

The Transfiguration of Rights: A Proposal for Orthodoxy's Appropriation of Rights Language

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Abstract

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The article, building on very recent Orthodox political theology, especially that of Aristotle Papanikolaou and Panteelis Kalaitzidis, brings modern human rights theory into dialogue with Orthodox theology, seeking to bypass “a kind of xenophobia of the West” which has hindered previous attempts at dialogue. The approach is neither an uncritical rejection of rights language nor an unthinking embrace of it, but a careful discerning to see which aspects of human rights theory and practice are reconcilable with Orthodox theology. The author makes expansive use of this rights theory, opening it up, with help from Maximus the Confessor, beyond sociopolitical categories to include ecological questions in a cosmological context. He concludes by calling for further dialogue to more clearly demonstrate that human rights do not represent a threat to the mission of Orthodoxy in the world but a point of connection between the Church and the world.



Introduction

Orthodox reactions to human rights in the modern era have been disparate and varied, which makes it difficult to speak of a uniform stance on the issue. This mimics the uncertainty with which the Orthodox have approached the larger task of constructing a modern political theology. With the publication

in late 2012 of his book, *The Mystical as Political: Democracy and Non-Radical Orthodoxy*, Aristotle Papanikolaou has offered perhaps the most positive and theologically robust basis for the appropriation of human rights into a new Orthodox political theology. His thesis comes within a critique of what he calls “the Christian theological assault on modern liberal democracy.”¹ Framing his analysis of human rights within Orthodox conceptions of personhood, Papanikolaou argues that “based on the principle of divine-human communion [*theosis*], the Orthodox (and Christians, more generally) must unequivocally support the language of human rights, though fully realizing that such language falls short of expressing all that the human is created to be.”² There are three components to Papanikolaou’s thesis: (1) he establishes a basis for human rights in Orthodox theological anthropology; (2) he asserts the imperative of upholding human rights as part of his case for including core elements of liberal democracy within a new Orthodox political theology; and (3) he agrees with those Orthodox scholars who have detected in the concept of human rights an innate deficiency to express the fullness of human flourishing.

Having recently developed my own positive account of the relationship between Orthodox theology and rights language,³ I would like to correlate my own argument to the three components of Papanikolaou’s thesis, while recognizing key differences in each component. I am using Papanikolaou’s argument as a springboard for my own argument for two reasons: (1) his is one of the only modern attempts within the Western context to construct a comprehensive Orthodox political theology; and (2) it seems only proper given the basic similarities to place the differences in my own argument in relief to Papanikolaou’s argument. The first and most significant dif-

¹ Aristotle Papanikolaou, *The Mystical as Political: Democracy and Non-Radical Orthodoxy* (Notre Dame: University of Notre Dame, 2012), 87.

² Papanikolaou, *Mystical as Political*, 88.

³ Christopher Brenna, “Orthodox Christian Cosmology and Modern Rights Theories: A Proposal for Political Dialogue and Change,” presentation given at the 2012 annual meeting of the Orthodox Theological Society of America, Sept. 19, 2012, St. Vladimir’s Seminary, Crestwood, NY.

ference is that I base my argument for the usefulness of rights language not in Orthodox theological anthropology per se, but upon an Orthodox cosmology. The primary theological notion for Papanikolaou's political theology is *theosis*, which he terms "human-divine communion."⁴ The analogous cosmological principle for my argument is *transfiguration*, a concept given thorough treatment by modern Orthodox patriarchs and hierarchs in the context of ecological theology. Because this construes a more extensive foundation for rights, it allows for the justification of more than just human rights, including animal and environmental rights, as well as the rights of future generations. Secondly, my argument will lack the connection to liberal democracy as a political system that Papanikolaou's argument has. I do not share Papanikolaou's assessment of liberal democracy as the most salubrious political system with which Orthodoxy ought to be united.⁵ We agree that rights language is beneficial but not crucial. That is, it is only as beneficial within the current cultural milieu as it remains culturally relevant. Though the theological basis for employing rights is indispensable to Orthodoxy, rights language itself is dispensable, since it is only useful insofar as the cultures within which it is employed remain tractable to it.⁶ Lastly, I contend that most Orthodox scholars have mischaracterized the usefulness of rights language within the schema of Orthodox political theology.⁷ Rights language, so the argument goes, inherently recognizes human failure and is therefore inadequate to the task of relating God and humans properly. This has been the primary reason that most Orthodox scholars have ultimately portrayed rights language as detrimental to the aims of Orthodoxy. Papanikolaou, however, recognizes that despite the

⁴ Papanikolaou, *Mystical as Political*, 2.

⁵ It is not that I am opposed to Papanikolaou's assertion. I simply don't make it or an analogous assertion in my argument here. My point will be, precisely, that rights language doesn't necessarily have to employ the tenets of liberal democracy.

⁶ By personal correspondence, Papanikolaou confirms that on the provisional usefulness of rights language, we agree that it is simply, at present, the best of what's around.

⁷ See the discussion below. Among those who recognize rights as inadequate are Adamantia Pollis, Vigen Guroian, and Christos Yannaras.