THE DIVINE CHARACTER OF HUMAN RIGHTS AND DUTIES: A THEOLOGICAL ENQUIRY IN THE CONTEXT OF THE BORDER REGIONS IN THE CZECH REPUBLIC*

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ABSTRACT

The context of the article is the call by Pope Francis expressed in *Fratelli tutti* to extend fraternity towards people on the margins. The discourse on human rights is proposed as an appropriate – though by no means self-evident – tool for theology to use in order to respond to the challenge of poverty. The article discusses the use of human rights in theology against the background of the situation of poor border areas of the Czech Republic, which are considered to suffer from injustice. It is argued that, under current socio-economic conditions, it is extremely difficult for people living in these regions to make free and responsible decisions. The article confirms that human rights, e.g., social and economic rights, can be convincingly based on a theological view of the human person. 'Divine rights' have their counterpart in 'divine duties', i.e., duties resulting from biblical faith in God the Liberator. Moreover, the Gospel shows that works of mercy or works of justice are eschatologically significant. Finally, it argues that human rights not only allow Christians to share with people of other faiths and without faith the service to justice in the world but are even a possible expression of their own mission to work for the coming of the Kingdom.

Keywords

Theology; Poverty; Human rights; Social and economic rights; Czech border regions

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In his encyclical *Fratelli tutti*, Pope Francis presents Saint Francis of Assisi as one who 'walked alongside the poor, the abandoned, the infirm and the outcast, the least of his brothers and sisters'.[1] In our time, the Pope calls for 'the rebirth of a universal aspiration to fraternity. Fraternity between all men and women'.[2] In continuity with his entire pontificate, Francis highlights the reality of people at the margins, our brothers and sisters, who have limited or no chances of a good life. Despite the rhetoric of universality both in the Church and in political and economic proclamations, the Pope suspects that we still see the world with blind spots, effectively proving our language of universality to be vacuous. This is where Francis' effort to create space for hitherto hidden corners and layers of human reality and for the renewal of brotherhood originates. His call also includes theology.[3]

In some currents of theology, such as liberation theology, people on the periphery have been placed at the heart of theological reflection. Jon Sobrino from El Salvador recalls the bishop and poet Pedro Casaldáliga's saying, 'everything is relative except for God and hunger'.[4] Strangely enough, these two absolutes are linked: God decided to be close to the poor and hungry. In order to illuminate this divine act, Sobrino uses a biblical nuptial metaphor: 'There is a great temptation to separate them, or at least to keep them at a prudential distance from each other. But although we try, it is not easy: "What God has joined together" – and He did it by joining Himself with the poor, the weak, and the suffering – "let no man try to separate".'[5] This is what liberation theologians label 'the preferential option for the poor'. In a sense, it is this divine indwelling with the poor that Pope Francis rehabilitates as a focal point for theology. Unless the poor become central, theology is

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1 Francis, *Encyclical letter* Fratelli tutti *on the fraternity and social friendship*, 2020, 2, available at https://www.vatican.va/content/vatican/en.html.

2 Francis, *Fratelli tutti*, 8. From a number of comments on *Fratelli tutti*, I would like to draw attention in particular to Kristin E. Heyer, 'Walls in the Heart: Social Sin in *Fratelli tutti*,' *Journal of Catholic Social Thought* 19, no. 1 (2022): 25–40, which is relevant to the context of this article.

3 Francis, *Address at the meeting on the theme 'Theology after* Veritatis gaudium *in the context of the Mediterranean'*, Naples, 21 June 2019.

4 Jon Sobrino, 'Epilogue,' in *Getting the Poor Down from the Cross. Christology of Liberation*, ed. José Maria Vigil (www.servicioskoinonia.org/LibrosDigitales, 2007), 305–306.

5 Sobrino, 'Epilogue,' 306.

endangered by being academically distant, ecclesially closed, or falsely spiritual in an alienating sort of way.

This article enquires whether the language of human rights is an appropriate tool for theology, one which responds to the challenge of poverty and social disintegration. It picks up what Pope Francis suggests in *Fratelli tutti* 22. There, he makes use of human rights to point out persistent social and economic inequality:

> By closely observing our contemporary societies, we see numerous contradictions [to human rights] that lead us to wonder whether the equal dignity of all human beings, solemnly proclaimed seventy years ago, is truly recognized, respected, protected and promoted in every situation. In today's world, many forms of injustice persist, fed by reductive anthropological visions and by a profit-based economic model that does not hesitate to exploit, discard and even kill human beings. While one part of humanity lives in opulence, another part sees its own dignity denied, scorned or trampled upon, and its fundamental rights discarded or violated.[6]

It cannot be said that the Pope champions the language of human rights. But he does not hesitate to use it either, especially in his analysis of social reality.[7]

Even in this article, the issue will not be first and foremost about human rights, not even about human rights in relation to religion. What is at stake is human suffering, which is caused by social inequalities and legitimised by various ideologies. Nevertheless, it seems useful to indicate some basic positions that have emerged from the rich debate surrounding theology and human rights in recent decades. There are theologians that strictly distinguish between Christian worldviews and secular human rights. Petr Gallus claims that 'in the concept of human

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[6] Francis, *Fratelli tutti*, 22.

[7] It was argued that human rights are not the Pope's main key to naming the problems of poverty and human relatedness: 'It is not so much that he has dropped human rights as that he is more interested in structural problems that individual rights do not solve and often perpetuate. (…) Even human rights can be used as a justification for an inordinate defence of individual rights or the rights of the richer peoples.' Samuel Moyn, 'Pope Francis Has Given Up on Human Rights: That's a Good Thing,' *The Washington Post*, 17 Sept. 2015. Over against Moyn, Jodok Troy believes that Francis's pontificate did not fundamentally change the approach to human rights. In line with his precursors, Pope Francis' 'notion of human rights focuses on a collective conceptualization of human rights.' Jodok Troy, 'The Papal Human Rights Discourse: The Difference Pope Francis Makes,' *Human Rights Quarterly* 41, no. 1 (Feb 2019): 66–90, 67.

rights, Christianity (…) meets itself, but precisely in a secularized form, i.e. without God.'[8] Therefore human rights stand ungrounded, 'blowing in the wind'. Tracey Rowland is even more disturbed: 'Each time "Christians adopt one of the internationalized languages of modernity, they contribute to the social marginalization of their own narrative tradition".'[9] Other theologians see human rights in greater proximity to Christianity. Linda Hogan writes,

> [t]he language and concept of human rights did not emerge from Christianity directly. The initial impetus was secular. (…) the Church reacted against the secular origin of human rights and was initially quite hostile to the concept. Yet many of the ideas which were central to human rights thinking made their way into the political arena directly from Christianity.[10]

Some thinkers trace biblical roots of human rights even more explicitly: 'If we look at the period of the birth of the modern world, at personalities like Hobbes, Milton and Locke in England or the founding fathers in America, we find that the book with which they had a dialogue was not Plato or Aristotle, but the Hebrew Bible.'[11] Still, other theologians are aware of 'the limitations of a secular human rights paradigm standing alone'[12] and call for a human rights culture as a presupposition for human rights to be effective. Such a culture is typically provided by religion, which suggests that 'religion and human rights need to be brought into a closer symbiosis'.[13] However, if the concept of the universality of human rights is to gain a higher degree

[8] Petr Gallus, 'Lidská práva a křesťanství,' *Křesťanská revue* 89, no. 2 (2022): 24–27, 26.

[9] Tracey Rowland, *Culture and the Thomist Tradition after Vatican II* (London: Routledge, 2003), 150. Quoted in Linda Hogan, *Keeping Faith with Human Rights* (Washington, DC: Georgetown University Press, 2015), 2.

[10] Linda Hogan, *Human Rights* (London: Cafod, 1998), 28. A similar position is hold by Jiří Hanuš, 'Úvodní poznámky,' in *Křesťanství a lidská práva*, ed. Jiří Hanuš (Brno: CDK, 2002), 11–54, 14–15.

[11] David Novák, 'Lidská práva náleží všem bez rozdílu,' *Křesťanská revue* 89, no. 2 (2022): 2–4, 2. However, it is appropriate to listen to the warning by Samuel Moyn: 'If a historical phenomenon can be made to seem like an anticipation of human rights, it is interpreted as leading to them in much the way church history famously treated Judaism for so long, as a proto-Christian movement simply confused about its true destiny.' Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge: Harvard University Press, 2010), 6.

[12] John Witte, Jr., 'Introduction,' in *Christianity and Human Rights. An Introduction*, ed. John Witte, Jr. and Frank S. Alexander (Cambridge: Cambridge University Press, 2010), 8–43, 10.

[13] Witte, 'Introduction,' 12.

of legitimacy, the culture or better cultures of human rights cannot be nourished by Christianity alone. John Witte notices that 'the process of religious engagement of human rights is now under way in Christianity, Islamic, Judaic, Buddhist, Hindu, Confucian, and Traditional communities around the world'.[14] A particular attempt in this direction is Hans Küng's initiative world ethos, which Pavel Hošek describes as a 'set of principles [that] corresponds to the principles and starting points of the *Universal Declaration of Human Rights*, but unlike it, it gives these principles a religious justification and, in this sense, also offers religious reasons for efforts to defend human rights'.[15]

While this article draws on the insights of those who see human rights in proximity to Christianity, its argument is more down to earth. If the language of human rights proves to be a useful instrument for theology, it should be used, even if in the future we may discover better ways of expressing the subject.[16] In accordance with Linda Hogan, I keep faith in human rights in theology.[17] I also value Witte's remark that in spite of criticism of human rights – in many ways fitting and useful – we need not abandon the human rights paradigm altogether, 'particularly, when no viable alternative global forum and no viable alternative universal faith is yet at hand'.[18] Witte also points to the disdain for the genius and sacrifice of the many human rights advocates in proposals to dismiss the human rights paradigm. He refers to the experience of those who fought and fight for human rights. I find this point crucial. There are valuable stories of individuals and communities related to human rights. It is important to listen to their voices. It is at this level that Christians and others can join for action and reflection.[19] Anna Šabatová, a former Czech

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[14] Witte, 'Introduction,' 13.

[15] Pavel Hošek, 'Světový étos: náboženská motivace k hájení lidských práv,' *Křesťanská revue* 89, no. 2 (2022): 13-16, 14.

[16] Here I am approaching the position of Moyn, who emphasises the contingency of human rights: 'Human rights have to be treated as a human cause, rather than one with the long-term inevitability and moral self-evidence that common sense assumes (…) But this also means that human rights are not so much an inheritance to preserve as an invention to remake – or even leave behind – if their program is to be vital and relevant in what is already a very different world than the one into which it came so recently.' Moyn, *The Last Utopia*, 9.

[17] Hogan, *Keeping Faith*.

[18] Witte, 'Introduction,' 40.

[19] Let me share an illustrative story: During my work at the Prague Social Services Centre a few years ago, I experienced inspiring cooperation among several very diverse social organisations: an institution established by the Prague municipality, several charities belonging to various churches, and a humanistically focused non-conformist

Public Defender of Rights (Ombudsman), recalls that her experience of prison, where she found herself for political reasons as a young woman (the experience of the absence of personal freedom, humiliation, the injury to human freedom), as well as, later, the community of people around the Charter 77 initiative, continued to determine her life.[20] Hogan confirms the role of human rights groups in constituting the very notion of rights when she speaks about 'a prominent role for the lived experiences of communities of solidarity in the articulation of what these rights consist in as well as how they can best be secured'.[21] I dare say that someone who has experienced being a victim or a defender of victims of rights violations is intrinsically connected to human rights and has a feeling for human rights. For such a person – and for such a theologian, the language of human rights comes 'naturally'.

In this article, I would like to follow the methodology proposed by Pope Francis in *Evangelii Gaudium* 50. It tries to avoid a 'diagnostic overload' free from applicable methods of treatment as well as 'a purely sociological analysis which would aim to embrace all of reality by employing an allegedly neutral and clinical method'. Both play a role, yet more important is 'an evangelical discernment'.[22] I begin with a description of the socio-economic situation of people living on the margins of contemporary Czech society. This will serve to illustrate the reductive anthropological visions and profit-based economic model that exploits and discards human beings that Pope Francis writes about in *Fratelli tutti*. The main focus will be on social and economic rights, or the rights set out in Articles 22 through 27 of the *Universal Declaration*. They relate in particular to what people are entitled to as members of society, such as an adequate standard of living, health care, food, clothing, housing, and education.[23] However, considering the indivisibility and interdependence of rights, even social and economic

association. All these institutions were united by a common interest in the right of homeless people to survive the winter. Although we did not discuss human rights at that time, it was a functional principle behind our cooperation.

[20] Cf. Anna Šabatová, 'Jak jsem potkala lidská práva,' *Křesťanská revue* 89, no. 2 (2022): 4–6.

[21] Hogan, *Keeping Faith*, 4.

[22] Francis, *Apostolic Exhortation* Evangelii Gaudium *on the Proclamation of the Gospel in Today's World*, 2013, 50, available at https://www.vatican.va/content/vatican/en.html.

[23] By focusing on social and economic rights, I move towards an integral conception of rights. I take into account the issue raised by Linda Hogan: 'Insofar as it is regarded as "liberalism gone global," human rights discourse is viewed by its theological

rights will not be assessed in isolation from other rights. In the first part, the article will draw on social analyses. In the following two parts, I will construct a theologically-based vision of the 'right not to be poor' and the 'duty to be with the poor'.

1. 'Whoever Does Not Have, Even What They Have Will Be Taken from Them.'

At the time of the emergence of modern Czechoslovakia in 1918, the extended border areas (somewhat imprecisely marked the Sudetenland) were inhabited mostly by a German speaking population. After World War II, more than two million people were expelled from Czechoslovakia. The areas most affected were what today are known as the Ústecký, Karlovarský, and Moravskoslezský regions. These areas were subsequently resettled in several waves. The communist regime invited people to the borderlands because of the prospect of affordable housing and well-paid work in coal mines and heavy industry. Libor Prudký described the post-war decades as 'a combination of devastation, pride and a service to socialism – these were typical features of the population here'.[24] With the fall of communism in 1989 came the large-scale closure of mines and industries, with little compensation for the workers. In addition, the environment was severely polluted due to former surface coal mines and heavy industry. The new neo-liberal regime preferred instant economic return to long-term development. 'The result is a situation of resignation, without significant hopes and perspectives. From this also flows an important lack of civil checks on government. And this again contributes to tensions and the emergence of extreme reactions and conflicts.'[25] The regions became peripheries 'in which live people who are excluded from the mainstream development of society – these people are at the margins of development'.[26]

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critics as nothing more than individualism, secularism, and Western political imperialism in disguise.' Hogan, *Keeping Faith*, 2.

[24] Libor Prudký, Michaela Šmídová, and Kateřina Vojtíšková, *Periferie, kraje, hodnoty. Možnosti periferních krajů na cestě za dobrými hodnotami* (Brno: CDK, 2016), 72.

[25] Prudký, Šmídová, and Vojtíšková, *Periferie*, 152.

[26] Jiří Musil and Jan Müller, 'Vnitřní periferie v České republice jako mechanizmus sociální exkluze,' *Sociologický časopis/Czech Sociological Review* 44, no. 2 (2008): 321–348, 323.

The current image of the regions is rather stark but still true to reality. Here you will find concentrated disadvantages: a long-term drop in the number of inhabitants thanks to the significant outflow of young people, poor public transport and basic services, the highest rates of unemployment, a high proportion of the population with low educational achievement or without education, the lowest proportion of university graduates, the lowest wages, high numbers of people living on social benefits, and a high crime rate.[27] Widespread debt among low-income households further contributes to the deterioration of family life.[28] Regarding family patterns, the research by Dana Hamplová revealed that 'traditional family norms and behaviour are weakest among those with low education in regions with a high incidence of socio-economic problems.'[29] It is socio-economic hardship that causes families to break up. 'The erosion of economic security contributes to the gradual weakening of family structures.'[30] According to Petr Fučík, in these regions, we observe a higher incidence of women with low education who give birth outside marriage and raise children as single mothers. Moreover, couples with low education are more likely to divorce. The causes for this must be sought among the harsh living conditions in which less educated people often live.[31] The cumulative disadvantages can aptly be described as St Matthew's effect.[32]

Compared to other regions of the Czech Republic, the social and economic rights of residents of peripheral regions are supported significantly less, if not even violated. We can apply to these regions the following words from *Fratelli tutti*: 'It frequently becomes clear that, in practice, human rights are not equal for all.'[33] Inequality in access

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[27] Cf. Marie Feřtrová, 'Unemployment and Social Security Benefits,' in *Atlas of socio-spatial differentiation of the Czech Republic*, ed. Martin Ouředníček, Jana Temelová, and Lucie Pospíšilová (Praha: Karolinum, 2011), 35–43.

[28] See an interactive map of debts created by Otevřená společnost o.p.s. available on webpage http://mapaexekuci.cz/index.php/mapa-2.

[29] Dana Hamplová, 'Rodinné chování a hodnoty a vzdělání,' in *Na vzdělání záleží. Jak vzdělanostní rozdíly ovlivňují osudy lidí v České společnosti*, ed. Dana Hamplová and Tomáš Katrňák (Brno: CDK, 2018), 75–88, 76.

[30] Hamplová, 'Rodinné chování,' 88.

[31] Petr Fučík, 'Vzdělání a riziko rozvodu,' in *Na vzdělání záleží. Jak vzdělanostní rozdíly ovlivňují osudy lidí v České společnosti*, ed. Dana Hamplová and Tomáš Katrňák (Brno: CDK, 2018), 109–121, 120.

[32] The designation refers to Matt 13,12: 'Whoever has, will be given more, and they will have abundance. Whoever does not have, even what they have will be taken from them.' It was popularised by Robert K. Merton in the 1960s for success and failure in science.

[33] Francis, *Fratelli tutti*, 22.

to rights is a manifestation of injustice. In line with other thinkers, the Pope speaks about the structural causes of inequality.[34] Zuzana Uhde explains that 'structural injustices are not the result of the deliberate actions of individual actors or state institutions.'[35] They are a kind of moral wrong resulting from the actions of many actors, individual and institutional, who pursue their own interests. Refering to Ignacio Ellacuría, Jon Sobrino insisted that, in the real world, the fact that human rights are real for some people often means that they are denied and even violated by others.[36] Although people exposed to structural injustice do not seem to share a common identity, the non-individualised character of social exclusion was underlined, and a critique was made of the hegemonic political discourse, which individualises poverty and frames it as an aberration.[37] In the context of this article, it is important to define residents living in the border areas of the Czech Republic as a collective subject in relation to social structures.

Inequality in access to rights is linked to inequality in the concept of rights. Ever since the adoption of the *Universal Declaration of Human Rights*, the suggested symmetry between civil and political rights, on the one hand, and economic and social rights, on the other, has been questioned.[38] Even today, the prevailing liberal model considers only civil and political rights as basic rights, whereas social and economic 'rights' 'are recognized only for instrumental reasons as a means of achieving civil and political equality'.[39] Hogan admits that 'there remains within human rights discourse a failure to appreciate the depth of the impact that material conditions have on the construction of subjectivity.'[40] Petra Gümplová suggests that civil and political rights cannot be considered in isolation from material circumstances.

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[34] Francis, *Fratelli tutti*, 116.

[35] Zuzana Uhde, 'Lidská práva v zajetí hranic: zdroje konfliktů a transnacionální migrace,' in *Lidská práva v mezikulturních perspektivách*, ed. Petr Agha (Praha: Academia, 2018), 277–296, 285.

[36] Jon Sobrino, *No Salvation Outside the Poor. Prophetic-Utopian Essays* (Maryknoll, NY: Orbis Books, 2008), 12.

[37] See Chris Shannahan, 'The Violence of Poverty: Theology and Activism in an "Age of Austerity",' *Political Theology* 20, no. 3 (2019), 243–261.

[38] 'On Human Rights. The Universal Declaration of Human Rights Fifty Years Later: A Statement of the Ramsey Colloquium,' *First Things* 82 (Apr 1998): 18–22.

[39] Marek Hrubec, 'Lidská práva mezi inkluzí a exkluzí. Dynamika vývoje západní právní sféry a její meze v éře globálního kapitalismu,' in *Lidská práva v mezikulturních perspektivách*, ed. Petr Agha (Praha: Academia, 2018), 77–95, 85.

[40] Hogan, *Keeping Faith*, 100n40.

Focusing on political participation, she argues that legitimate processes of decision making require substantial equality among participants:

> If individuals or groups are subjected to discrimination, are not afforded social and cultural recognition, or are systematically excluded from access to some basic services and economic advantages (poverty, education, adequate health care, the possibility of trade unions), then it is difficult for them to fully participate in the process of political participation.[41]

In accordance with the *Universal Declaration*, I find it important to perceive different types of rights as equal. How can this be mirrored in theology when it reflects on the situation of people with cumulative disadvantages? I believe the answer can be found in the concept of integral human development.[42] What this concept wants to achieve was beautifully captured earlier (though in a different context) by Henri Nouwen: 'The struggle to which the God of the Bible calls his people is much larger than struggle for political or economic rights. It is a struggle against all the forces of death wherever they become manifest and a struggle for life in the fullest sense.'[43] There is a rich biblical tradition interpreting the basic equality of people before God. When this equality is violated – either by force or by a sequence of events – God takes the side of widows and orphans, the poor and strangers, and requires special care for them. Hogan concludes, '[t]he designation of these particular groups for special care arises from their vulnerability in the existing Jewish society and that of its neighbours.'[44] It seems that biblical tradition encourages the pursuit of justice through partiality and also values the material conditions necessary for a good life.

In line with these ideas, Pope Paul VI made use of the language of human rights in addressing structural and institutional concerns in his encyclical *Populorum Progressio* from 1967. '[It] argued for radical change in order to combat the inherent institutional injustices in the

[41] Petra Gümplová, 'Lidská práva a právo na přírodní zdroje,' in *Lidská práva v mezikulturních perspektivách*, ed. Petr Agha (Praha: Academia, 2018), 299–319, 317.

[42] See the webpage of The Dicastery for Promoting Integral Human Development: https://www.humandevelopment.va.

[43] Henri Nouwen, 'Forward,' in *We Drink from our own Wells. A Spiritual Journey of a People*, Gustavo Gutiérrez (Maryknoll, Orbis Books: 1984), xvi.

[44] Hogan, *Human Rights*, 17.

world's economic and political order.'[45] Inspired by this move towards human rights discourse, in the next two sections, I also return to the language of human rights in the search for an adequate response to the experience of structural injustice as we encounter it, for example, in the Czech borderlands.

2. The 'Divine Right' Not to Be Poor

In the introduction, I mentioned liberation theology as a theology that places the case of people on the periphery at the centre of its reflection on faith. Liberation theologians do not usually turn to human rights because these have often been reduced to first generation rights and promoted by the oppressors.[46] However, this is not so in the work of some scholars such as José Ignacio Gonzáles Faus. He contributed a chapter on anthropology to *Mysterium Liberationis: Fundamental Concepts of Liberation Theology*,[47] a kind of *summa theologiae* of Latin American liberation theology. Faus calls on the First World to revise its sacrosanct slogan of 'human rights', which so far has mostly meant no more than 'individual privileges'. Such revision could follow the sense of Augusto Cesar Sandino's statement: 'The rights of the poor are more *sacred* than the rights of the powerful.'[48] Faus reads Sandino's words in the light of Nikolai Berdyaev's expression: 'Bread for me is a material problem, whereas bread for my brother is a *spiritual* problem.'[49] He goes on and explains:

> This approach would allow us to understand the term 'sacred' in Sandino's phrase, and enable us to see that in this phrase, we are in the presence

[45] Hogan, *Human Rights*, 43. *Populorum Progression* was preceded Pope John XXIII's *Pacem in Terris*. Hogan claims that 'it is really with *Pacem in Terris* that one can see the Church making a radical break with its conservative past and being prepared to criticise existing social and legal structures.' (Hogan, *Human Rights*, 42). The same author, however, believes that 'one must see *Pacem in Terris* as an integral part of a tradition rather than as a radical innovation' (41).

[46] Cf. Mark Engler, 'Toward the "Rights of the Poor": Human Rights in Liberation Theology,' *Journal of Religious Ethics* 28, no. 3 (2000), 339-365.

[47] Ignacio Ellacuría and Jon Sobrino (eds.), *Mysterium Liberationis: Fundamental Concepts of Liberation Theology* (Maryknoll, Orbis Books: 1993).

[48] José Ignacio Gonzáles Faus, 'Anthropology: The Person and the Community,' in *Mysterium Liberationis: Fundamental Concepts of Liberation Theology*, ed. Ignacio Ellacuría and Jon Sobrino (Maryknoll, Orbis Books: 1993), 516.

[49] Faus, 'Anthropology,' 516.

> of a truth which is religious in itself because, as with the reality of God, it can only be *recognized*. It cannot be imposed by itself, since the weak are supposed to be those who lack the power to impose even their most basic rights.[50]

I quote Faus at length because the way he connects the rights of the poor with the terms *sacred* and *spiritual* is crucial. Here, the divine is associated with that form of humanity that is weak and helpless, dependent on the mercy of others, especially God's mercy. It is reminiscent of Matthew 5,3, the *ptóchoi* entirely dependent on the goodness of God. They are entitled to the kingdom of heaven. Here, the divine promise is manifested as a right.[51] Obviously, poverty as such is not a desirable end: Berdyaev speaks about a spiritual *problem* to be addressed. We can return to *Fratelli tutti*. The right of the poor not to be poor is, first and foremost, the right to life-giving communion with others. If inequality of rights stemming from structural injustice disrupts the community and is a manifestation of a broken community, then the recognition of equal rights for all, i.e. the recognition of the human person as a person and as a dignified subject, will help to rebuild the community.

There are still other theologians who have explored the divine element in the rights of the poor. Jeremy Waldron connects the classical idea of *imago Dei* with certain kinds of rights. The first is the basic right to life and recognition of the sacredness of human life.[52] The second encompasses welfare rights, the most elementary requirements of concern for one another's subsistence. Waldron believes that this perspective is in accord with Matthew's account of the presence of Christ in every needy or vulnerable person. The third kind of right relating to *imago Dei* is the right not to be subject to degrading treatment. Hurting a human being represents hurting the divine person whom he or she portrays.

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[50] Faus, 'Anthropology,' 516.

[51] This idea is reflected in Jon Sobrino's essay 'The Divine Element in the Struggle for Human Rights,' in *Spirituality of Liberation: Toward Political Holiness*, Jon Sobrino (Maryknoll: Orbis Books, 1988), 103–114.

[52] Jeremy Waldron, 'The image of God: rights, reason, and order,' in *Christianity and Human Rights. An Introduction*, ed. John Witte, Jr. and Frank S. Alexander (Cambridge: Cambridge University Press, 2010), 226–227. Waldron's thought is reminiscent of Jan M. Lochman, who grounds the right of our humanity in the theology of creation. See Jan Milíč Lochman, *Krédo. Základy ekumenické dogmatiky* (Praha: Kalich, 1996), 74–77.

The idea of dignity and worth of all human beings based on the exalted status of being created in the divine image is further developed by Desmond Tutu. Even more strongly than Waldron, Tutu does not hesitate to call every human person a God carrier and – inspired by the language of the New Testament – also a sanctuary and a temple of the Holy Spirit. Tutu appreciates the Buddhist practice of bowing before another human being when the God in me greets the God in you. 'This preciousness, this infinitive worth, is intrinsic to who we all are and is inalienable as a gift from God to be acknowledged as an inalienable right of all human beings.'[53] Much like Waldron in his third point, Tutu claims that to oppress human beings is not just evil but blasphemous, 'for it is tantamount to spitting in the face of God'.[54] Tutu seeks human freedom in the character of God, or better, in God's acts. The Israelites, with their own experience of slavery, depicted God as the great liberator. Christians declare that Christ has set us free; therefore, we have all kinds of rights and freedoms: autonomy, expression, association, etc.

In her brief outline of the antecedents of human rights thinking, Hogan mentions the covenant between God and the people as the most important religious event. Since the covenant is made after the exodus from Egypt, 'this of course is highly significant in thinking about human rights because the exodus itself can be interpreted as an instance of Yahweh's vindication of the rights of the oppressed'.[55] Both covenant and exodus enhanced a notion of human dignity and worth. Hogan concludes that 'the covenant's concern with social justice is a central component. In this one can see many antecedents of the human rights tradition.'[56] David E. Aune brings an important dimension to biblically-based research on human rights, namely eschatology. Jesus' proclamation of the Kingdom amounts to an eschatological social reversal in which the current reality is turned upside down: God accepts the poor and rejects the rich. It signals 'a subversion of the typical religious values and conceptions that characterized the

[53] Desmond M. Tutu, 'The First Word: To Be Human Is to Be Free,' in *Christianity and Human Rights. An Introduction*, ed. John Witte, Jr. and Frank S. Alexander (Cambridge: Cambridge University Press, 2010), 1–7, 2.
[54] Tutu, 'The First Word,' 3.
[55] Hogan, *Human Rights*, 16.
[56] Hogan, *Human Rights*, 17.

Jewish religious establishment'.[57] It is present, for example, in the Beatitudes: 'Blessed are you poor, for yours is the kingdom of God' (Luke 6:20).[58]

3. 'Divine Duty' to Be with the Poor

As a relational category, human rights express both entitlements and obligations. Witte puts it bluntly, '[t]he rights of the poor and needy in society (…) [correlate with the] duties of all to support and protect them as they have means.'[59] I will focus on the theological foundations of human mutuality, particularly as it relates to the situation of people living on the peripheries.

First, however, I would like to examine two perspectives on the relationship between rights and obligations, which I consider erroneous. They go like this: people may claim their rights only to that degree to which they are willing to fulfil their duties, and one should be modest in claiming rights and should rather look to one's duties. Although there are some valid elements in such perspectives, they are fundamentally flawed. Duties are not symmetrical to rights. Rights are not conditioned by fulfilling duties. Speaking theologically, rights are not merits; they are divine endowments and thus entitlements. Moreover, though a call to be modest in claiming rights makes sense as a manifestation of voluntary free modesty, it is, however, completely inconsistent with advocacy for the right of the other, e.g. the poor. Over against such misconceptions, I would like to quote Šabatová, who captured the spirit of human rights in this way: 'It is good to realize that every virtuous activity, caring for others, caring for nature, raising your voice to protect the rights of the weak and forgotten also contributes to the protection of human rights and makes our society better and more humane.'[60] Human rights as emerging from oneself towards others was highlighted

[57] David E. Aune, 'Human Rights and Early Christianity,' in *Christianity and Human Rights. An Introduction*, ed. John Witte, Jr. and Frank S. Alexander (Cambridge: Cambridge University Press, 2010), 84–85.

[58] See also the interpretation of the same verse in Petr Pokorný, *Ježíš Nazaretský: historický obraz a jeho interpretace* (Praha: Oikúmené, 2005), 26: 'The promise to the poor means that in God's absolute (eschatological) future there will be no social deprivation, which Jesus recognized as the worst consequence of human alienation (sin) and the heaviest burden for those affected by it.'

[59] Witte, 'Introduction,' 18.

[60] Šabatová, 'Jak jsem potkala lidská práva,' 6.

by Pavel Keřkovský with reference to the commandment of love: 'The biblical message confirms these activities by teaching that it is not so much a matter of whether I have the right to something, but whether I am able to grant dignity and human rights to another – that is, to love him as myself.'[61]

Having dealt with these issues, I will begin to address the question of the divine nature of the duty to people in need, such as those on the peripheries. According to Archbishop Tutu, it is the religious duty of all people of good will to stand up in opposition to injustice and oppression. He is quite clear that 'any person of faith has no real option'.[62] It is faith that must galvanise human beings with a zeal 'to be active protectors of the rights of persons'.[63] Interestingly, the eschatological dimension returns here again in the most famous gospel justification of the duty to the poor in Matthew 25. It emphasises that acts of love and solidarity matter for the future that God is creating.[64] According to Hogan, there is a double challenge contained in the preaching of Jesus. First, it requires Christians to work for the coming of the Kingdom by introducing equality into social, economic, and political relationships. Second, his message forces us 'to look at the marginalised with new eyes, to see in them not failure and poverty, but God's blessing. By privileging the outcast, the Gospel challenges us to see the inherent and inalienable dignity and worth of each person.'[65] It is another expression of the eschatological social reversal that was already mentioned above. Independently of Hogan, Sobrino thought extensively about this second point. He says we should be grateful to victims. A dehumanised society becomes more human when it allows itself to be healed by victims and is grateful for that. 'Through what

[61] Pavel Keřkovský, 'Lidská práva se uskutečňují každodenním uznáváním důstojnosti druhého,' *Křesťanská revue* 89, no. 2 (2022): 20–23, 23. Formulations of the Decalogue go in the same vein: 'There one is not informed about one's rights, but is made aware of the rights of others.' Jan Roskovec, 'Lidská práva: svoboda člověka v nedokonalém světě,' in *Křesťanství a lidská práva*, ed. Jiří Hanuš (Brno: CDK, 2002), 85–89, 87–88.

[62] Tutu, 'The First Word,' 3.

[63] Tutu, 'The First Word,' 3.

[64] Robert A. Seipe, 'Christianity, Human Rights, and a Theology That Touches the Ground,' in *Christianity and Human Rights. An Introduction*, ed. John Witte, Jr. and Frank S. Alexander (Cambridge: Cambridge University Press, 2010), 320–334, 321.

[65] Hogan, *Human Rights*, 20.

they are, they open our eyes to what we are, our own truth, which we wish so much to conceal.'[66]

Human rights remind us of our interrelatedness which is ultimately based on our life-giving relationship with God. Human interrelatedness binds us to mutual accountability. Seipe infers that 'we hold each other accountable for creating the conditions that will optimize human rights.'[67] In particular, we can create a better environment for others to make good decisions. This applies well to the people living on the peripheries: people with limited access to good education, housing, and well-paid work, people geographically and socially cut off from the benefits of a developing society, and people whose family patterns correspond to the limited possibilities of life. The quality of their decisions certainly depends on economic conditions. In difficult circumstances, decisions are made that do not originate in freedom and strength, but in weakness and poverty. Seipe even suggests that there is 'the kind of poverty that can now be defined as a condition that precludes ethical consideration'.[68] Therefore, supporting human rights can help to create a situation in which people at the margins will be able to make meaningful decisions and perhaps even make decisions for the greater good.

Finally, with regard to duty to others, especially the poor, we should consider the problem of representing the other. Hogan reminds us how important it is to 'unlearn our conviction that we are entitled and able to speak for the marginalized'.[69] Even well-intended advocacy of the rights of the poor can actually forget that it is the others who define themselves and their needs and claims. Human rights discourse is by no means exempt from the temptation of colonialism. However, this does not necessarily lead to silence. 'It may be (…) our capacity to imaginatively inhabit the world of the other that will secure the kind of shared political culture.'[70] The awareness of duty towards others, as well as the impossibility of representing them absolutely, leads us to learn to live creatively in the tension between speaking for others and giving space while being silent.

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[66] Jon Sobrino, 'Eine kranke Zivilisation vermenschlichen,' *Concilium* 45, no. 1 (März 2009), 55–65, 63.
[67] Seipe, 'Christianity,' 330.
[68] Seipe, 'Christianity,' 329.
[69] Hogan, *Keeping Faith*, 86.
[70] Hogan, *Keeping Faith*, 10.

Conclusion: Together with Others in the Service of Testimony and Hope

I believe that the language of human rights can prove to be of good service to Christian theology, and especially anthropology, when it seeks to reflect on human community and its ills. In Hogan's words,

> Christians come to the language of human rights (…) not as strangers to a modern discourse but rather from within their theological heritage. (…) Thus, human rights language can function also within a theological frame and as a language through which the demands of Christian witness can be expressed.[71]

It helps the Church to remain a prophetic voice and to be the protector of the vulnerable. At the same time, using the language of human rights requires humility from Christians. First, it is because the concept of human rights 'confronts the Church with the reality that in order to be a credible witness to human rights it needs to be an exemplar. It must incarnate, both within its own community, and in its relations with others, its commitment to human rights.'[72] Second, the doctrine of human rights enables Christians 'to understand their own praxis (…) [as] part of a larger commitment which all human beings can share. It is not a provincial or local language, rather it is one which unites them with people of many creeds and none.'[73] Such an experience undoubtedly poses a challenge to the identity of Christians.

This article explored the meaning of human rights in theological reflections on poverty – for example, poverty on the Czech peripheries. It sought to show that the language of human rights, understood in a certain way, is a relevant language for theology and that human rights – both as entitlements and duties – can even be grounded in the mystery of God. By way of conclusion, I wish to underline two specific roles of Christian communities in relation to the human rights of the poor. First, Christians, aware of the inalienable dignity of all persons, can be steadfast witnesses to various kinds of human rights violations. Rather than worrying about their own rights, they could serve the

[71] Hogan, *Keeping Faith*, 4.
[72] Hogan, *Human Rights*, 48.
[73] Hogan, *Human Rights*, 48.

rights of others. This would be a significant way to fulfil the mission of proclaiming the Gospel today. Second, human rights are a sign of hope. Just as Jeremiah went out and bought a field when the Babylonians were besieging Jerusalem (Jer. 32:6–44), Christians can show similar signs of hope despite seemingly hopeless situations and times.

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