, which is a hallmark of charismatic religiosity, but complement it with a liberationist approach to the Jesus figure: they take cognisance of society around them, more especially of the poor and the deprived. This point is important, because these are grade 11 students: our future university students, opinion makers, leaders, whose convictions and beliefs will sooner or later – however long it takes – filter down and influence other groups in society as well.

This statement needs to be modified, however. Stratification research, we have said, entails looking not only for similarities but also for differences between strata. But there can also be variations within strata. We have just seen that personal salvation is not the sole attitude to the theme of imitation of Jesus and salvation, but that it is complemented, and hence tempered, by what we have called an immanent and a liberationist approach to the meaning of Jesus. That applies generally to the grade 11 students whom we researched, but in the next section we shall see that there is a difference between students at multicultural and monocultural schools – not a major one, but not small enough to be ignored. It relates to this very attitude towards personal salvation: among students at multicultural schools it has a greater effect on human rights attitudes than among their peers at monocultural schools, but without affecting the complementary immanent and liberationist attitudes towards Jesus. We shall return to this in the next section, but mention it here in the framework of the importance we assign stratification research both between and within strata.

Christian communities and interreligious interaction The breakthrough from individualism and particularism towards collectivism and liberationist universalism that was apparent in attitudes towards Jesus and salvation resurfaces when we come to the themes of Christian communities and interreligious interaction. In the case of ecclesiastic attitudes there is a breakthrough from individualism in the direction of collectivism, which has a positive effect on all attitudes. All attitudes are oriented to the collectivity of society as a whole and all of them have a positive effect. This applies to the attitudes (ranked according

to strength of effect) towards the professional competence of Christian
communities for the benefit of society; their influence among politi-
cians and in the area of public opinion; their prophetic challenge
aimed at the common good; their decentralised structure; and their
cultural openness. A striking feature, at any rate in the perspective
of the three-dimensional structure, is that the prophetic call and chal-
lenge of Christian communities are located on the vertical dimen-
sion and the others on the latitudinal dimension, which we have
noted reaches out to the collectivity and among which the profes-
sional competence of Christian communities for the benefit of soci-
ety has by far the greatest effect (chapter 12).

For the rest, compared with the attitudes towards the other five
themes (God, evil, Jesus, salvation, interreligious interaction), eccle-
siastic attitudes on the whole have the greatest positive effect on
human rights attitudes. Here it is noteworthy that this applies to
transformational, socially oriented ecclesiastic attitudes. We can look
at it the other way round as well. When Christian communities dis-
play no professional competence or have no desire to do so, when
they keep aloof from politics, neglect their prophetic calling, keep
their monocratic structure and fail to initiate cultural exchange
processes with society – that is to say, when they are not oriented
to the social collectivity – the effects are roundly negative.

This shows yet again what an important role Christian commu-
nities play and how great a task they have. To a large extent it rests
with *them*, for compared to the other religious attitudes they can in
a manner of speaking make or break the Christian religion's con-
tribution to a human rights culture. Hence their choice in this regard
is manifestly portentous: the breakthrough from the individualism
inherent in the quest for personal salvation towards the social col-
lectivity, and hence towards professional competence, political influence,
sense of prophetic calling, democratic leadership and cultural open-
ness. Are the Christian communities for human rights or are they
not? It is a matter of to be or not to be, of do or die.

As far as attitudes towards the theme of interreligious interaction
are concerned we can be brief: the only positive effect is that of the
attitude towards the pluralism model, which is characterised by an
observer perspective, implying respectful regard for all religions and
their interactions. The other attitudes, all of which exude a greater
or lesser degree of particularism – including dialogue attitudes – have
no effect or, worse, a negative effect. The attitudes towards the plu-

ralist model reveal a breakthrough from particularism towards what we have called complex universalism, that is, overlapping and poly-centric universalism (chapter 13).

We are now able to answer the first of our three questions.

What are the effects of religious attitudes on human rights attitudes?

* With regard to the *vertical dimension*, attitudes that have a positive effect are characterised by the polarity between transcendence and immanence (attitudes towards God), or by emphasis on immanence without disregarding the transcendent pole (attitudes towards Jesus). The immanent aspect discernible in some attitudes towards evil (institutional evil and apocalypse) also explains the positive effect on human rights attitudes. From this we conclude that an exclusive accent on transcendence or even absolute transcendence could only result in a negative effect.

* As for the *longitudinal dimension*, two attitudes towards evil have a positive effect. These concern forms of evil that offer scope for intervention, a pre-eminently longitudinal category – either human intervention to stop the evil (institutional evil) or divine intervention that creates activating hope and expectation (apocalypse). Where there is no possibility of intervention in history a positive effect on human rights attitudes can hardly be expected. Hence it is not just a question of history but of 'making history'.

* On the *latitudinal dimension* attitudes with a positive effect are characterised by a breakthrough from two polarities: that of individualism towards collectivism (ecclesiastic attitudes) and that of particularism towards universalism, more particularly liberationist universalism (attitudes towards Jesus) and complex universalism (interreligious attitude of pluralism). There is no sign of a trend towards charismatic, personal salvation among our students.

We want to add a further comment, not associated with the three-dimensional structure, regarding the strength of ecclesiastic attitudes.

* *Ecclesiastic attitudes* have the greatest effect when they are characterised by professional competence for the benefit of society, political influence, a sense of prophetic calling, a decentralised structure and cultural openness. When they display the opposite – professional incompetence, lack of political influence, no sense of prophetic

calling, a monocratic structure and cultural insularity, their effect is negative: then they contribute to a decline of a human rights culture.

Summary

Religious attitudes that have a positive effect on human rights attitudes have the following characteristics:

* on the *vertical dimension*, the polarity between transcendence and immanence;
* on the *longitudinal dimension* (actively receptive) interventionism and making history;
* on the *latitudinal dimension*, a breakthrough from individualism and particularism towards collectivism and complex universalism.

14.2. DIFFERENCES BETWEEN MULTICULTURAL AND MONOCULTURAL SCHOOL STUDENTS

Throughout the study we kept asking whether there are any differences in the effects of religious attitudes on human rights attitudes between students at multicultural and monocultural schools. This question has to do with the specific relation that is said to exist between ethnicity and religion (chapter 7).

In regard to ethnicity, in the debate between the so-called primordialists, who put the emphasis exclusively in the ethnic group's influence on individual identity, and the so-called circumstantialists, who put the accent exclusively on the influence of an ever changing external situation, we opted for the view that individuals continually reconstruct their ethnic identity in the light of altered circumstances. One of the factors in these altered circumstances is the Western modernisation process that is increasingly infiltrating African societies. As for the relation between ethnicity and religion, we assumed that our students' ethnicity influences their religion, effectively the Christian religion. The reason is simply that ethnicity antedates that religion by several hundred years: the Christian religion was only introduced into South Africa some 300 years ago.

A further assumption was that students at multicultural schools have far more opportunity to keep reconstructing their religious identity than those at monocultural schools, which can give rise to

differences between the two groups' religious attitudes. This led us to surmise that there may be differences between the effects of these religious attitudes on their human rights attitudes.

Consequently the key question in our study is this: are there differences in the effects of religious attitudes on human rights attitudes between students at multicultural and monocultural schools?

The table below is confined to those religious attitudes that, according to table 14.1.1, have a positive effect on our students' human rights attitudes. It also indicates differences in these effects between students at multicultural and monocultural schools. Such differences could consist in more positive effects among students at either of the two types of schools.

Table 14.2.1. *Differences in terms of more positive effects of religious attitudes on human rights attitudes between students of multicultural and monocultural schools*

	none difference	more positive multicultural schools	more positive monocultural schools
belief in God	non-personal pers. presence in nature complex pantheism		abs. transc.
evil		institutional apocalyptic	
imitation of Jesus *salvation*	immanent	personal	liberationist
Chr. communities	prof. competence pol. influence		proph. chall. cult. openness
interrel. interaction		pluralism	

From this table it is clear that there is no difference between the two groups of students in regard to half the religious attitudes that have a positive effect on human rights attitudes. This applies to attitudes towards God, in which God is seen as non-personally present in nature and history and as personally present in nature. It also applies to what we call complex pantheism. Also as regards attitudes towards Jesus as an immanent, albeit divine, example of solidarity, and Jesus as liberator the two groups are alike. The same applies

to two of the ecclesiastic attitudes: attitudes towards Christian com-
munities as professionally competent and as influencing political life
for the benefit of society.

So much for the similarities. There are differences in regard to
all six of the themes we investigated, indicating that some religious
attitudes have a more positive effect on human rights attitudes among
one population than among the other.

The religious attitudes of students at multicultural schools appear
to have a greater positive effect compared with their peers at mono-
cultural schools in regard to four attitudes. These are the attitudes
towards institutional and apocalyptic evil, towards personal salvation
and towards interreligious pluralism. The differences can be explained
in terms of the identity reconstruction theory described earlier. The
two attitudes towards evil may be regarded as a result of assimilation
and acculturation of ethnic identity to Western culture in-as-much
as both are based on an interventionist approach to evil: human
intervention and, dialectically connected with it, divine intervention,
which stimulates active receptivity, hope and expectations.

The third, personal salvation, may be interpreted as the result of
identity reconstruction in which personal individuality and the per-
sonal biography have greater influence than ethnic culture. However,
this identity reconstruction in terms of personal salvation may also
be a result of a swing in the ethnic group towards charismatic reli-
giosity, which is gaining converts all over Africa (cf. Jenkins 2002).
The fourth, religious pluralism, may be interpreted as a result of
identity reconstruction that, because of the multicultural composition
of the overall group, makes the boundaries between groups more
fluid, characterised by tolerance and respect for other cultures and
religions rather than by religious particularism. At the same time
one should not attach too much importance to the differences, since
they are relatively small. Our research is aimed more at finding
hypotheses that warrant closer study than at finding solid, empiri-
cally tested insights.

This also applies to the more positive effects among students at
monocultural schools. Here one observes an interesting phenome-
non. In studying this group of students we noticed that their scores
on religious attitudes were generally higher than those of their peers
at multicultural schools. In that respect they appeared to be reli-
giously more conservative, not to say orthodox. Hence we were not
surprised that their attitude towards an absolutely transcendent God –

traditionally a key tenet of the orthodox Calvinism of the Afrikaans Reformed churches – had a positive effect on their human rights attitudes, more positive than among their multicultural peers. After all, the God of orthodox Calvinism is above all a God of justification, according to which the grace of faith – faith alone (*sola fides*), without 'works'! – enables people to act justly towards God, their neighbour and themselves, as we saw earlier. God is above all a fair and just judge, who takes account of human beings' justice towards their fellows in his forensic administration of justice (chapter 4). Hence it is not surprising that the attitude towards this absolutely transcendent God among students at Afrikaans medium monocultural schools would have a more positive effect on human rights attitudes – based as they are on the principle of justice – than among their peers at multicultural schools.

In contrast to the accent on a forensically judging and transcendent God, the image projected by ecclesiastic attitudes is far more immanent. This pertains to attitudes towards Christian communities that take their prophetic social task seriously and display a culturally open style. Both these attitudes have a greater impact on religious attitudes among students at monocultural schools than among their peers in the other group. How does one explain the difference? Without denigrating the social involvement in the ecclesiastic attitudes of students at multicultural schools (for they have a strong effect on their human rights attitudes too), we believe we can say that those of their peers at monocultural schools are not merely strong, but even stronger. The history of apartheid and post-apartheid has affected these students' parents and families to their religious and existential core, leaving them somewhat disillusioned with the church that was supposed to have given them critical religious guidance yet failed to do so. It could be that they are gradually waking up from that era and are now displaying renewed Calvinist steadfastness. This implies that Christian communities are once again taking seriously the responsibility given to them by God, the fair judge, and are actively shouldering it with critical, open minds: critical of society in terms of prophetic faith, and open to cultural interaction. This, too, may be regarded as a form of identity reconstruction, but this time not at the boundaries between one's own and other ethnic and cultural groups but at the boundaries between the apartheid and post-apartheid period in Calvinist tradition. This is a surmise and time will tell whether it is accurate.

Against this background we can now answer our second question, also indicating from what angles the differences we established may be interpreted.

What are the differences in the effects of religious attitudes on human rights attitudes between students at multicultural and monocultural schools?

* There are *no differences* in the effects of religious attitudes towards the following themes:
    – *the theme of the belief in God*: the attitudes towards God's non-personal presence in nature and history, God's personal presence in nature and complex pantheism.
    – *the theme of the imitation of Jesus*: the attitudes towards immanent and liberationist images of Jesus. In other words, there is no sign of charismatic religiosity among our students.
    – *the theme of Christian communities*: the attitudes towards professional competence and political influence.
* There are positive differences among students at *multicultural* schools in their religious attitudes towards three themes:
    – *the theme of evil*: the attitudes towards institutional and apocalyptic evil.
    – *the theme of salvation*: the attitude towards personal salvation.
    – *the theme of interreligious interaction*: the attitude towards religious pluralism.
* There are positive differences among students at *monocultural* schools in their attitudes towards two themes:
    – *the theme of belief in God*: the attitude towards an absolutely transcendent God;
    – *the theme of Christian communities*: the attitude towards prophetic challenge and cultural openness.

The differences in the effects of religious attitudes on human rights attitudes between students at multicultural and monocultural schools may be interpreted as follows. Among students at multicultural schools they are a result of identity reconstruction at the boundaries with other ethnic and cultural groups. Among students at monocultural schools they are a result of identity reconstruction at the historical boundaries between the apartheid and post-apartheid periods in Calvinism.

14.3. EFFECTS OF POPULATION CHARACTERISTICS
ON HUMAN RIGHTS ATTITUDES

In part III it was apparent that, apart from religious attitudes, students' population characteristics played an important role. As may be gathered from the tables in every chapter of part III – though it was only partially covered in the text accompanying the tables – these factors have the same fourfold effect on human rights attitudes that we observed in the case of religious attitudes: positive, ambivalent, negative or zero. Even more important, from the tables one gathers that they may have an even greater positive, ambivalent or negative effect than the religious attitudes. That does not mean that the religious attitudes are valueless or ineffectual; what it does mean is that their effect is not exclusive but differentiated.

It is important to make this point, for in theological discussions and in human rights law one sometimes encounters a sort of all-or-nothing game: religious attitudes are either the *one* positive cause of human rights, or the *one* negative cause, or they have *nothing* to do with each other. If the reality were that simple it would be easy. But it is not. The long history of the relation between religion and human rights shows how complex it is (chapters 4 and 5). In a sense, that relationship cannot but be complex because both religion and human rights reflect the complexity of human life in society. Empirical research has likewise shown that neither religion nor human rights (let alone the relationship between them) can be sealed off in separate compartments, subject as they both are to constantly changing interpretations and applications in changing historical contexts. So we are under no illusion that this study is the final word on the subject. Indeed, it is far rather the very first word, at any rate as far as empirical research is concerned, and is moreover confined to a limited population – *a* South African case, as the subtitle of this book indicates.

One reason why the research itself is so complex relates, as mentioned already, to the effects of population characteristics. The principal ones were frequently noted in the various chapters of part III. They are summarised in table 14.3.1.

Table 14.3.1. *Effects of population characteristics on human rights attitudes*

	positive	ambivalent	negative	zero
demographic	gender	age		
familial	home language			
political	importance comm. parents preference			agree with others;
cultural	ethnicity/trans-ethnic, materialism/post-mat.			
religious			transfer Bible reading salience	comm. with parents; steering
ecclesiastic	church membership	rites of passage		church part.

This table shows the importance of gender: female students are on the whole more positively disposed towards human rights than their male peers; human rights are a female rather than a male issue. Home language also emerges as an important factor:[1] students who speak one of the official black languages at home mostly value human rights more than those from English or Afrikaans speaking homes; human rights are a black rather than a white issue. It stands to reason that students who consider politics important will pay more attention to human rights and rate them more positively. The same applies to students who often discuss politics with their parents, whereas agreement on political issues with significant others carries no weight: it has zero effect. Students who prefer the ANC are more positive about human rights. Students who define their identity in terms of ethnicity rather than trans-ethnically are likewise more positively disposed; in other words, human rights are an ethnic rather than a trans-ethnic issue. Post-materialistic students who favour democracy and equal opportunity are more inclined to accept human rights than purely materialistic students who are intent on earning money and on law and order.

   As for the religious population characteristics, we have seen in the preceding chapters that there is one remarkable finding. All of them

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[1] For the underlined variables, see chapter 8, note 8.

have either a negative or zero effect on human rights attitudes. Religious transfer by parents, Bible reading and religious salience (the extent to which students consider religion personally important) have negative effects, while religious communication with parents and religious steering by parents have zero effect. Among ecclesiastic characteristics, finally, the first is the students' church membership. Students who belong to the Anglican church are most favourably disposed towards human rights, followed by Methodist and Catholic students; third place goes to members of the Afrikaans Reformed churches, and last of all are students belonging to other Christian denominations, including independent churches, which are (usually) highly charismatically oriented. As for the other ecclesiastic characteristics, positive evaluation of rites of passage (baptism, marriage, funeral) has an ambivalent effect, whereas regular church participation has zero effect.

This enables us to answer our third question.

What are the effects of population characteristics on human rights attitudes?

* gender: mostly affects females;
* home language: mostly affects students who speak one of the official black languages at home;
* political importance: mostly affects students who consider politics important;
* political communication: mostly affects students who converse with their parents about politics;
* political preference: mostly affects students who prefer the ANC;
* ethnicity/trans-ethnicity: mostly affects students who define their identity in ethnic terms;
* materialism/post-materialism: mostly affects students who favour a post-materialistic lifestyle;
* church membership: mostly affects students belonging to the Anglican, Methodist or Catholic churches.

Postscript

This résumé of the effects of religious attitudes on human rights attitudes, the differences in effects between students at multicultural and monocultural schools, and the effects of population characteristics may raise the question whether it does not offer helpful guidelines for the practice of churches and pastors.

Examples of such practical guidelines readily come mind, from the goals of this study we mentioned at the end of the introduction (p. xx): contributing to a human rights culture in church and society. Everyone responsible for the religious socialisation of youths – be they parents, other lay people, teachers or pastors – would be wise not to present the Christian religion as a fixed, dogmatic entity that does not permit reflection and doubt, thus more or less forcing its relevance (salience) on young people. The reverse applies: it is important to allow scope for personal exploring and searching. Indoctrinated saliency is a bane on the development of a human rights culture. Hence it is not recommended to present religion as a fixed, immutable possession (*depositum*) that youths must appropriate at all costs. It is better to treat it as a quest, a common quest, a common intergenerational quest.

Secondly, and put bluntly: sermons which allow no room for human rights and rely mainly on scriptures about divine retaliation, will definitely have negative effects on a human rights culture. It is better to target immanent attitudes towards Jesus, leaving sufficient latitude, in terms of a christology from below, for experience of God's revelation in the person and work of the human Jesus and to aim for liberationist attitudes towards Jesus, focusing on concern for the poor and the oppressed.

A third guideline: pastoral counsellors who, when dealing with people with personal, existential and/or religious problems, put the accent on the primordial struggle between good and evil and the consequences of original sin in the chain of generations in order to 'crush their spirit' (*vermorseling van 't hart*) and in the process interpret these people's anguish as God's will, can be sure of one thing: they are further demolishing their clients' human dignity, which is the fundamental principle of human rights. They are merely adding to their burden.

Fourthly, those who favour human rights and feel that churches and pastors have to contribute to such a culture would be wise to renounce the narrow-minded particularism that still bedevils churches in the form of either exclusivism or inclusivism, and to turn to a model of interreligious pluralism. That is the only way to show genuine respect for other religions on the basis of human rights principles: human dignity, freedom and equality.

We have said before that it is vitally important for the churches – and for a human rights culture – that they should stop contem-

plating at their own navels in intra-ecclesiastic absorption, crawl out
of their cocoons and approach society with open and critical minds
so as to contribute to the development of common social interests
and values, raise their critical prophetic voices where and when nec-
essary and try professionally to expand their influence via public
opinion and politics.

Finally, anyone who wants to know what human rights mean in
practice in difficult situations and what inferences to make from that
would be wise to listen to young blacks who define their identity in
ethnic rather than trans-ethnic terms; to young blacks rather than
to young whites; to young women rather than to young men; to
youths with a politically leftist, post-materialistic approach rather than
ones with a right-wing, materialistic attitude; and to young Anglicans,
Methodists or Catholics rather than members of the Afrikaans
Reformed churches or other Christian communities, including the
independent churches. Naturally one needs to have dialogue with all
these groups, that goes without saying, otherwise no broad-based
human rights culture will ever evolve. But it would wise to let the
groups mentioned first in the foregoing categories have the first word.

We shall leave it at that. Not that we consider these examples
unimportant – on the contrary: that's why we summarised them.
But that is not the purpose of this study. Those who are familiar
with the paradigms in practical theology and in empirical theology,
which refers to the empirical approach within practical theology, will
know that this study moves beyond the clerical paradigm, with its
focus on the pastor's activities in pastoral work, religious education,
liturgy, preaching, church development and diaconal work, at any
rate as the primary task of our disciplines. They will also know that
we do not primarily set store by the ecclesiastic paradigm, with its
focus on the congregation and the church. In this study we pro-
ceeded from a third paradigm that has been gaining ground over
the past 30 years, since the bicentenary celebration of the estab-
lishment of a chair in our disciplines at the University of Vienna in
1774, over 200 years ago, first documented in *Praktische Theologie heute*
in 1974: the so-called society and religion paradigm.[2]

That means that our priority is to study the complex interaction
processes between society and religion, more particularly in regard

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[2] Klosterman, F., Zerfass, R. (Hrsg.) 1974. Praktische Theologie heute. München/
Mainz: Kaiser/Grünewald.

to the issue of human rights. In so doing we had various aims in view, as mentioned in the Introduction. In a nutshell, it boils down to collecting empirical data on the interaction processes between human rights and religion, and contributing to a human rights culture of awareness and reflection for the benefit of both the common good of society and the purification of the distinctive identity of religion. Only in such a culture can churches and pastors flourish.

APPENDIX

Range of all scales: 1–5;
1 = I totally disagree; 2 = I disagree; 3 = I am not sure; 4 = I agree; 5 = I fully agree.
6 = Never thought about this

Appendix chapter 8

Attitudes towards God (selection and adaptation from Van der Ven/Biemans 1994, 204–205; Van der Ven 1998b, 156–169)

1. God set the world in motion with the intention that human beings should keep it on course hereafter
2. God knows and understands me
3. Where people form friendships God's love is active
4. God is the ground of everything that exists
5. I experience God's hand in the beauty of nature
6. I trust God never to turn his back on me
7. Where people live in friendship God's love is present
8. God established everybody and everything
9. I experience God's goodness in the peace of nature
10. God got the world going with the intention that human beings should arrange it further
11. There is Something higher through which everything got into motion
12. In the depths of my being there is Something higher than myself
13. There is Something higher than us that prompts us to strive for love
14. There is Something higher which established everything
15. In nature I experience Something higher that transcends everything
16. In the depths of my feelings I experience that I belong to Something higher than myself
17. There is Something higher that calls people to fellowship

18. There is Something higher on which everything is built
19. In the beauty of nature there is Something higher that silences me
20. There is Something higher through which the world came to revolve
21. There is Something higher with which people and the world coincide
22. There is Something higher which we cannot name in its totality
23. People and the world together constitute Something higher
24. There is Something higher that completely transcends our imagination

Appendix chapter 9

Attitudes towards evil (selection and adaptation from Jeurissen 1993, 304–305)

1. God punishes people by means of violence because of the evil they committed
2. Mankind is brought to violence by the demonic power of weapons
3. Violence is caused by a higher evil power which has humanity at its mercy
4. Violence arises because the belief in security through weapons has been perverted nowadays into true idolatry
5. Violence arises because the evil which people have inflicted upon each other in the past leads to new evil today
6. One day God will exterminate all evil in this world by means of a final war
7. Violence is causes by a higher demonic power, which controls the world
8. There is so much evil enclosed in the structures of this world that an all-destroying war is inevitable
9. Owning and using weapons is a demonic power, which incites people to violence
10. Violence is the result of a curse which God laid on humankind in the beginning
11. One day God will put an end to the evil in this world by a great final war
12. Violence arises from original sin, which is inherited by every new generation

13. Violence is a punishment of God for the sins of the world
14. There is violence because evil, which was in the world in the past, still has a hold over mankind today
15. Violence arises because higher demonic powers rule the world

Appendix chapter 10

Attitudes towards Jesus (selection and adaptation from Van der Ven/ Biemans 1994, 204–205)

1. Jesus guides the oppressed to the land of justice
2. Before Jesus came to earth, he lived with the Father from the beginning
3. Jesus Christ is the pre-eminent example of caring for our neighbour
4. In the same way as his Father, Jesus is a complete divine pe son
5. Jesus Christ places us under the definitive judgement of God's word
6. Jesus Christ leads us in the love for God and for people
7. Jesus Christ has shown us how people may be touched by God and their fellow human beings
8. God has sent Jesus, his son, to the earth
9. In his words and deeds as a human being, Jesus has brought the loving mercy of God to expression
10. Jesus is the god-man who from the beginning has existed unchangeable with the father
11. The appearance of Jesus has revealed the care and affection of God for people
12. Jesus Christ has in word and deed shown us concretely, what it is like to be a good human being
13. Jesus has shown us through his life how we can believe in God and people
14. Jesus Christ continues to live on as a stimulus for the liberation of the oppressed
15. In the symbol Jesus Christ lies anchored the call to love each other
16. Jesus Christ is present where the oppressed stand up for their liberation
17. In Jesus' life and works the love of God for people is operative
18. Jesus is the humanity of God in word and deed
19. Jesus Christ is the example of our bond with God and people

20. In Jesus Christ, God faces us with a radical decision: for or against Him
21. In Jesus Christ, God faces us directly with the radical choice: for God or for the evil powers
22. Jesus supports the oppressed by liberating them from injustice
23. Jesus has shown us how to live as a human among humans
24. By his divine origin, Jesus Christ puts all human experience and activity in a critical perspective

APPENDIX CHAPTER 11

Attitudes towards salvation (selection and adaptation from Jeurissen 1993, 305–306)

1. The paradise on earth, which God created for us in the beginning
2. God's peace experienced in the daily contacts with others
3. The peace with God in our inner self
4. God's peace which we experience deep in our hearts
5. The warmth of God's peace in the contacts with people in our daily environment
6. The Kingdom to come, which will be given to us
7. Salvation for all humanity
8. Salvation for all people
9. The stewardship of this earth which God has given us as task
10. The peace of God which we experience with people around us.
11. The task we have to work on the Kingdom now
12. The task once given to us by God, to look well after the earth
13. The Kingdom to come, which God will give to us some day
14. The beauty of the world as God gave it to us in the beginning
15. The divine peace which we experience deep in ourselves
16. God's charge to people to look after the earth well
17. Our task of working now on the Kingdom to come
18. The future Kingdom which God will give to us one day
19. Our duty as human beings to help build God's Kingdom now
20. Salvation for the whole world

APPENDIX CHAPTER 12

Attitudes towards the church (selection and adaptation from Jeurissen 1993, 311; Van der Ven/Biemans 1994, 208; Sonnberger 1996)

 1. Anyone should be able to join the church unconditionally
 2. The issue of societal problems evokes so many conflicts in the church, that one had better keep silent on it (–)
 3. The church has little influence on what people think about societal problems and should resign itself to that situation (–)
 4. Church statements about societal problems have much influence on public opinion
 5. Unfortunately, the church does not have the knowledge required to say something sensible about societal problems (–)
 6. The church certainly must join in demonstrations for social justice
 7. The church should always keep pace with current societal trends
 8. Politicians do take into consideration what the churches say about societal problems
 9. The question of societal problems is so complicated that the church can hardly say anything about it (–)
10. The politics in the church should be determined by a few responsible leaders (–)
11. The church has a lot of influence on what people think about societal problems
12. Politicians do reckon with the church's pronouncements on societal problems
13. As a witness of the biblical message, the church must occupy itself with societal problems
14. The church must support actions of civil disobedience against societal problems
15. The church should as far as possible flow with new trends in modern society
16. The church must occupy itself with societal problems, even if this would endanger the unity among the believers
17. The church should be very reticent regarding specific trends in modern society (–)

Appendix chapter 13

Attitudes towards interreligious interaction (selection and adaptation from Van der Ven 1994)

 1. Only in my religion do people have access to true redemption
 2. Compared to the other religions, the deepest truth lies locked in my religion

3. Religions are mutually equal, they are all directed at the same truth
4. God is only found in the meeting between religions
5. The way to real salvation is only to be found in dialogue between the religions
6. In my religion the only way to true salvation is placed before humankind
7. In the whole of religion, my religion is only one of the ways to redemption
8. Compared with my religion, the other religions contain only part of the truth
9. My religion forms the most valuable way to salvation compared with the other religions
10. All religions are equally valuable, they form different ways to the same salvation
11. My religion contains the one, true light of redemption
12. The real truth can only be discovered in the communication between the religions
13. Before finding real redemption religions must enter into dialogue with each other
14. Compared to the other religions, my religion contains the supreme salvation
15. Only in my religion can people receive true salvation
16. There is no difference between religions, they all stem from a longing for God

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