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# Christianity, Human Rights, and Dignity: Squaring the Triangle

*Brett Scharffs,\* Andrea Pin,† & Dmytro Vovk‡*

## INTRODUCTION

The relationship between Christianity and human rights is a matter of deep controversy, drawing the attention of theologians, historians, lawyers, and philosophers alike. The historical connections between various denominations of Christianity and human rights and the dialectics between Christianity and human rights are matters of endless academic debates. How much contemporary narratives of rights are owed to Christianity, what Christianity has borrowed from nonreligious modern and postmodern thinkers, the extent to which the contemporary language of rights clash with Christian values, and the theoretical foundations of such clashes keep scholars busy.

The topic, however, is all but confined to theoreticians. How Christianity understands or ought to understand rights is often discussed within legal and political circles. The public role of Christianity and Christians in contemporary societies surfaces whenever a policy that touches upon Christian values is discussed. Parliaments and courts, especially in countries born out of Christianity, are often busy trying to reconcile religious freedom claims put forward by Christians with rights that contradict Christian morality.

Disagreements on the role of Christianity vis-à-vis human rights have often generated rifts between Christians and advocates for human rights, hijacking collaborations between religious and secularist groups and NGOs. Christians and secularists often perceive each other as difficult opponents and have developed defensive and offensive strategies as a consequence. Calls to

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Christian values have become powerful rallying cries that mobilize citizens and build political consensus for the protection of Christianity and the enactment of Christianity-inspired public policies. Across the globe, advocates for human rights often rival Christian groups in courts, parliaments, referendums, and constitutional drafting and amendment processes. Mutual vindications of the autonomy and the liberty of the church, the separation of church and state, or non-religiously inspired morals have given birth to what Christopher McCrudden has dubbed “transnational culture wars” that often occupy public arenas such as courtrooms and legislative branches.<sup>1</sup>

#### THE NOVELTIES AND THIS ISSUE

To a large extent, none of this is truly new. The relationship between church and state has always been contentious. Jesus himself was questioned about how one might find a proper place for both within society and within the human heart. Since the issue surfaced, models of collaboration, subordination, confrontation, hostility, and identification between the two have abounded within Christendom. The occasions are countless where political leaders have deployed Christianity as a political or geopolitical tool, weapon, or scapegoat; citizens have taken Christian individuals or groups to court or claimed their religious freedom protection as Christians vis-à-vis governmental policies; governments have made the protection of Christian religion one of their priorities; or Christian minorities have been considered a threat to public order and national security.

However, there are significant differences between historical events and the latest developments of this Christianity-and-human-rights saga. Critical aspects that were absent or played a minor role in the earlier stages now shape the contemporary debates and confrontations between Christianity and rights. This collection of Articles is intended to track the novelties and emphasize the extent to which they pose unprecedented challenges.

The first significant aspect of recent debates on Christianity and human rights is how much they revolve around dignity. Christians and secularists diverge on their theories, but both often deploy this concept within their narratives. How the concept of dignity

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1. Christopher McCrudden, *Transnational Culture Wars*, 13 INT’L J. CONST. L. 434 (2015).

has unfolded,<sup>2</sup> whether it provides a sufficient background for a solid defense of human rights,<sup>3</sup> and how it affects conceptualizations of religious freedom<sup>4</sup> are critical aspects that were unfamiliar to courts, public debates, and human rights advocates until recent decades.

Supranational adjudication adds a layer to the contemporary complexities on the topic. The European Court of Human Rights is admittedly the “poster child” of litigation beyond the state. An offspring of the post-World War II disillusionment with statehood, this pancontinental judicial organ now patrols vast portions of European territories and offers a forum for clashes over human rights and Christian needs. How Christian groups employ human rights language and make judicial arguments,<sup>5</sup> whether they invoke human dignity,<sup>6</sup> and whether such arguments have a purchase in the Court<sup>7</sup> are critical aspects to understanding how Christianity and human rights take judicial shape, persuade courts, and find reconciliation.

Christian morality and its political ramifications also affect how states deal or should deal with contemporary issues of global proportion. As anti-immigration policies in recent years have made clear, calls within Christianity to address social and economic imbalances through proper immigration policies is an extremely sensitive topic in traditionally Christian countries with long traditions of welcoming migrants, such as the United States.<sup>8</sup>

The contemporary developments in the field of human rights have done more than simply scratch the surface of the religious camp. They have compelled Christian thinking to reconsider its understanding of church and state relationships and the state’s role in protecting human rights. The Christian Orthodox scenario,

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2. Nicholas Aroney, *The Rise and Fall of Human Dignity*, 46 BYU L. REV. 1211 (2021).

3. Frederick Mark Gedicks, *Christian Dignity and the Overlapping Consensus*, 46 BYU L. REV. 1245 (2021).

4. Joel Harrison, *Christian Accounts of Religious Liberty: Two Views of Conscience*, 46 BYU L. REV. 1273 (2021).

5. Pasquale Annicchino, *Friends of the Court: Christian Conservative Arguments on Human Dignity Before the U.S. Supreme Court and the European Court of Human Rights*, 46 BYU L. REV. 1155 (2021); Eugenia Relaño Pastor, *Christian Faith-Based Organizations as Third-Party Intervenors at the European Court of Human Rights*, 46 BYU L. REV. 1329 (2021).

6. Annicchino, *supra* note 5.

7. Relaño Pastor, *supra* note 5.

8. Christine M. Venter, *Human Dignity Has No Borders: Respecting the Rights of “People on the Move” and the Rights and Religious Freedom of Those Who Aid Them*, 46 BYU L. REV. 1369 (2021).

which is usually characterized by a high level of loyalty and identification of the local church with the political regime, has fluctuated between the development of its moral order and the endorsement of the regime's political priorities.<sup>9</sup> The Catholic scenario has become increasingly disenchanted with the logic of rights entrenched in constitutional democracies, and a part of it has started backing the so-called populist forces attempting to develop constitutional alternatives that are less centered on individualistically understood human rights.<sup>10</sup>

#### CONCLUSION

Despite the variety of angles and the different ideological leanings of the articles, they speak with one voice on one issue. The confrontations between Christianity and human rights are not without precedent. Centuries of church and state struggles, collaboration, and mutual identification are there to prove it. What is new, however, is the weaponry that Christianity and human rights can exploit today. Dignity is a much stronger—albeit elusive—concept than what was available before. It can mobilize people, intellectuals, judges, and political leaders in different ways but with equal force. It magnifies the political and cultural role of the judiciary. It strengthens the importance of national identities while emphasizing the universal value of human life. It reframes the role of politics and politicians. The relationships between Christianity, human rights, and secularism will likely depend on how these new tensions are reconciled—and on the rival factions' capacity to mutually acknowledge each other as involved in the discovery of the worthiness of the human being.

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9. Mikhail Antonov, *Russian Symphonia vs. Rule of Law?*, 46 BYU L. REV. 1183 (2021).

10. Andrea Pin & Luca P. Vanoni, *Catholicism, Liberalism, and Populism*, 46 BYU L. REV. 1299 (2021).

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