Reimagining the Human?

The role of the churches in building a liberatory human rights culture in South Africa today

by
Selina Palm

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Promotor: Dr Clint Le Bruyns

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Dedication

To all the ambassadors of "anthropologies of trouble" in our world who refuse to submit to subjugation or be seduced into its many dominating modes.

May they destabilise its unjust patterns to envision, embody and enact mutually vulnerable ways of becoming human together.

List of Abbreviations

AAA	American Anthropology Association
AIC	African Independent/Initiated/Indigenous Churches
ANC	African National Congress
CCAWT	Circle of Concerned African Women Theologians
CI	Christian Institute
CPRs	Civil and Political Rights
DRC	Dutch Reformed Church
ESCRs	Economic, Social and Cultural Rights
FHR	Foundation for Human Rights
LGBTIQ	Lesbian, Gay, Bisexual, Trans, Intersex, Queer
NAP	National Action Plan on Human Rights
PCR	Program to Combat Racism
RDP	Reconstruction and Development Program
SACC	South African Council of Churches
SAHRC	South African Human Rights Commission
SAIIA	South African Institute for International Affairs
TRC	Truth and Reconciliation Commission
UDHR	Universal Declaration of Human Rights
UN	United Nations
WARC	World Alliance of Reformed Churches
WCC	World Council of Churches
WCRC	World Communion of Reformed Churches

Abstract

The relationship between religion and human rights is receiving renewed attention by many scholars today who emphasise the need for practical collaboration around building a human rights culture. This shapes my research question as to how churches in South Africa can play a more active role as authentic allies in building a liberating human rights culture today. I call them beyond offering social capital to find liberating spiritual capital to build internal religious legitimacy for human rights that places the currently rightless and a right relation to one another as vulnerable human beings at the heart of this culture. This thesis offers an interdisciplinary lens for this task in current day South Africa where the gap between legal visions and social realities remains significant. It brings together human rights scholarship with theological reflection and historical contextualisation in a post-foundational approach.

My thesis is shaped by the methodology of Abdullahi An-Na'im to convene a constructive conversation on South African soil for improved human rights realisation in the lives of the most vulnerable. This requires critical attention to both the abuse of dominating power at the heart of human rights and the paradox of the power of human rights themselves. I translate this concern into a theological key through the work of Jürgen Moltmann to suggest that his Trinitarian praxis for human rights and imaginative search for a liberating anthropology offer a counter to the power-laden images of God that can legitimate abuse. It reconnects human rights into radical relational responsibility to offer a liberating Christian hermeneutic for human rights and shows its creative appropriation by South African theologians. It concludes that the hermeneutical retrieval of prophetic voices of dissent is needed to nurture theologies for human rights that can be embodied and enacted by local churches as a core part of their identity. This can play an irreplaceable role in nurturing a human rights culture here located in Christological solidarity with those who suffer and allied in Spirit with many who hope.

Keywords: Human Rights, Moltmann, An-Na'im, Human Dignity, Liberation, Culture.

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Profound thanks to my husband Russell Davies for his loving accompaniment, living day by day with my PhD and creating the 'space' and the 'time' for me to complete this journey as well as his faith in its relevance for our times. Without him, this journey would not have been possible. Also for the support and interest of my family, who made the mistake one day at breakfast of asking me what relevance the idea of the Trinity could possibly have for real life.

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Finally I want to acknowledge my sense of accompaniment by the Source of all Life, with, within and amongst us as the lure of hopeful possibility in solidarity with our suffering world.

Personal Foreword

All researchers carry what Hogan (2015:206) terms "the baggage of belonging" which inevitably shapes their assumptions, questions, approaches and contributions. My identity as a Western woman 'located' somewhere between Europe and Africa and holding many layers of privilege including that of 'whiteness' is enmeshed in this thesis. I grew up in a mixed race South African/ English family and received a Western middle class education in the UK[1]. My own 'cultural hybridity' resonated early on with the inclusive visions of those like King Jnr and Tutu and took me on a journey as a young adult to live in communities of the 'South'. I have lived, worked and studied at post-graduate level in South Africa for the last ten years.

I came as a mature student to the formal study of theology and my academic background has been shaped primarily by the social sciences. My ecumenical Christian journey has been shaped by years of experiences working and, at times, living with the 'poor and marginalised' within societies, both in Western contexts and increasingly in cross-cultural Southern contexts. This exposure and my studies in business give my theology an 'economic' lens but at the same time, I have focused on groups (orphans, widows, people living with HIV, street children, sex workers) who are often further socially marginalised within poor communities. These make me aware of the intersectional hierarchies of social and cultural abuse, stigma and domination which take place in all communities, rich, poor, North, South, East and West.

While my own social location is from a centrist position in many ways, I seek to work as an 'ally' with those on the periphery and my theological questions and approach emerge in response to this. This thesis is committed to a form of emancipatory engagement where my theoretical reflection emerges from and reflects on concrete lived experience whilst accepting my privileged location and the danger of speaking "on behalf" of the poor. Engaged scholarship seeks to contribute towards concrete social change and to reflect the need for interdisciplinary and multi-faith reflection on complex human challenges. As a feminist, I read my Christian tradition 'against the grain' adopting a hermeneutic of suspicion to its often ambivalent Scriptures and dogmas[2]. My thesis takes place in the light of this background.

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[1] My 'coloured' father left South Africa aged 18 in 1959, due to the increasing impact of apartheid on his life. My interdisciplinary tertiary education in business, human rights and development took place in the West, while my theological education has been within the South. An interest in human rights as a shared 'language of struggle' for the marginalised began with exposure to Martin Luther King Jnr at school. This instilled an early conviction in me of how religious belief could be a core part of action-calls to value human beings everywhere.

[2] While feminist analysis is not the explicit 'theoretical lens' in this thesis, the subordination of women forms one of the 'theologies of domination' that needs urgent and 'theological' contestation from within, embedded in socially conservative, individualistic narratives that fail to connect with prophetic justice strands. Church dogmas were often complicit in perpetuating homophobia, sexism and prejudice .

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Introduction - Study focus and research outline

Study Background

British theologian George Newlands suggests that human rights are,

> universal claims that there is something about each and every human being, simply as a human being such that certain choices should be made and certain other choices rejected. Certain things ought not to be done to any human being and certain things ought to be done for every human (Newlands and Amesbury 2008:iii).

While this thesis will problematise aspects of this definition, it forms a useful starting point. Arguably at the core of human rights is the idea of restraining the human use of power in both structural and interpersonal forms (to do and to withhold) with an essential message that "there is no excuse for the inhuman use of human beings" (Ignatieff 2001a:16; Freeman, 2011:201). This complex thread connects human rights to wider asymmetrical power relations, "where rights are designed to define the universal interests of the powerless…and respect their agency" (Ignatieff 2001b:68). It seeks to "make relations of absolute power anathema…by delegitimising the accrual of unaccountable power" (Whitman 2009:39). This connection will be held through my thesis whilst remaining aware of the danger of the "hyper-inflation" of rights talk (Glendon 1991:15; Freeman 2011:6).

North American legal scholar John Witte (2007a:21, 2010b:8) points to the "Dickensian paradox" between human rights laws and social reality in much of the world at the start of the 21st century. Arguably human rights, despite their proliferation in geo-political rhetoric and Bills of Rights often still remain abstract legal ideals for many, hovering illusively above the experienced reality of ordinary lives and failing to take on embodied and enacted forms at grassroots levels for those in our world who need them most. The belief that we live in an "age of rights" (Henkin 1990:1; Bobbio 1996:2) is in this practical respect, according to human rights scholar Andrew Fagan, a "myth in need of correction" (2009:1). I suggest that this resonates in South Africa where a state-of-the-art Bill of Rights[3] co-exists with lived experiences of multiple rights violations for many[4]. In response to this gap, the need to build

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[3] All references to the Constitution or the Bill of Rights refer to the Constitution of the Republic of South Africa, 1996, Act 108 of 1996.

[4] See, for example, the recent reports of the South African Human Rights Commission, (2012, 2013) The Foundation for Human Rights (2007) Amnesty International country reports (2012, 2013) and Human Rights Watch (2011, 2012, 2013). Cf. Ackermann, 2010; Alexander,

a human rights culture has been identified as pressing by many South African scholars (Sarkin 1998:628; Alexander 2009:103-8; Asmal, Chidester & Lubisi 2005:134; Dubow 2012:125). This thesis explores this specific call to offer recommendations as to how it can be better realised as a "people-centred task" (An-Na'im 2001a:90). In line with South African human rights scholar Viljoen (2012:xiii-xv), I call for "disciplinary beyondness", arguing that while the law is undoubtedly important, it is not enough and that human rights in South Africa urgently need to go into a thicker interdisciplinary and ethical engagement if they are to be better embodied in everyday human practice. Political theorist Freeman points out the excessive "dominance" of the law, commenting that in the 1980s, 90% of all courses on and journal articles about human rights took place only within university law departments around the world and noting that South Africa to this day still participates in this trend (2012:3). This potentially reduces their important existence as "moral claims based on extra-legal sources such as a shared sense of humanity"[5] (Viljoen 2012:xiii). Increasingly non-legal scholars (Ter Haar 2014; Ruteere 2011; Mamdani 2000:2-4) concur that if the human rights paradigm cannot be better "inculturated" in the lived environments of the poor and powerless, and not merely that of the powerful, it may lose relevance as the more radical tool of struggle that it has been in the past. Human rights may be "declared" by the UN but as Hastrup (1997:17) points out, they also have to be "lived out" within the actual cultures that people inhabit.

At the same time, a second paradox is also encountered in the ambivalent relationship that human rights have with religious traditions, the subject of much recent scholarship.[6] My thesis focuses on the Christian tradition in South Africa to explore how churches can play a role to envision, embody and enact an "emerging human rights hermeneutic" (Witte, 2010:11) from within its faith traditions that can be liberating for the rightless. My theological contribution situates itself within an ecumenical Protestant trajectory and will not primarily engage with Catholic[7], Evangelical[8] or Orthodox[9] contributions. This is to limit its scope to manageable proportions and not to suggest that this is the only or best approach.

2009; Bond, 2011; Liebenberg 2000, 2007, 2012 for more details by South African scholars of this gap between the theory and practice of human rights in South Africa today which will be covered in more detail in Chapter 2 of my thesis.

[5] This need to 'decentre' the law and its hegemonic role in human rights is not in intended to dismiss the law's significant role or the many lawyers at the forefront of human rights realisation around the world and in South Africa. But it is to 'put it in its place' in co-existence with other disciplines that can supplement it in the light of the huge gap for many still between the rights proclaimed and the rights protected by law as well as the reality that law is always applied within a context. It is also not to call for lawlessness and disorder. See Viljoen, 2012: xiii-xxii who notes the recent shift made in 2011 at the Pretoria Centre for Human Rights to a more multidisciplinary approach.

[6] Cf. Bucer and Barnett, 2005: Shepherd, 2007; Ghanea, Stephens & Walden, 2007; Witte & Alexander 2010, Marthos and Saunders, 2005.

[7] Cf. Hollenbach 2002, 2008; Cahill 1980, 1999; Elshtain 2007; Regan,2010 as Catholic scholars engaged with human rights theologies.

Sudanese human rights scholar, Abdullahi An-Na'im has been a consistent critic of the neglected role of religion within much mainstream Western human rights theory and practice. (1990, 1992, 1995, 2005a, 2008, 2010, 2013). He responded to an increasing secularisation in mainstream human rights talk in the 1990s to suggest that religions can play a vital role in the local contextualisation and legitimation of human rights to help them find fertile soil and take genuine root in African contexts. (1990:333-336). I will draw on his approach as an African-centered theoretical lens whilst remaining aware, as does he, of the dangers of reinforcing an excessively binary divide between Africa and the West (An-Na'im 2010a). I will build on his call to those within religious spaces for a "theological task" to critically re-examine their traditions to reclaim a "liberating hermeneutic for human rights" that can build internal religious legitimacy for human rights and employ a constructive methodology of synergy and interdependence. (2014a:25-40) This thesis will focus on current day South Africa to explore this theological task in relation to Christianity, in the light of beliefs claimed by over 70% of South Africans across ethnicity, social location and economic situation (Rule and Mncwango, 2010:185-198). I draw on An-Na'im's approach to shed light on the gap between legal ideals of human rights and lived social realities for many as well as what is arguably a failure of many South African churches to date to internalise as a core part of their identity, the call by theologians such as Villa-Vicencio (1992:45-47) to play an ongoing active public role in human rights realisation. I will then turn to German theologian, Jürgen Moltmann who, in a different time and place, wrestled with the identity and role of churches in society and articulated a liberating theology with human rights at its heart. I will engage with this approach to offer resources for how Christian churches in South Africa can play a more constructive theological role in the shared task of building a human rights culture today.

Two paradoxes form the backdrop to my thesis. Firstly the paradox that while human rights discourse can and has functioned as a liberating challenge to oppressive, abusive power it can also be co-opted and misused as a tool to reinforce and 'mask' existing power (Ignatieff, 2001:62). My thesis therefore situates itself within a critical social theory perspective, acknowledging the socially and historically constructed nature of all ideas about human rights (Douzinas 2007; Ife 2009; Ibhawoh 2007; Hunt 2007) and suggesting that "human rights

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[8] See T. Johnson (2008) for a basic overview on human rights today in the Evangelical tradition which he suggests remains a "foreign language for many Christians." He notes the need to "learn the language of human rights" in order to communicate Biblical truths in relevant ways (p. 18). See J. Nichols (2009) for an overview of the ongoing ambivalent relation between evangelicals and human rights.

[9] The Russian Orthodox Church only brought out a Statement on Human Rights in 2008. It has been critiqued by Moltmann (2012a, p. 226) for its conservative approach to human rights which are only accepted in limited ways within the parameters of existing church authority. Cf. Slavcheva (2011) for an example of a more holistic approach to human rights, dignity and freedom from within the Orthodox tradition.

must remain subversive to be effective and legitimate" (Stammers 2013:para.6) is a challenge to be placed at the front of all human rights praxis. I will seek a complex engagement with human rights and their ongoing relation to power in the post-apartheid South African context where the human rights approach has been critiqued (Mutua, 2002:126-150, Koskenniemi, 2010:47-58). My aim is to contribute to better understanding how the liberating promise of human rights can be embodied and enacted as a 'bottom-up' culture in the concrete lives of those still living in oppressive circumstances and how the theological capital within our existing religious frameworks can play a helpful role in this.

The second paradox is the ambivalent or "troubled" relationship (Wolterstorff 2011a:148) noted in both theory and practice between religion and human rights and the scholarly attention which this has generated around the globe[10]. Arguably both religious ideas and people have been historically complicit in human rights abuses as well as pioneering liberating human rights activism. Theologians acknowledge that ideas of God have frequently been explicitly co-opted, with significant mobilising power, to serve the imperialist agendas of empires, inquisitions and justify the exclusion and marginalisation of vulnerable groups (cf., Ignatieff 2001b:86; Newlands 2006:1-3; Tutu 2010:1; Marthos and Saunders 2005:13-20; Appelby 2003:216) where "foundational beliefs of all kinds have been a long standing menace to the human rights of ordinary humans" (Ignatieff, 2001b:86). However faith in God has also inspired leaders in some of history's most concrete struggles for human rights and against their abuse, such as slavery, civil rights and apartheid. (Newlands, 2006, p. 3, Tutu, 2010:2) While some still debate whether religion is an asset or a liability overall (Ghanea et al. 2007; Cox 2014; Kirmani 2014), history suggests it is capable of being both. Villa-Vicencio argues that "it depends on your God, the God of Tutu and the God of Verwoerd are not the same" (2005:236). This importance of the content of religious beliefs for human rights is reinforced by Newlands (2006:1-15), Ter Haar (2011:3-26) and Williams (2012:160-173) who all note, with concern, a widening gap between the discourses and practices of religion and human rights.[11] I take this call for constructive but problematized engagement seriously, suggesting with Newlands (2006:63-76) and Witte (2010b:8) that prophetic theological voices will need "critical hermeneutical retrieval" (Newlands 2006:183) to enable a contextual and liberating praxis to emerge in relation to building a human rights culture.

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[10] See Shepherd (2007), Adeney and Sharma, (2007) Ghanea, Stephens & Walden (2007) Witte & Alexander (2010) Bucer & Barnett (2005) for five recent reflections on the contested relationships between Christianity and human rights today, discussed further in Chapter 3.
[11] This concern is emerging from both human rights and religious disciplines today. Cf. Williams (2012:160-174), Freeman (2004, 2012), An-Na'im (2012), Ter Haar (2010:295-316), Morris (2014) Cox (2013) for explorations of ways to bridge this gap.

Study Motivation

I have been prompted to explore this topic due to post-graduate interdisciplinary studies on human rights in 2000, which despite a wide-ranging approach, did not engage significantly with anthropological or religious disciplines. Years working in Sub-Saharan Africa suggest that engaging these is critical for improved practice on human rights in concrete contexts where religion remains important in conveying, justifying or resisting ethical norms.[12]

I have also personally encountered the paradoxes which form my theoretical starting point. My interest in human rights as a potentially liberating language of concrete struggle has been reinforced by seeing its concrete employment to secure change by marginalised groups and individuals in diverse grassroots communities. However, it has also been challenged by Southern scholars who problematize its abstract, neutral and universalising claims as often elitist and disconnected from concrete realities (Mutua 2002:41-43; Akopari & Zimbler 2009:140-141). In the light of seeking to practice rights and not merely theorize about them, it is clear that for many living in challenging contexts of poverty and oppression within South Africa, the language of human rights means very little if it cannot bring real, concrete change in their everyday lives. Human rights can even risk becoming "a language that conceals and masks rather than reveals…flattening into individual victims and perpetrators …and failing to offer conceptual tools to grapple with structural oppression" (Wilson & Mitchell, 2003:3).[13]

Secondly, numerous conversations I have had on human rights around the world showed an explicit disconnection for many people between their religious frameworks and human rights approaches.[14] This resistance often encountered from Christian leaders, organisations and believers, especially, but not only, in African contexts, to the human rights paradigm often led to its rejection outright as inherently unchristian (secular), individualistic (selfish) and a threat to God's moral authority. This fits with the theorization of scholars like Philips (2007:115-120), explored later. Likewise, this arguably contributes to churches often being seen as a 'liability' by local human rights agencies and their potential ignored (Cox 2014: Ter Haar 2011). The hierarchical language of communal responsibilities, respect and values was

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[12] See du Preez (2010) and Ferreira and Shultz (2014) whose empirical research demonstrates the urgent need to engage religious and cultural values when addressing issues like corporal punishment if a human rights culture is to be built in classrooms in South Africa today.

[13] See for example, Hopgood (2013), Wilson (1997), Mamdani (2000), Mutua (2002), Douzinas (2000, 2007) and Goodale (2013) as recent human rights scholars who use a critical lens to raise these concerns in particular about the mainstream use of much human rights talk today. Wilson (2001) explores the TRC process in South Africa in this specific respect. Mutua points to the ways in which complex issues can be reframed within a savages-victim-saviours (SVS) paradigm in ways that can in fact be counterproductive to resolving them (2001).

[14] See Thipa (2009) for a study exploring connections between doctrines of atonement and human rights in Malawi. Also TengaTenga (2006) on the Anglican church in Malawi holding the state accountable with an ecclesiology of prophetic engagement. (pp. 190-205).

frequently polarized over the egalitarian, individualising language of rights especially in relation to women and children where conservative religious beliefs hold moral sway (du Preez & Roux 2010). Despite this, I also encountered faith communities within Africa that found creative ways to concretise human rights locally by fusing it creatively and concretely within existing religious identities and ideas. They were often able to mobilise an internal transformation of social norms and behaviours as well as nurture a communal grassroots voice to hold governments to account 'from below'. These two complex relations, between rights and religion and between rights and power form a troubled starting point for my thesis.

Study Context

In the South African context, while comprehensive rights have been secured legally after decades of costly human rights struggle they are often still not effectively embodied socially, culturally, politically or economically 20 years into the new democratic dispensation. It is argued by some (Terreblanche 2007; Bond 2003; Desai 2011; Roberts 2010) that there is a growing gap between many people's actual lived frameworks (e.g. crime, violence, abuse, housing, food and water, etc.) and the abstract claims of Constitutional rights. If unchecked, this may lead to a potential crisis of legitimacy for rights discourse itself (Mutua, 2002). While some may claim that this issue is unrelated to the role of the churches who post-apartheid, should return to their spiritual mission and leave socio-political issues to other stakeholders, many local theological voices call for ongoing "prophetic" engagement by the church in the public space and on public issues. (Smit 2007; De Gruchy 2013; Bentley 2013; Le Bruyns 2012; Koopman 2009). These encouraged me to research the theological relationship between human rights and Christianity in relation to its practical implications for building a human rights culture in South Africa today. Despite a resurgence of positive interest by the theological academy, my experience in many (but not all) local churches has been that it often remains an ambivalent relationship at grassroots level and that churches continue to face challenges of identity and relevance in relation to their role in society here (cf. Sosibo 2012; Bentley 2013). If churches are to be genuine assets for liberating social transformation in their time and place, an assumption I build on, human rights discourse forms an important sign of the times in South Africa today that needs theological re-engagement and critical hermeneutical re-imagining of Christian ideas of the human, not against all so-called 'secular' ideas but in critical solidarity with them. There is also an increasing recognition of the need to reconnect human rights with development. Uvin points out that development has at times been blind to local dynamics of power and underlying

forms of structural violence (2004:2). Increasing attention to socio-economic rights by the human rights community, emerging rights-based approaches to development (Cf. Jones & Stokke 2005:9-11) and the contested "right to development" have begun to build bridges across this gap as has the work of Amartyr Sen (1999, 2012). Uvin suggests development can benefit from a human rights lens, not merely as "rhetorical re-packaging" but going beyond charity into "pragmatic solidarity" (2004:54). He argues that 'human rights push the border of the moral imagination…they focus on people's dignity and their claims on others…as a sub-set of wider social struggles (2004:179). Jones & Stokke have applied this "moral imagination" to South Africa suggesting that a historicised engagement with rights is critical for renewed democratic politics if their transformative potential is to be reclaimed (2005:2-4).

A recent resurgence of academic interest in the relationship between religion and human rights has mooted the need for 'reconciliation' between the two in the name of improved grassroots practice especially for those concerned with themes of development and liberation[15]. This call has come from human rights scholars themselves (Freeman 2004; Cox 2014; Morris, 2014) including secular voices such as Henkin (2005) who have previously been sceptical of such alliances (1990). Arguably this shift may be due to an increasing realisation, made decades earlier by human rights pioneers such as An-Na'im (1990, 1995) that many vulnerable people most in need of rights are situated within religious communities who may need internally legitimate reasons to embrace rights-concepts (Morris, 2013). Whilst many religions are re-engaging human rights from within their traditions (Witte 2012), much is focused on theological, philosophical, historical and genealogical discussions[16] with less on political, interdisciplinary engagement with concrete contexts of human rights grassroots activism and local church action. An exception is Ghanaian scholar Atiemo (2013). I seek, like him, to take an action-orientated focus to identify theological insights that might motivate South African churches to make a practical contribution.

Current day South Africa arguably epitomises Witte's paradox with "the best of human rights protections inscribed on the books but some of the worst of human rights violations inflicted on the ground" (2010:8). Although its 'state of the art' Constitution is lauded around the world as a triumph of successful human rights struggle, high levels of inequality, violence,

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[15] See Cooper 2013 for a detailed analysis of the ongoing wider contestation between theologies of development and theologies of liberation often operating within the "political theologies" of Christian NGOs often operating in very different contexts today

[16] See Witte, 2010; Tierney, 1997; Moyn, 2010; Wolterstorff, 2009; Hunt, 2007. There can also continue to be a focus on religious freedom in some circles as the sole right with which churches engage, rather than taking a holistic approach. However there are some more promising contextual and practitioner driven engagements. Cf. https://www.opendemocracy.net/openglobalrights/religion-and-human-rights.

abuse and poverty create a crisis of legitimacy for human rights discourse. Scholars such as Alexander (2009), Bond (2011) and Ackermann (2012) all point to the "chasm" between the theory and practice of human rights for many living within its borders. Despite Constitutional values of 'human dignity, the achievement of equality and the advancement of human rights and freedoms', it still has one of the largest gaps between rich and poor in the world today. Human rights reports[17] confirm that lived social realities for many remain a long way from Constitutional 'guarantees.' John Dugard concludes that, "so far, South Africa has failed to realise its full potential in the field of human rights" (2011).

With the legacy of apartheid hanging, it is often those marginalised by poverty, stigma or discrimination who need rights the most that are furthest from having them concretely embodied. They have not generally experienced human rights as liberating in the concrete circumstances of their lives and may increasingly suspect that these rights are merely "fictions…like witches and unicorns" (MacIntyre, 1981:67), an ideology serving the existing status quo or even mere "nonsense on stilts" (Jeremy Bentham, cited in Regan, 2010:178).[18] South African Constitutional Court Judge Ackermann suggested in 2004 that the Constitution's transformational promises will only become a reality if "everyone in government as well as in civil society at all levels lives out and embraces its demands." (L. Ackermann, 2012:278-9). I have shown that Viljoen's edited work (2012) reinforces an urgent need in South Africa especially for multi-disciplinary theoretical engagement on human rights to embrace creative strategies for more effective implementation (Freeman, 2012:3-16). An urgent question for all concerned with human flourishing is how these abstract human rights can be better embodied in more people's lives. Lawyers, social scientists, trade unionists, theologians and human rights organisations all point to the ongoing need to build a "human rights culture" as a shared task (Sachs 1992; Asmal 2005; Dugard 2011; Alexander 2009; Seafield 2005; Sarkin 1998) if these rights are to become more than abstract legal claims hovering above most people's lived social realities. I propose that to take seriously recent critique, this culture needs to come primarily from 'below' and not merely from 'above' (Dubow 2012; Ife 2009; Gibson 2004; Wilson 2003; Goodale 2013).

I suggest that the gap between legal ideal and social reality and the call to build a human rights culture forms a 'sign of the times' in contemporary South Africa to which churches

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[17] Human Rights Watch has termed 2012 South Africa's most challenging year post-apartheid due to Marikana in particular (2013:1). Details from these various human rights reports including Amnesty International will be explored further in Chapter 2.

[18] These famous Western-based philosophical critiques of rights talk are beyond my scope but are engaged by Regan, (2010:178-204).

have an obligation to respond. This thesis will explore how they can better play a prophetic and liberating theological role in its constructive engagement. Around 80% of South Africans identify as Christians and most are within diverse Protestant denominations with only 8% Catholics. From what they say publicly, South Africans are very religious people as an observable social artefact and churches therefore remain an important factor in society.[19]

A detailed empirical study of human rights and religious attitudes amongst 1,666 Grade 11 South African high school students (Van der Ven, Pieterse & Dreyer, 2004) in 1996 and 2001 showed that their religious attitudes had a significant impact on their attitudes to human rights in both positive and negative ways depending on the theological doctrines embraced. It concluded that the strong relationship between the two is often marked by a "haze of ambivalence" (2004:xii) which it suggests mitigates against positive institutional engagement by the churches as a whole. It notes that despite the theory of a God of love found in Christianity which had predominantly strong positive resonances with human rights, many of the important religious practices of churches here were more likely to have a negative correlation with building a human rights culture, and pointed to bible reading, sermons and beliefs about salvation as specific areas measured. They suggest that this is an important and yet sobering finding (Van der Ven & Pieterse 2003:83). This 'troubled' relationship resonates with the wider scholarly debate around the globe.[20] North American human rights practitioner Larry Cox has made a call for improved engagement by human rights organisations with religion seen as a "missing link" (2014:para 1) in much human rights work.[21] I suggest that contemporary human rights scholars and organisations in South Africa rarely explicitly engage either the church as a social asset or theology as an essential discipline in this task. In fact, the opposite often seems to be the case today with religion seen by many human rights scholars and practitioners as a liability (cf. du Preez & Roux 2010:13-26 Ferreira & Schulz 2014:1-13). This absence, despite evidence regarding the ongoing role of religion in people' lives (Rule & Mncwango 2010:185-197) and an interest in human rights by some South

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[19] See Rule and Mncwango (2010:185-198) for statistics on Christianity in South Africa suggesting 80% still affiliate. A 2012 Pew Study shows 89% (2012:17-20) while a 2012WinGallup poll suggests a decline to 64% since 2005 (2012:6). This will be noted in Chapter 2.

[20] Since 2013, a global scholarly conversation has taken place online on the engagement of religion and human rights that highlights the ambiguous relation. This revolves around the claim by Cox (2014) for a renewed constructive engagement with religious ideas and suggests that this currently forms a gap in the human rights movement which has 'little engagement' with religious leaders.

[21] Freeman (2004, p. 375) challenges the common Western assumption that human rights theory and practice is secular and takes priority over all other values as contested, particularly from those who approach human rights from the perspective of belief. He argues that their very secular nature may ironically become, in many places in the world where they may be most threatened, an obstacle to their effective realisation and that there is a need for 'reconciliation' between the two discourses. Ter Haar (2011, p. 3-4) points out that against many secular predictions, religion has often made a return to the public domain and that this has implications for research. She suggests while we need to remain aware of the danger of religion and human rights becoming ideological enemies, this need not automatically be the case.

African theologians may be a missed opportunity for collaborative engagement (Ter Haar 2011; Ife 2009).[22] The ambivalent relationships between Christians and human rights still present today here have measurable empirical consequences for the human rights attitudes at the heart of building a human rights culture (Van der Ven et al. 2004: 576). Religious and secular scholars call for renewed theological engagement here and South African theologian Botman has called for a "dignity-enriched human rights discourse" (2003:28, 2005:72-86).

This brief review reinforces the need for ongoing research by academic disciplines outside the law to address how the unacceptable gap between theory and lived experience of human rights can be better bridged. It focuses specific attention on the need for a human rights culture from below (Dubow, 2012; Ife, 2009). The absence of the church as an asset in much current South African human rights literature is both noteworthy and concerning given its ongoing significant trusted social presence here (Rule & Langa, 2010:19-50) . Empirical data suggests that its ambivalent theological relationship to human rights still mitigates against decisive institutional engagement. (Van der Ven, Dreyer & Pieterse, 2005) Three particular dimensions form the context for my thesis and its specific problem formulation and question.

1) The significant gap between the comprehensive theoretical rights 'guaranteed' at Constitutional level and the reality of concrete myriad rights abuses for many ordinary people at community level, especially the poor and marginalised, limiting their ability to flourish as individuals and be active participants in social transformation. (Alexander 2009:103-108).

2) The commitment of nearly 80% of South Africans to Christian beliefs and practices, suggesting they still play a significant role in moral discussions. If 'new' ethical discourses (such as human rights) are to gain a concrete popular following beyond political rhetoric and paper policies, constructive engagement may be needed (Rule & Mncwango 2010:185-197).

3) The chequered theological history of socio-political engagement by Christian churches in South Africa with human rights in both actively and passively legitimating apartheid and in challenging it (De Gruchy 1979). Scholars[23] have made calls for post-apartheid churches to grapple theologically with what socio-political engagement on human rights requires today.

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[22] Ife suggests that the tendency to equate human rights work solely with the law and to focus on technical specialist advocacy upwards to government and not on grassroots education downwards can hamper a more inclusive approach that can better facilitate a human rights culture (2009:1-5). It may well be that current training in human rights often still equips people into a Western secular human rights paradigm that is primarily legal. This can mitigate against the creative utilisation of religious traditions as a valuable source for human rights promotion and is more likely to either ignore them or, more often, to see them merely as a liability (Freeman 2004, pp. 375-400).

[23] See Villa-Vicencio (1992, 2005), Koopman (2010b, 2014) Smit (2007), De Gruchy (2011)

Problem Formulation

The study context forms the basis for the problem statement which this thesis will explore, grounded in the suggested gap between the legal ideals and social practice of human rights for the most marginalised in South Africa and the need to mobilise more effective church engagement today as a core partner in responding to calls to bridge this gap (Liebenberg 2000; Asmal et al. 2005, Dubow 2012). It leads to my question as to how churches can be better mobilised from below to engage constructively with this task. Since the need to 'build a human rights culture' remains a critical task in South Africa, this will focus my thesis question without claiming that this is the only aspect of human rights that needs engagement.

I suggest that clear attention is still required with regard to the ongoing unique theological role that churches could play in this task of "reimagining the human" together and from the bottom up to improve grassroots human rights realisation for all. Arguably, formal ecumenical engagement on human rights has waned in recent years, the South Africa Council of Churches (SACC) is increasingly marginalised by the ANC (Sosibo, 2012) and many South African theologians of struggle are retired, moved into politics or working elsewhere in the world (West 2009:13-38). Given the famous history of some South African churches and religious leaders in human rights struggles of the past, there may be missed opportunities to develop new, productive partnerships with human rights organisations as well as to support and nurture all Christians as church-in-action to be living human rights ambassadors within their communities as a second-nature part of their faith. Some South African theologians (Villa-Vicencio 1992, 2005; Botman & Sporre 2003; De Gruchy & De Gruchy, 2004) have already explicitly called for the churches to build on their earlier 'struggle' role to take an active theological role in the post-apartheid project in relation to human rights. I suggest that this task has still not been envisioned, embodied or enacted in significant ways by many ordinary churches and congregants today[24]. The empirically-based claim by Van der Ven et al. (2004:xii) that a "haze of ambivalence" characterises many South African church attitudes to human rights allows for the positive small stories that counter this claim. But it mitigates against effective action-oriented engagement across the board by churches as human rights allies and holds back needed changes within existing church structures.[25]

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[24] For recent use of this tri-framework of vision, virtue and practice related to hope in South Africa, Cf. Palm & Le Bruyns (2013:104-121)

[25] Brazilian theologian Oliveira (2012:9-99) quotes Bobbio saying "human rights emerge as 'signs of the times'… a hermeneutical tool of the present [emerging] amid the expansion of awareness of these rights and at the same time violations against them have multiplied,

Research Aim, Question and Objectives

The research question which inspired this thesis is as follows;

In the light of the significant gap between legal human rights claims & the lived reality of rights abuses for many of the poorest in our society, how can the church play an active and responsible role in building a liberatory human rights culture in South Africa today?

It aims to contribute towards constructive theological engagement with human rights from within a Protestant Christian trajectory and support alliances to bridge the "widening gap" between human rights and religious discourses. It will identify how human rights can remain a concrete, relevant and liberating language of struggle for the rightless today in South Africa where bridging the gap between principles and practice, legal vision and social reality is articulated as the need for a bottom-up human rights culture (Dubow 2012:100). It offers resources to equip churches for "a human rights theology that touches the ground, a practical theology that meets people where they live" (Seiple 2010:320). Its objectives are therefore:

1   To critically analyse what has and is going on with regard to human rights in contemporary South Africa with a focus on building a liberating human rights culture.

2   To understand the current relationship between Christianity and human rights in South Africa in the light of its ambivalent history and the call to churches post-apartheid to play an ongoing theological role in building a human rights culture.

3   To analyse why going beyond the law and engaging religions theologically is important for building human rights cultures by using strategies from Abdullahi An-Na'im.

4   To identify a "liberating hermeneutic for human rights" within Christian tradition through the theological anthropology of Jürgen Moltmann and his human rights theology.

5   To explore how selected South African theologians have creatively appropriated a Moltmannian trajectory in relation to the task of building a human rights culture.

6   To begin to articulate action-orientated strategies for public theo-ethical engagement by Christian churches as allies for building a liberatory human rights culture here and now.

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causing a feel of a shattering of the human condition. There is a general idea of crisis…human rights are thus a reflection of human contradictions; human beings are not defined …only from the standpoint of their misery, but also from the point of view of their perceived grandeur" (1996:223). She notes that within crisis experiences of violence and poverty, they may indicate hope and resistance..

Research Methodology

My thesis takes place within the discipline of Theology and Development at the University of Kwa-Zulu-Natal which seeks to equip the South African churches theologically for participation in social transformation. It is a theoretical study and will employ a critical social theory approach[26] rooted in the South African context as a precursor to normative reflection that can emerge from and speak back into that context in relevant and emancipatory ways. It will draw on interdisciplinary human rights theory and Christian theological reflection on human rights to put them into constructive engagement, leading to recommendations for the church. It recognises that both human rights and Christianity form 'grand narratives' with contested, ambiguous and problematized local histories that may need reclaiming within South Africa if the idea of human rights is to be better "historized" (Engler 2000:359).[27] This emphasises the historically constructed nature of the idea of human rights. I am concerned that this develops in ways liberating for those on the margins of life and therefore undertake a hermeneutical task to explore how human rights have been interpreted in South Africa and how Christian doctrines can and are being reinterpreted to offer theologically-grounded and action orientated strategies for publicly responsible church engagement in the shared task of building a human rights culture in South Africa today. In the light of the widening gap and the call for practical reconciliation (Freeman 2004) between human rights and religious discourses, my thesis will employ a "methodology of synergy and interdependence" (An-Na'im 2005a:56) to seek common ground for interaction between these bodies of knowledge and convene an interdisciplinary conversation.

A liberational methodology of Seeing-Judging-Acting will be used[28] which grounds the hermeneutical circle of reflection and connects theory and practice in order to provide a basic structure for the study. It draws on Osmer's (2008:8) four-fold model to look first at the descriptive and interpretive tasks, turning to social and historical analysis on human rights in South Africa to see what is going on and why, in relation to both the task of building a human rights culture and the relationship between Christianity and human rights in South Africa. It

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[26] This draws on feminist political theorist Young's (1990, 2000:10-11) analysis of this approach as normative reflection that is historically and socially contextualised. She suggests that researchers must start from particular historical circumstances (what is), requiring social description and theory as a precursor to normative theorizing or else normative contributions run the risk of being abstract and empty and 'unable to guide criticism with a practical interest in emancipation'. This highlights this need to reflect from within a social context.

[27] Engler points to Ellacuria's methodology of 'historisation' of human rights if they are to retain their liberating potential for the poor and marginalised and be seen as concepts ongoingly shaped and defined in historical struggle (in Engler 2000:359-361)

[28] See West (2009, 2013) for more on the origins of this methodology in Latin America (Cf. Boff et al., 1987). McGovern (1978:30-31) points to this liberation methodology formula as derived from Youth Christian worker groups of the 1930s-1960s and it was first coined by the Belgian Cardinal Joseph De Cadjin. Cf. Cooper (2007:43123-140) who explores how this method is employed today by Christian NGOs.

will briefly interpret these findings through the lens of human rights scholar An Na'im to point to the theological task required. It will then turn to the *normative* task with a theological reflection on human rights from a Christian Protestant perspective, situated within a liberating anthropology and then return to the *practical* task to appropriate this in contemporary South African theologies to answer the question of how the church can respond. Increasingly scholars (Smit 2007; Cox 2014; Williams 2012) suggest that the theological voice remains a missing or misunderstood academic voice within the wider public and often secularized mainstream human rights debate, tied into the modern belief that religion should inhabit the private sphere only as well as "a prevailing sense in much of the secular west that religion is the handmaid of inflexibility, arrogance and intolerance" (Pearson 2007:71). Dutch religious scholar, Ter Haar (2011: 3-6) suggests that many secular people find it hard to think about religion in positive terms as something that can help build human societies rather than contribute to their destruction and that religion is generally seen today, in specific relation to building a human rights culture, as a liability.[29] Henkin notes that while North American churches often exhibit an apparent interest in human rights, they rarely cooperate with human rights institutions with no "sustained cooperation." (2005:152-4). He suggests this needs urgent challenge to find common ground and action.

Accordingly, I will undertake what Van Huyssteen terms "plausible forms of interdisciplinary conversation" (1997:12) as a post-foundational third option.[30] It sees theology as a genuine mode of inquiry speaking in a Christian voice within a pluralist conversation between diverse research traditions, enabling "wider connections, while still speaking faithfully in its own voice" (1997:12). This is an important possibility for constructive human rights engagement to creatively juxtapose religious and "secular" voices around the need for a human rights culture. Villa-Vicencio suggests that a theological hermeneutical task on human rights still remains (2005:239) if its human rights vision is to be better incarnated in social practices.[31]

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[29] Ter Haar (2011:3-5) highlights the secular fear that conversion agendas or exclusive practices will take over human rights aims and undermine its goals. She suggests this can lead to a loss of religion's primary contribution to the 'moral-spiritual' dimension helping people create meaning within a shared ritualised belief system and live together in ways that nurture human rights. Weller speaks similarly of the fear of the "contamination" of public spaces by religions in countries such as France and the need to counter this fear (2007:159).

[30] Epistemological foundationalism suggests there is some ultimate neutral knowledge which is self-evidently given that can be evoked on which to build. (Cf, Perry, 1998) Non-foundationalism sees merely a web of interrelated and potentially self-reinforcing beliefs within a particular community (Cf, Rorty, 1993). Van Huyssteen instead highlights shared resources of human rationality that use different modes of reflection and "reach beyond the walls of our own epistemic communities in cross contextual, cross cultural and cross disciplinary conversation" (1997:3-4). This 'post-foundational theology' explores how to speak of faith in an increasingly post-modern age and whether Christianity can join the post-modern conversation and still maintain its identity. I suggest that this methodological commitment is reflected embryonically in the approaches of both Moltmann and An-Na'im. For example, T. Jones makes an explicit connection between the transversal approach of Van Huyssteen and the methodology of Jürgen Moltmann in his published PhD on relational ecclesiology (2011:10).

[31] Appelby (2008:208) suggests that significant early momentum in the 1970s between religion and human rights often failed to be given "a permanent institutional expression, missing the opportunity to embed the discourse and observance of universal rights more deeply" by its leaders leaving an unfinished task to this day and requiring the application of a '"budding new human rights hermeneutic". (Witte 2010:14).

Theoretical Framework: A liberation approach

My theological–ethical approach will defend the thesis that embodying and enacting human rights for all is central to a Christian understanding of what it means to be human (Tutu 2010:1-2) and that Christians who make this connection potentially unleash what Moltmann (1977b) terms a "dangerous power of liberation" in the church based on a solidarity with all those currently rightless. It will explore this thesis from within current day South Africa. It will work within a theoretical framework of "liberation,"[32] to seek theological resources and methodologies from the Protestant Christian tradition that foreground a liberating theology for human rights[33]. It employs theology as a second stage reflection on the concrete social realities of human rights abuse still faced by many dispossessed sectors of society. This approach seeks social transformation. It has a commitment to public prophetic engagement and orthopraxis by churches, not just orthodoxy of belief and draws on critical social theory, using the see-judge-act hermeneutical circle to frame its research and also building on the core assumptions of a "liberation methodology" (below is drawn from Boff & Boff, 1987).

1) Holding a prophetic commitment to the poor and marginalised with an awareness of the questions "Whom does theology serve?" and "Whom do human rights serve?"

2) Committed to orthopraxis and changing the world, not just interpreting it. This emphasises the language of justice over that of charity and is right-action orientated.

3) Assuming that Christian churches have a responsibility to both speak and listen constructively in the public space and that religion is not merely privatised. It speaks prophetically to churches through its existing traditions to reorient its agenda.[34]

4) Embracing a holistic understanding of salvation, not another-worldly and soul-orientated theology but an embodied, incarnational approach to the whole person.

5) Refusing a binary distinction between theory and practice for the hermeneutical circle of 'praxis'[35] as an ongoing process of theoretical reflection on existing practice.

[32.]This is a contested and historically fluid term. It emerged historically within Latin America in the 1970s but has now broadened to encompass many other theologies. I suggest that all theologians today are required to become more aware of their social location, gender and educational background and can deliberately choose to operate from a theological stance more aligned to liberational methodology with a concern with questions of justice, seeking beyond understanding to transforming, beyond fixing symptoms to probing underlying causes. It holds a hermeneutic of suspicion to unquestioned universals like human rights as often masking power interests (Engler 2000).

[33] Poverty is increasingly seen as a human rights violation in its own right (Pogge 2007, Goldewijk 2004). However, the poor also tend to be those whose multiple other rights are also not met. It is noted that there are frequent Scriptural references to the "rights of the poor". However I focus in my thesis on the 'rightless', those dispossessed of any basic rights which does not limit my scope to economics only.

[34] Liberational methodologies seek to speak into and challenge the 'mainstream' tradition and therefore where possible use explicitly Christian categories (such as Salvation, Trinity, Imago Dei) as often authoritative for and familiar to their church audiences. They are not calling for a separatist movement or for a new denomination but for the liberating reform of existing church doctrine and practices.

This framework will inform my critical analysis and choice of scholars to engage as well as its research aim, to harness theological reflection on the relationship between Christianity and human rights to feasible action-orientated strategies by which the church can participate theologically in transformational human rights engagement for a concrete time and place. According to Greene, theologies of liberation emphasise questions of structural power and powerlessness. They challenge in diverse ways, from or in solidarity with those on the margins, the "neutrality of theological enterprises," suggesting that many are embedded in status quo ideologies that undermine their credibility to speak of a God that is good news for the poor and powerless of the day (2004:196-213) [36]. South African missiologist David Bosch saw liberation theology as resurrecting the prophetic element within Jewish-Christian faith,

> By affirming a biblical faith that looks to a God who is righteous, just and actively involved in history championing the cause of the poor and oppressed…the moral evils of injustice, cruelty, violence, oppression of the poor mattered to God and made all the sacrifices in the world unacceptable to God so long as these evils continued (Bosch 1991:446).[37]

I suggest that liberating theologies call all Christians to a theological imperative of "taking sides" with the marginalised, an emphasis on praxis, a refusal to reduce Christianity merely to the private sphere, a rejection of the church as theological legitimator of "what currently is" and an emphasis on the public, socio-political dimensions of Christian discipleship. They situate the church amongst that ambiguous group, the "people." seeking an ecclesiology from below (Boff 1986:61-64). My thesis seeks out liberating theologies for human rights praxis. It sees rights as historically constructed social phenomena needing ongoing struggle to fulfil their liberating promise if they are not to hang above many marginalised people's lived realities as abstract givens or merely become new tools for dominating power.

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[35] According to Greene, liberation theology's most enduring contribution is its concern with praxis, not emerging "merely at the tail end of the speciality of practical theology but as an overarching drive for the very existence and justification of all theological reflection." (2005:472). Chopp's three aspects of praxis show how this has anthropological implications for theological reflection where 1) humans are constituted by the social and political factors that are part of their historical context e.g. class, race, gender etc. as determinative factors of human identity with no 'abstract' disembodied essence of the person unrelated to these concrete constitutions. 2. Human subjectivity is unequivocally interpersonal. This argues that objective reason is biased within our pre-existing categories of identity in relation to others. All human knowledge (including about God) is "socially conditioned" and can potentially be ideological. 3. Humans are not mere victims of an inevitable process of history but are participants in historical struggles to create a just and humane society. A praxis orientated approach insists that theologies that do not liberate humans from servitude and oppression must be rejected (Chopp & Regan, 2005:472).

[36] Examples include the military conquest of other nations in the name of Christianity, the oppression of Palestinians legitimated by a Zionist ideology, violent colonisation hand in hand with some Christian missionaries, the domination and enslavement of some through racialized theological ideologies, the repression of other religions and the patriarchal reinforcement of the second class status of women.

[37] One of the criticisms made of liberation theology was its so-called collapse of salvation into categories of political liberation. Greene points to the emergence of "more chastened and sober forms of liberation theology that rejects some of the false utopianism of the early rhetoric of liberation" (2004:212). McGovern (1994) also offers for a good overview of liberation theology and its critics. Cf .Moltmann (1976a) for an early critique of Bonino within a frame of solidarity. Cf. Petrella (201:145-153) for more on its forms in the 21st century.

Core Conversation Partners

Sudanese human rights scholar, Abdullahi An-Na'im is engaged in Chapter 4 of my thesis to connect the 'descriptive' task of the context in South Africa regarding human rights and its religious engagement to the 'normative' theological task to reclaim and promote minority prophetic trajectories within existing religious traditions. It focuses on three of his suggested strategies; a methodological approach to synergistic and interdependent interaction between human rights and religion which has significantly shaped the design of my thesis, the need for a liberating hermeneutic for human rights and the task of securing increased internal religious legitimacy for human rights if they are to become better realised at grassroots level. This is held within his commitment to "transcend imperialism" (2010:1) in a values-based approach to human rights that remains aware of the power laden structures of our world and an emphasis on shared human vulnerability. He offers an African-centred, religiously informed contribution within a liberating Islamic trajectory, a counterpoint to my own location

German Reformed theologian Jürgen Moltmann will form my main theological partner. I contend that he offers resources formative for many theologies of liberation that can be further drawn on for the South African context which has arguable parallels with his own context[38]. Moltmann's theological framework directly influenced churches' attitudes to human rights in the South African struggle years but I suggest may benefit from further re-engagement for the post-apartheid context (Villa-Vicencio 2005; Smit 2006). Honed within a confessing church trajectory, he then had to speak into new contexts. He foregrounds a liberating approach to human rights as grounded in concrete historical struggles (Newlands 2003:129) and his liberating theological anthropology of the human person is deeply relational (Van Proojen 2004; Bingamen 2014). His work on human rights was historically influential in re-shaping many church attitudes (Miller 1977) and he has a concern with transformational praxis (McDougall 2005), sensitivity to power dynamics (Geiser 2013) and a concern with those who suffer (Van Proojen 2004). Chapters 5 and 6 will outline his theological anthropology and unpack his theological approach to human rights. Chapter 7 will explore appropriations of this trajectory by South African theologians Koopman, Vorster, Tutu, Ackermann and Pillay in specific relation to building a human rights culture.[39]

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[38] With strong Protestant church traditions, a history of deep systematic oppression of part of the population, deep formal church complicity with the state, a confessing church movement, a rights based Constitution and the complex task of social reunification of a divided country.

[39] I suggest that An-Na'im and Moltmann both embody constructive methodologies of synergy and interdependence, identifying liberating theological hermeneutics within their respective faith traditions and pointing to the need for 'internal religious legitimacy' for human rights.

Research Design and Chapter Layout

This thesis pays attention to the concrete context of South Africa and the importance of socio-historical analysis as a first step prior to theological reflection to situate its contribution. Its liberating methodology of see-judge-act reflects a practical commitment to social analysis in the service of transformation as the starting point from which theological reflection emerges, rather merely being the end product. Instead of 'hovering' above concrete realities it embeds its scholarship with a context. A see-judge-act framework emphasises concrete social and historical analysis (Chapters 2-4) with the theological hermeneutical task (Chapters 5-7) both emerging out of and then speaking back into this practical context (Chapter 8).

Chapter 1 introduces and problematises human rights today to situate its approach. Chapter 2 turns to a socio-historical analysis of South Africa's human rights situation to trace the history of the struggle for human rights and show how building a human rights culture remains an urgent task today. Chapter 3 unpacks relationships between Christianity and human rights in South African history to shed light on its ongoing 'ambivalence' and the damaging implications this may have for institutional church engagement as an authentic ally for human rights today, pointing to the primarily unanswered call to churches post-apartheid to play an active theological role in building a human rights culture. Chapter 4 turns to An-Na'im to highlight the need to secure internal religious legitimacy and highlight a 'theological task' to reclaim liberating hermeneutics for human rights within religious traditions. This forms the 'see' section of the study. Its theological contribution will engage Moltmann as an influential Protestant theological voice to identify resources for a liberatory theological understanding of human rights. Chapter 5 will demonstrate how this emerges from Moltmann's concern with a liberating anthropology, shaped by his own context and Chapter 6 unpacks his Trinitarian approach to human rights and its ecclesiological implications. This forms the 'judge' section offering resources as to 'what should be going on'. Finally I trace this approach back into the South African context to show how selected theologians have creatively appropriated this theological trajectory on human rights in response to building a human rights culture (Chapter 7).[40] It will conclude by making recommendations as to how churches can contribute to this task as the 'act' section.

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[40] Villa-Vicencio (1992, 1999, 2005) has made theological calls for church engagement with a human rights culture explored in Chapter 3.

Significance of the study and its delimitations

My thesis is delimited by its focus on a specific Protestant Christian trajectory, its emphasis on the South African context and the practical task of building a human rights culture. It does not explore philosophical questions regarding the foundations of human rights but takes place within a tradition-dependent trajectory. It will not seek to construct a 'new' human rights theology but to appropriate a liberating Protestant trajectory of theological engagement on human rights for concrete application in contemporary South Africa, in the light of its history. It offers theological resources for human rights to churches as a core dimension of their faith related to their concrete social context and remains alert to the danger that human rights can themselves be misused. My question builds on the concern by many here that human rights need to recover their "transformative radicality" if they are to enact good news for the excluded (Ahmed 2014). I bring together the complexity of human rights with a thick theological reflection that draws imaginatively on Christian symbols, not hanging above concrete contexts of struggle, but situated, calling the church into prophetic embodied action.

As a starting caution, I note the danger in believing human rights are the 'truth' and to remember that 'our' truth is never the whole truth. Panikkar offers a reminder that human rights form a particular vision or way of trying to create justice and notes the possibility of other "functional equivalents" in non-western societies that may also be seeking to achieve more egalitarian human dignity. He warns against any arrogance that human rights discourse is the only way as leading to blindness.[41] This does not prevent him calling for defence of human rights as a "sacred duty" in contemporary political arenas (1982:101) but also notes the need to "make more room for other world traditions and the creation of an intermediary space". I suggest rights-talk must remain humble, facing ongoing dangers of misuse as tools co-opted to the power of existing or emerging elites. Relativisation, contestation and critique can help them retain their 'anti-utopian'[42] dimension and prevent human rights fundamentalism. In the next chapter, I limit their role to "protective marginality" in ethics as it first explores detailed definitions for core terms used in my thesis and then introduces three different approaches to human rights to better situate my contextual and historical approach.

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[41] He suggests "human rights are one window through which one particular culture envisages a just human order for its individuals. But those who live in that culture do not see the window. For this they need the help of another culture which sees through another window...I assume that the human landscape as seen through the one window is both similar and different from the vision of the other" (1982:101).

[42] Chase (2013:1) suggests that paradoxically human rights may need to retain an "anti-utopian slant: if they are to remain an antidote to ideological grand narratives and allow plurality and not just become a new and competing ideology in its own right.

Chapter 1 - Introducing human rights

1.1   What are Human Rights?

> Human rights are claims to which all human beings are entitled by virtue of their
> humanity, without distinction on grounds such as race, gender, religion, language or
> national origin. As such human rights should be universal in validity and application.
> (An-Na'im 2005:3)

Human rights definitions can sometimes tend towards a frustrating tautology, begging the
immediate question, what does 'humanity' really mean? However, the ongoing, cross-cultural
debate that its very openness can engender may make it a fertile heuristic device[43]. Australian
sociologist Jim Ife stresses that the universal, indivisible, inalienable and in-abrogable aspects
of post-1948 human rights talk, strongly reiterated at the Vienna Conference of 1993 clearly
point more to a "prescriptive ideal" than an existing "descriptive reality" (2009:86). Ife does
not intend to suggest that human rights are merely "fictional," and points out that the idea of
human rights "appeals intuitively to people on a moral level...connecting with others through
a shared or common humanity" (2009:87). As a result, he suggests the concept has and can
still be a powerful force for change and remains one of the few oppositional discourses
available post-socialism and outside of religion today.[44] He is however, like me, wary of the
ongoing use of "generations" of rights.[45] I draw on his socially related approach to human
rights as a holistic discourse of human unity, not of uniformity, tied to membership of a
common humanity[46] and connected to wider justice struggles (Freeman 2011:87-88).

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[43]Ife notes that the term 'human rights' is of recent origin in popular discourse even though wider rights language, traditions and justice
struggles clearly go back centuries. He highlights the historical catalyst of the Holocaust in the 'universalisation' of the idea of human rights.
Ife suggests that the UDHR goes beyond "the West trying to redeem itself [to offer] a way of reintroducing morality to modernity" by
standing in an ambivalent relationship to it (2009:78). See Petrasek (2013) on the importance of keeping contestation on human rights alive.
Ohlin (2005:209-249) emphasises that the "concept of the person" continues to be a necessary backdrop for genuine human rights talk.

[44] Ife points to the 'secular' tradition of human rights, emerging against a European history of religious conflicts where the diverse
interpretation of religious texts became a source of deep social conflict. He suggests that this has led to an inherently secular human rights
regime that nd at odds with other parts of the world where religion of one form or another is often central to the worldview. He concludes
that the dominance of secularism may in fact present an obstacle to developing genuinely multi-cultural human rights tradition. While I
agree with Ife's point, the secularity of human rights has often been overplayed in the West and may itself be a performative myth in need of
challenge by lessons from South African history (Cf. Moyn, 2015 forthcoming book on Christianity and Human Rights).

[45] Ife avoids using Vasek's (1982) traditional three generation' framework of rights as a genealogical anomaly of the West who can still
tend to prioritise civil and political (1st generation) rights, over and against economic, social and cultural rights (2nd Generation) historically
associated with Communist states and the later call for rights to self -determination and participation (3rd Generation) by the Two-Thirds
World. Environmental and development rights can form an emerging but still contested 4th generation. (Freeman 2011:182) Ife suggests
seven dimensions as a flexible framework for thinking holistically but warns against the danger of polarizing types of rights (2009:157).

[46] Ife points out that rights are not intended to cover all aspects of social justice, and if used solely, issues of structural disadvantage can be
marginalised. Rights can ignore factors of diversity such as race, class and gender and need to be sensitised so as not to reinforce these
inequalities. He also ties rights to a notion of "global citizenship", where rights are derived not from nation state citizenship but from
common humanity. Human rights can be seen as a smaller subset of wider (contested) claims to the good. I suggest that South Africa has
creatively linked rights and social justice (S. Wilso, 2014) as well as engaging in the wider citizenship debate (Manuel 2014; Le Bruyns
2014). A concern with the redistribution of power can connect the more minimalistic sense of rights and wider social justice claims.

Freeman points out that the concept of human rights demands both respect for individuals as moral agents and concern for them as vulnerable creatures (2011:287). Freeman, like Ife, goes beyond an individualistic understanding of human rights as a "powerful progressive force which needs further affirmation by embedding in human community" (2011:80). While scholars like Donnelly (2003:15) and Parekh (2007:755) emphasise the 'threshold' nature of rights as a minimum universalism, a floor below which no-one should fall, I deepen this to add Irish theologian Regan's wider understanding of human rights as a "dialectical boundary discourse" of human flourishing, giving them the role of "protective marginality" in ethics.[47]

> Rights are necessarily marginal in that they are not ends in themselves, but in this marginal position they play a crucial protective role. Rights do not simply guard the limits below which we should not fall in terms of ethical conduct but are protective of the very conditions in which the more of ethics, love, virtues, community, can flourish. (Regan 2010:2)

I focus, like Regan, An-Na'im and Moltmann, on the 1948 post-WWII understanding of human rights in the Universal Declaration on Human Rights (UDHR) whilst acknowledging its dynamic trajectory that both precedes and evolves beyond this event. The earlier definition by Newlands seeks to capture what I term a "dynamic surplus" in human rights talk that keeps rights alive, contested and responsive to new contexts and challenges. Ife notes that human rights literature has focused more on the word 'rights' than the word 'human'. He suggests that the 'human' referred to has often been the strong educated white male figure of European Enlightenment leaving out other races, women, children and those with disabilities as "subhuman" (2009:69-71). Critical reflection on this within Africa is seen by Ter Haar (2011) as an important contribution that religion can make helping to reclaim ethical understandings of rights and restorative meanings of justice that go beyond a legal technical discourse (2011:300-315; Cf. Reed 2010). Sociologist Turner (2006) ties human rights explicitly to vulnerability, suggesting that our lack of essence constitutes what we share universally. Finally, anthropologist Dembour (2010) offers a typology of four diverse ways that human rights have been and are conceptualised as given, agreed, protest or constructed[48].

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[47]Regan's (2010:142-166) liberationist approach emphasises the need to bring the principle of partiality to bear on human rights claims to universality. See Engler for more on how a universal value can have a partial character where he points to Moltmann's 1970s challenge "not to throw out the baby of human rights with the bathwater of imperialism" (2000:351). This may be highly relevant for South Africa.

[48] Cf. Stenner (2011) on this typology and its empirical application in building a human rights culture. He concludes that compassionate consideration underlies human rights values which are often vernacularised and related to communities by modes of religious commitment.

1.2   What is Culture?

According to British cultural theorist Terry Eagleton, "culture" is one of the most complex words in the English language (2000:1). While culture and nature are often seen as opposites, he shows that culture is etymologically derived from nature with an original meaning as "husbandry" or the tending and regulation of natural growth.[49] He points to a dialectical relation between the artificial and the natural within the term culture as both "what we do to the world and what the world does to us" (2000:2).[50] Post-colonial scholar, Franz Fanon suggests "culture is the action through which a people creates itself and keeps itself in existence" (1961:188).[51] I will draw on cultural anthropologist Geertz's definition (used by An-Na'im) to emphasise the hermeneutical task of interpreting ways of being in the world.[52]

> Believing, with Max Weber, that man is an animal suspended in webs of significance he himself has spun, I take culture to be those webs, and the analysis of it to be therefore not an experimental science in search of law but an interpretive one in search of meaning (Geertz 1973:5).

The brief overview below shows the term 'culture' has an evolving and contested history. Chapter 4 will show that anthropological reflection has shifted significantly from seeing (and often reifying) culture as singular and stable to an increased awareness of its plurality and state of continuing flux and older forms of anthropology have been critiqued for "constructing the subject rather than merely studying it" (Davies & Piero.2010:2-24).[53] According to Eagleton (2000:5), culture can be both a descriptive term (what is) and a

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[49]Eagleton notes that 'Coulter' means a ploughshare blade, derived from cultivating agriculture and initially a thoroughly material process, only later transferred to affairs of the spirit. Its Latin roots, 'Colere' encompasses cultivating, inhabiting, worshipping and protecting, 'Colonus' ties it to contemporary colonialism and 'Cultus' was a sacred truth to be protected and revered. In this way he suggests Culture both inherits the mantle of religious authority but also retains uneasy affinities with themes of occupation and invasion (2000:2). See also Kiazaku (2008:31-38) for a similar unpacking of the term 'culture' as seen thorough a black African lens.

[50] Eagleton suggests that since the 1960s "the concept of culture has veered on its axis to mean almost exactly the opposite…now an affirmation of an identity rather than the transcendence of it…where culture is not seen as part of the solution but as part of the problem…not a means of resolving political conflict by entering a 'higher' human plane, but a battleground in its own right" (2000:38). For radical politics, culture is not remote from daily life. In Bosnia or Belfast, culture is not what you put on the radio, it is what you kill for. "There has been a clear shift from Culture to culture. We seem torn between an empty universalism and a blind particularism. If 'Culture' is too unhoused and disembodied, 'culture' is far too eager for a local habitation" (2000:44).

[51] Tylor's 1871 early anthropological description of culture as "that complex whole which includes knowledge, belief, art, law, morals, customs and any other capabilities and habits acquired by man as a member of his society" forms the basis of modern anthropology (cited in Kiazaku, 2008:31). More recently, Tanner has understood 'culture' as a way of life or the human context, not the understanding of high culture which means art, literature, etc. Culture as a way of life refers to a shared social reality giving expressions to the human context.'(1997:53-56). Eagleton concludes "Culture is not only what we live by, it is also, in great measure, what we live for" (2000:131).

[52] Davies and Pierro (2010) note that Geertz (1973:90) uses a "thick" interpretive method to analyse religion as a cultural "system of symbols which acts to establish powerful pervasive and long lasting moods and motivations in men by formulating conceptions of a general order of existence and clothing these conceptions with such an aura of factuality that the moods and motivations seem uniquely realistic."

[53]Davies et al., highlight that "anthropology served as the handmaiden of colonialism" where the question of whether some people were 'human' has been implicated in colonialism, imperialism and civilising narratives. (2010:16-17). Anthropologists suggest this does not need to dictate its future, "if the anthropology discipline has in the past been an instrument of a colonising culture, there is no reason why in the present, it cannot serve as an instrument of liberation" (Cormaroff and Cormaroff, 1991:xiii).

normative term (what ought/could be). He distinguishes three 'culture wars' today, that of Culture as singular civility/civilisation[54] (a normative ideal), culture as plural communitarian identities[55] (a descriptive reality) and culture as cosmopolitan commodity.[56] He suggests that "the colonialist encounter is one of Culture with culture" (2000:46) and that a neo-liberalising global world often reinforces the third sense. He recommends a fourth understanding as "critique from within", a form of radical protest,[57] dialectically holding together these polarised tensions to point towards a "good utopia" (2000:22).[58] I will bear in mind these multiple notions of culture and suggest the need to pay attention to his call for a "culture-in-common"[59] where he suggests religion can potentially play an incarnational role here,

> Culture is fatally enfeebled when it comes adrift from its roots in religion…religion after all is the single most powerful ideological force which human history has ever witnessed….no form of culture has ever proved more potent in linking transcendent values with popular practices, the spirituality of the elite with the devotion of the masses. Religion is not effective because it is otherworldly but because it incarnates this otherworldliness in a practical form of life. It can thus provide a link between Culture and culture, absolute values and daily life (Eagleton 2000:69).

[54] This singular notion, denoted with a capital C, is described by Eagleton as an ethical "civilising pedagogy". "Culture distils our common humanity from our sectarian political selves redeeming the spirit from the senses, wresting the changeless from the temporal and plucking unity from diversity…by which our fractious sublunary selves are not abolished but refined from within by a more ideal sort of humanity". (2000:7). This "liberal" understanding has been historically tied to Western colonisation and imperialism and Eagleton suggests it confronts humans with the dark side of Culture, reified and then used to denigrate, dispossess and 'other' different ways of life as a whole.

[55] For Eagleton, culture as identity is seen as a sociable, popular and traditionary way of life, a quality that makes a person feel rooted or at home. He suggests this emerged strongly in the 19th century as a critique of a Eurocentric "culture-as-universal-civilisation." Nationalist ideologies such as Nazism and apartheid drew politically on this Romantic Volk image as did some early anthropology (2000:43).

[56] This third, often elitist sense takes an individualistic 'pic and mix' consumer attitude to multiculturalism and operates in contrast to the notion of culture as an unchosen social identity. Eagleton suggests that these cultures wars can be inaccurately mapped into a North/South divide where Europeans are seen to uniformly hold to Culture as civilisation and Africans as holding to culture as identity (2000:63).

[57] Eagleton highlights that this fourth understanding of culture as radical protest from within often arises when 'civilisation' begins to seem self-contradictory. He suggests "this forces dialectic thought … because it is less and less possible to ignore that fact that civilisation, in the very act of realising some human potentials, also damagingly supressed others. It is the internal relation between these two processes which breeds this new intellectual habit. Instead of using civilisation as a value term (ought) and contrasting it with cultural facts (is), the process is reversed and the imposed repressive values are termed 'civilisation' and the suppressed ones in need of recognition are identified as culture. This enables culture to act as a critique of the present whilst based solidly within it, moving with and against the grain of historical progress…not some vague fantasy of fulfilment but a set of potentials bred by history and subversively at work within it" (2000:23).

[58] Eagleton (2000:22) seeks to avoid "bad utopia… a sort of wistful yearning, a 'wouldn't-it-be-nice' with no basis in the actual" that he sees in political ultra-leftism as solely a negation of the present in the name of some inconceivably alternative future. By contrast, he suggests 'good utopia' finds a bridge between present and future in those forces within the present which are potentially able to transform it. He argues that 'a desirable future must also be a feasible one'. This 'fourth way' approach draws on the other ways of understanding culture 'to become a form of immanent critique, judging the present to be lacking by measuring it against norms which it has generated itself. In this way, 'culture can unite fact and value, as both an account of the actual and a foretaste of the desirable'. This fourth understanding of culture as a dynamic process is one that I draw on in relation to the development of a human rights culture (cf. Wilson 1997, Cowan 2001).

[59] Eagleton calls for a 'culture-in-common' where full participation of all leads to the collaborative making of meanings rather than the enforcement of a pre-decided hierarchical and 'top down' models. He points to residual, dominant and emergent forms of culture where new forms of dominance (nuclear, genocide, apartheid, bio-genetics) lead to new forms of emergence (eco/peace/human rights). These localities remain porous and open ended, "you do not need to leap out of your own skin to know what another is feeling...it can be by belonging to their own cultural history that societies were able to go beyond it. I do not understand you by ceasing to be myself" (2000:48).

1.3   What is a Human Rights Culture?

For the purposes of this thesis, I define this as a social environment where human rights take on concrete embodied form in the lived experience of ordinary people as respected by both themselves and by others. It is also an environment where all take a level of responsibility for increasing the protection and promotion of human rights as a shared social task.

> One may have a society where, from a legal point of view, human rights are guarenteed but unless a culture exists, created for people by people, where the citizens recognized their own rights and deeply respect those of others, without such a culture, the legal frame is merely superficial (Botman and Sporre 2003:10).

Ife details "human rights from below" as an essential part of building a human rights culture in current times and suggests that this requires a more detailed engagement with the disciplines of both sociology and anthropology, (2009:123-135) an idea explored in Chapter 4. South African political scientist Gibson suggests that "a human rights culture is one in which people value human rights highly, are unwilling to sacrifice them under most circumstances and jealously guard against intrusions into those rights" (2005:6). He notes that this culture "may stand as a potent but not omnipotent impediment to political repression" (2005:6). My call for this culture to be 'liberating' means that it needs to prioritise change for those in society that are 'rightless' or marginal within specific contexts by putting the excluded at its centre. This qualification problematizes the question of "whom human rights serve" raised by scholars such as Douzinas, (2007) Bonino (1977) and Engler (2000) who also seek "bottom up" approaches.[60] If human rights become merely a tool for the powerful and not for the powerless, a liberating approach should challenge this. By viewing human rights through the lens of liberation, I seek to recognise that human rights can be (mis) used ideologically in ways that can serve abusive power as well as being used to challenge it.

1.4   What is the Church?

Ter Haar uses "the church" broadly to reflect the complex range of religious resources that Christianity offers as both a belief system linked into both a normative/ethical framework and

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[60] Regan (2010:140) calls for a commitment to the rights of the poor, not as a rejection of the universalism of human rights but as an authentic universalism which places those with fewest rights in a priority position. I suggest it is a focus on the rights of the oppressed and marginalised that is needed, recognising that poverty is part of this marginalisation and will show how this approach is taken by both Villa-Vicencio and Moltmann. See Engler (2000) on how a universal concept can coexist with a commitment to a partial and situated preference.

a concrete socio-political entity as a "worldview that includes shared beliefs, practice, organisations and experiences" (2011:3).[61] It has a concrete sociological reality where actual people are members of social entities (usually local congregations) that seek to represent, in one influential definition, the "people of God" in a specific time and place (Küng 1992: 104). This concrete institutional form is part of civil society and can act as an 'asset' or 'liability' as such. Generally I use the church in this sense in my thesis, noting that all Christians can enact church in their lay lives and not just within formal church structures. Smit (1996) points to six 'manifestations' of the church used in relation to public theological discourse; church as worshipping community, local congregation, denomination, ecumenical bodies, voluntary organisations, and individual believers. He suggests that the first four are more 'institutional' understandings of church while the last two are more 'organic' notions.[62] I draw on Moltmann to emphasise local congregational engagement and a theology of the laity as particularly important for a bottom-up inculturation of human rights.

Chapter 5 will point to aspects of Moltmann's ecclesiology-for-human rights, based on his dynamic understanding of church-as-community and critical of the institutional church in his time and place. He calls the church to live dialectically "in-between" Cross and Kingdom. I will suggest that this understanding of church can still be useful in South Africa in relation to human rights engagement without insisting that this is the only or 'best' way to understand church. Obviously there is a risk in talking about 'church' in a unitary way as there are many church denominations with a wide diversity of beliefs and practices in the South African context. However Christianity holds, at its theological core, to a vision of a unified Church with shared sacred texts and traditions and the possibility of public shared witness as the Church of Jesus Christ, even if its social reality remains a site of struggle. (De Gruchy 2004). This thesis is committed to ecumenical church engagement and what Dreyer terms its "unity in diversity" (2013:133) even if divisions between churches often remain unresolved. Appleby suggests that religions are "uniquely poised to mediate the encounter between the universal and culture-specific elements that must co-exist in any viable regime of human rights" (2003:204) but this requires them to re-examine their own institutional practices.

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[61]Ter Haar points to four types of religious resources (ideas, practices, institutions and experiences) and suggests that religious ideas that have the most potential to be tapped for constructive human rights engagement. (2011:3-5).Her research with indigenous churches in Zambia encourages scholars to focus on human rights as spiritual-moral concepts and not solely as legal-moral concepts (2004:200).

[62] The church theologically sits between the tension of the "invisible" body of true believers and its "visible", social institutionalised forms which remain fallible and therefore ongoing 'sites of struggles'. This study, by making recommendations to the church to change, recognises this. In later work (2007:61-62) Smit emphasises three forms of church 1) salt and light, 2) local congregations and 3) wider ecumenical structures. Moltmann's critique and call to the church will draw later on this more organic sense of church as it is seen in its multiple forms.

1.5 Exploring the paradox of human rights

Nigerian historian, Ibhawoh suggests that,

> Rights have become the dominant language for public good around the globe as well as the language of choice for making and contesting entitlement claims…today it underlies almost every facet of public and private discourse …the past five decades have spawned a global rights revolution a revolution of norms and values that has redefined our understanding of ethics and justice (Ibhawoh 2007:1).

North American human rights legal scholar Louis Henkin points out that today, human rights are acknowledged, even by its detractors as a globally accepted legal and moral discourse. He notes that "even those with no intention of being guided by its principles still pay lip service to it" (2005:150). Indian development economist Amartya Sen speaks of the "omnipresent rhetoric of human rights" in our world today (2012:91). Nevertheless, some human rights scholars have become increasingly critical of the liberating claims of 'so-called' universal human rights, even posing the question, "Are human rights a barrier against domination and oppression or the ideological gloss of an emerging Empire?"[63] (Douzinas 2007:7). This question reverberates in many African contexts, where Kenyan scholar Makau Mutua suggests that rights can be used to protect the status quo just as easily as they can be used to advance the interests of those weak and excluded (2002:128). Ugandan scholar, Mamdani asks "do we need to go beyond both culture talk and rights talk to embrace a language of protest in relation to power" (2000:2) and Tanzanian scholar Shivji highlights that, "human rights talk constitutes one of the main elements in the armoury of imperialism….yet from the point of view of African people human rights struggles constitute the stuff of their daily lives" (1989:vii). Human rights scholar Pruce has suggested recently that human rights are often revolutionary only in theory but not in practice (2015:para. 1). Human rights claims have often underpinned calls for increased democracy around the world and Donnelly (2003) has suggested, as have others, that the two are intrinsically linked. In the South African context, I suggest that human rights also requires specific connection into wider calls for active citizenship (Manuel 2014), an interconnection developed further by Turner in relation to vulnerability (2006:45-68) and Von Sinner (2015) in relation to public theology in Brazil.

[63.]This problematisation is raised by others. Cf. Odysseus & Selmexi (2015), Stammers (2013) Ife (2009), Ward (2013) Oliveira (2012).

Ibhawoh (2007)[64] traces the history rights talk concretely within his own Nigerian context,[65]

> Rights talk, which was a crucial factor in the rise of empire, was also a factor in its eventual collapse. But the rights discourse was not only relevant in the tension between colonizers and colonised...African elites also used rights talk to further class, ethnic, generational and gender interests. Indeed human rights or at least the discourses of rights were trumps. But they were not always trumps against the tyranny of the majority. They were also trumps deployed to further the dominance of the majority and maintain existing power structures. This is the secondary and more complex paradox of rights talk (Ibhawoh, 2007:8).

Ibhawoh's analysis shows that rights discourses enabled domination, yet had a liberating effect at other points and were also used to promote competing agendas (2007:178). I suggest that this complex paradox can also be seen in South Africa, explored in Chapter 2. As a result of this ambivalence, scholars such as Hopgood predict the end-times of "human rights seen as a civilising mission ideology held merely by the 1% elite" and "past their sell by date", (2013:1) or according to Moyn (2010a), that they remain humanity's last fragile utopian dream. But my approach concurs with that of Stammers (1995, 1999, 2009, 2013) who suggests that, "we damn human rights at our peril" (2013: para.1). He notes that while human rights movements often start in 'bottom-up' settings, over time they can end up controlled by 'top down' elites as they succeed and become institutionalised. It is here that rights become ambiguous "and can come to serve power rather than challenge it ...collective 'power to' persistently morphs into forms of 'power over' in institutional settings" (2013:para.4). He claims that human rights need invigorating re-connection to their social movement origins.

In light of this, I problematise human rights discourse with regard to its liberating effects for many marginalised today. I remain sensitive to Douzinas's question as to whether human rights still offer a defence against power rather than becoming new tools for power (2007:10)

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[64] Ibhawoh (2007) points out that there is both a colonial and an anti-colonial rights discourse, "although not always recognised as such, anti-colonial struggles in Africa as elsewhere in the colonized world were not only nationalist movements, but also veritable human rights movements...[and] reconstructing these histories can help us better understand the trajectories of contemporary human rights movements in post-colonial societies" (p. 5). This influenced my decision to look at South Africa's human rights history to understand 'what is going on'.

[65] Odysseus & Selmecsi note that "voices skeptical of the seemingly unstoppable rise of human rights have long argued that they form the moral and intellectual keystone of a liberal hegemony by producing consent to radically unequal socio-economic relations… human rights advocates, on the other hand, have countered that historically human rights gave expression to claims seeking to demarcate the growing power of the fledgling administrative state and that, in more recent years, are enabling of the politics of resistance in symbolic, discursive and legal terms" (2015:1033). There is suspicion of rights as secularized Judeo-Christian moral values mobilised in the "colonial present".

and Moyn's question as to whether rights are a "powerless companion" in a neo-liberal era (2014:147). However I suggest rights can retain their liberating potential by holding open the tension[66] that "powerful forces can co-opt human rights discourse as a normative justification for their hegemonic and abusive behaviour and yet that human rights can simultaneously be counter co-opted as a liberating protest narrative by those (sic) oppressed by those structures" (Mamdani 2000:1). However, this double-edged nature needs ongoing recognition to avoid becoming new "pathologies of power" (Farmer 2003:1).

1.5.1 Taking responsibility for rights

There has been a tendency at times within political discourse to polarise rights and responsibilities talk which also filters at times into theological talk on rights as noted critically by D. Ackermann (2009) Regan (2010) and Wolterstorff (2011). My approach, in line with most human rights scholars, reaffirms the interconnection of rights with responsibilities.[67] Ife notes, "rights imply responsibilities; responsibilities on others to ensure one's rights are realised or protected. Responsibilities are the hard part of rights work…most of human rights work is in fact human responsibilities work" (2009:90). He insists that rights and responsibilities need to be considered together as a common discourse about how we relate together as humans and against the popular 'individualising' myth of human rights, he points out that "rights only have meaning within some notion of human community and in this sense it is only in human community that we can achieve human rights" (2009:91).[68] However he insists that the location for this overall responsibility cannot be assigned a single location but is shared in an interconnected society.[69] For Ife, the idea that rights must always be justiciable can overstate the importance of the law[70] as well as arguably creating a public/private divide where forms of lower level harassment are ignored. He suggests that "if

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[66] F. Schlussler-Fiorenza points to three post-modern critiques of human rights: a false universalisation, the de facto selective historical use of rights by the powerful and the fact that exercising rights is itself a form of power. He suggests that human rights must remain connected to the "relief of suffering" if they are to successfully rebut all these critiques (2006:106-116). For scholarship on the multi-faceted relation of human rights to power, Cf. Arat (2006), Evans (1998), Brysk (2013), Risse, Ropp & Sikkink (1999), Muzaffar (1999) and Gilabert (2015).

[67] The notion of the "inalienablity" of rights seeks to avoid the prevalent idea that rights need to be 'earned', a reason why rights activists often from the political left can be nervous about talk of responsibilities, a typical trend of the political right. However if the two concepts become disconnected, this creates a problem. It is important to counter the predominant belief that rights are 'benefits' that you receive only if you deliver on your responsibilities, leading to a tendency to deny rights to those seen as criminals or deviant but without disconnecting the idea of rights from that of responsibilities. The African Charter on Human and Peoples Rights (1981) clearly makes this connection..

[68] "To talk about my rights in isolation as if they are things that I own and have nothing to do with anyone else is nonsense – the single person on a desert island has no rights, rights only exist in community with others'"(Ife 2009:91). Cf. Gewirth 1996, 2000. This same theme is also developed by theologian Wolterstorff (2011:148-155) and forms an important assumption held within my thesis.

[69] He suggests this responsibility can span generations (future and past) where human rights violations of the past can reverberate into the present. The ongoing and complex question of reparations, still a live topic in current day South Africa connects, I suggest, to this notion.

[70] He points out that the law is a 'blunt instrument' which tends to make human rights both a law-speciality and 'top down', defined by experts and imposed on others, in ways that can be counterproductive at times. He points out that if human rights are to become more grounded in lived experience they need a broader grounding than the purely legal. This argument will be built on in my thesis.

human rights remain understood primarily within the law, they will exclude much of the population from any sense of ownership of human rights and of the responsibilities that go with them" (Ife 2009:112). I will build on this re-connection of rights with responsibilities as a common discourse for how we relate together whilst avoiding the idea that rights are benefits only "given out' to those citizens who fulfil their responsibilities as a reward for good behaviour. Human rights have 'inalienable' status and they cannot be earned or lost.

1.5.2 Locating my human rights approach in this thesis

One of the strongest themes emerging from recent scholarship on human rights is its ongoing contested nature (Parekh 2007; Krug 2014; Flynn 2014; Zizek 2005; Hoover 2013). [71] Nevertheless, at the start of the 21st century, Henkin also shows that human rights form a "significantly accepted global moral discourse" (2005:150) with both legal force and potential practical application that requires constructive engagement by all concerned with human flourishing. A review of the literature regarding human rights theory is challenging due to the large proliferation of research. However to situate my approach to human rights in this thesis, and at the risk of over-simplification, three trends will be briefly noted.

Firstly, there is a large historical body of primarily Western scholarship on human rights epitomised early by left-liberal scholars such as Donnelly (1982, 1984, 1997, 2003, 2009) and Howard (1984, 1986, 1990, 1992, 1995b, 2013) seeing them primarily as "universal givens". This typically grounds human rights in the Western secular humanist tradition as a 'universal' abstract truth about humanity that exists above all cultural and religious claims and in a practical sense can and ought to always 'trump' other (particularist) claims. This formed the early impetus for much of the Western-driven human rights movement, usually linked to liberal democracy and often conveyed as an individualistic creed to be spread around the globe[72]. Alternative versions of dignity found in non-western cultures tended to be

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[71] Human rights remain disputed by philosophical and political scholars around the world. Communitarian, utilitarian and postmodern critics still challenge its most basic premises. Bentham's 18th century utilitarian rejection of natural rights as 'nonsense on stilts' is mirrored by MacIntyre's 20th century claim that 'rights are like witches and unicorns, they do not exist'. Whilst their arguments are predominantly beyond the scope of my thesis, it is apparent that any human rights researcher must note that it remains a highly contested ideology worldwide that does not merit universal moral agreement as to its claims, despite increasing geo-political rhetorical acceptance. Parekh (2007) suggests that human rights has not attained the status of 'unquestionable truth', but that it must continually overcome scepticism from cultural relativists, utilitarianism, international realists and others. The language of human rights has often fallen out of fashion in social sciences as an 'essentialising' grand narrative with a turn towards discourses of difference as well as a focus on social structures over individual agency despite the reminder (Villa-Vicencio 1996, 2005) that both discourses may be needed to forge a post-apartheid future.

[72] This approach was often connected to a backlash against religious power in Europe and as a result, initially suggested that any theocentric notions of human rights were inappropriate (Freeman, 2004). In response to arguments from scholars for an 'African concept of human rights', Howard and Donnelly suggested that this is in fact a concept of human dignity, and that rights and dignity are not coterminous. They point out that rights can be given which are not human rights, but are based on communal membership such as family, tribe etc which they suggest count more as 'privileges'. Ibhawoh terms their approach, the 'UDHR as epoch-making event' school where universal human

"downgraded" as incapable of promoting human rights (Howard 1984) and the need to "create a sharp break with traditional ways" was often emphasised as intrinsic to the value of the human rights idea. (Donnelly 2003:76) This approach has been critiqued by many[73] although arguably both scholars have adopted more nuanced stances over time (Donnelly 2009; Howard 2013). However it does still reflect the predominant international stance on human rights in public consciousness. Generally, some essential feature of the pre-social human being grounds all rights claims and the existence of objective moral norms is assumed. While human rights can be historically contingent they cannot be culturally relative.

Secondly, this approach has then been critiqued by those who challenge the myth of Western 'reasonableness' and suggest instead that morality, including human rights, is often a human convention that merely masks power relations (Cf. Pollis and Schwab 1979; Bauer and Bell 1999; Mutua 2002; Uvin 2004). This argument points out that geo-political rhetoric and the historical praxis of human rights has often been biased in favour of the powerful not the powerless, the winners not the losers, for some rights and not others and does not actually reflect as a whole a genuine universal morality that sits 'above' the power play of politics. As real people rarely arrive at the 'table' as 'Rawlsian' equals, it raises a concern that an assumed equality can favour the already powerful and even lead to new "colonizing" behaviour by the West in the name of this "civilising" truth. In the context of the historical social inequalities and distorted power relations of South Africa, this needs noting as a possible ongoing danger.[74] This critique has led at times, to a total rejection of the human rights paradigm as a hegemonic and essentialising ideology of the West.[75] Ibhawoh highlights this experience as particularly relevant in African contexts, noting that,

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rights did not exist before the Declaration and since that point, have been declared to exist. He suggests that a 'UDHR as episode' approach offers more fluidity, seeing the UDHR as ground breaking in its global articulation as a universal principle, but also building on many pre-existing traditions around the world including in Africa, pointing out that 'the UDHR may not have meant much at the time to people still under colonial domination, unrepresented in the drafting process and sceptical about a declaration on rights drawn up by imperial powers'.

[73] Human rights anthropologist Wilson for example terms Howard as a "striking example of an over-generalising and decontextualized view of the individual" who creates various "ill-informed" binary oppositions between the West and Africa (1997:24).

[74] Ibhawoh points out that this alternative "African concept of human rights" reacts to the Donnelly/Howard 'UDHR epoch' school that often "downgrades dignity" or suggests that Africa did not have an idea of the individual but just a human defined by communal membership, rebutted by many as a paternalistic construction (2007:21). The African Charter (1982) places human rights into a communal frame of reference but has been criticised for giving too much power to states and the vague notion of 'peoples' (Cobbah 1987:309-313).

[75] Scholars suggest that this human rights ideology posited an abstract and possessive individualism, an entitlement culture, a neo-economic liberalism and a form of ongoing elitist colonialism which often failed to grapple with contextual realities elsewhere, especially in Africa with its history of brutal colonial oppression by Western European powers. Cf. Mutua, 2002, Shivji, 1987: Douzinas, 2007: Hopgood, 2013: This cluster of critiques mirrors a longstanding 'cultural relativity' argument made by Asian scholars in the 1990s (Bauer and Bell, 1996; Polis and Schwab, 1984) that human rights as an idea has 'limited applicability to non-Western settings'. Instead they point to a 'moral communitarian' focus in non-western countries that they argue makes the 'individualist' notion of human rights inappropriate. Increasingly Western scholars have become more sensitive to the dangers of using human rights as a "dogmatic secular ideology rooted in unacknowledged metaphysical assumptions about the human being" (Cf. Ignatieff, 2001:82-83). This issue also took centre stage at the 1993 Vienna Conference on Human Rights and has arguably led to a more collaborative and holistic approach by many since that time.

Several writers have emphasised the centrality of colonialism to the emergence of the contemporary human rights movement…and suggested that human rights have an inherently colonial dimension since they involved challenges to the practice, and sometimes even sovereignty, of particular religions in the name of universal standards deriving from, and largely enforced by, the West. In the case of Africa such asymmetrical moral discourse has its roots in the literal history of colonialism. (Ibhawoh 2007:5)

This approach, influenced by post-colonial scholarship, sees the human rights paradigm as embedded in particular cultural constructions that are unacknowledged and then inappropriately imposed as a form of Western hegemony on cultures that hold to alternative moral standards. Kenyan scholar, Ruteere warns "that human rights that speak in the language of unproblematised universals have little potency in challenging the structures that keep the poor and weak in domination" (2011:para.14) and calls for a reconnection between the poor and human rights within specific contexts that can avoid abstraction and prevent the empowering nature of rights becoming disempowering in practice. However it is equally clear a strong cultural relative position can at times use a highly static understanding of culture, itself a product of colonial histories[76] and lose the very intelligibility of rights as a discourse with moral applicability across and within diverse cultural frames of reference. In line with African scholars such as Ibhawoh (2007), Ruteere (2011) and An-Na'im (1990), I seek beyond this binary of relativism versus universalism into cross-fertilisation of ideas.

Thirdly and emerging from the tensions between universalism and particularism seen above, are a growing body of scholars who go beyond a damaging binary that pits a universal and unchallengeable 'creed' of human rights against any acknowledgement of genuine cultural or religious diversity as 'cultural relativism'. They note that rejecting any wider moral intuitions not already accepted within an existing specific cultural framework is equally problematic if social transformation is desired and also relies on a static, homogenous notion of culture. This is reflected in emerging social constructionist approaches (Douzinas 2007; Ife 2009; Stammers 2009) who suggest that instead of being viewed as essentialised moral givens, rights are best seen as social constructions that need both cross-cultural recognition and

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[76] Ibhawoh has emphasised that the myth of "romantic communitarian Africa" often forms a cultural cloak for the interests of elites and suggests this is a limited approach. He suggests that Africa has an individual sense of the person but also balances this with communal aspects. He points out that it is "true the language of culture has been used by elites to limit human rights but these elites have no monopoly over this language and we shouldn't assume that they do…culture talk can, and also has been effectively used to legitimize rights claims by marginalised groups within these societies" (2007:25). This calls for the reclaiming of cultural traditions, including religion, as assets.

endorsement from within a community. Despite differences, these scholars, of which An-Na'im is one of the clearest African proponents all stress that human rights claims emerge out of specific religico-cultural contexts in their views of the universal with no 'neutral' place to stand. But they also insist that recognition of this does not have to lead to a rejection of the universalism of human rights in favour of an 'essentialised' form of local culture. Instead a contextual approach to human rights can take local particularities seriously whilst pointing to the possibility of an overlapping cross-cultural moral consensus.[77] Over time, this has gained currency with more scholars now supporting a "situated universalism" (Donnelly 2009; Howard 2015).[78] In continuity with this approach, Ife highlights the importance of seeing rights as 'constructed' from below and in a process of continual negotiation rather than as claims from on high, fixed for all time. He points to three traditions in human rights thought, natural rights (often where religious contributions sit),[79] states obligations (often where legal contributions sit)[80] and constructed rights (often where anthropology sits) where "human rights are constantly being negotiated, defined and redefined at all levels of society, emerging from our shared understandings of what it means to be human and ways of treating others" (2009:73-77).[81] He suggests and I concur that it is this third approach which focuses on developing a "culture of human rights with a community orientation, responsibility spread through society and the need for wider agency". I will make my thesis contribution here and not within the first 'natural rights' approach. Ife & Tascon also note that explicitly extricating human rights from the Western, white colonialism project still remains critical[82] to enable many "others" to develop a more genuine ownership of human rights (2008:307-327).

[77] This bears close similarities to the original intent of the UDHR drafters who themselves represented multiple cultures. Ife points out that all ideas about human rights emerge from a cultural context but that a naïve and uncritical relativism is just as bad. He insists that universals change over time but so do cultures and they are pluralistic by nature. Statements of universalities need to be seen as aspirational statements that emerge out of specific contexts. All universals are contextual and all contextual statements have elements of universalism" (2009:26).

[78] Odysseus and Selmeczi seek to go beyond the long-held 'either/or' approach of dismissal or glorification of rights which they suggest increasingly obscures 'what is a very complex, multi-level and multi-perspectival ambivalence'. They seek to 'move the debate beyond the dichotomous framing of rights as either politically progressive in enabling resistance, or politically compromised in conservative and often neo-colonial terms'. Instead they 'innovatively theorise the complex relationship of human rights and power' suggesting that human rights in a broad sense appears to, at times, "challenge and resist coercive and productive forms of power" (2015:1035-1036).

[79] This approach ties to natural law, and often religions focus here on rights as universal and inalienable. Theological and philosophical discourse dominates, exploring the question 'what does it mean to be human'. Ife suggests this can fail to make a connection with action, where practice has no role in constructing rights but is only concerned with implementation leading to a top-down approach (2009:10).

[80] This 'positivist' approach has a focus on legal mechanisms and government policies, often linked to citizenship and not universal humanity. Lawyers are dominant with an advocacy-up focus. Ife says it is far from sufficient to achieve society based on human rights for all. It tends to places sole responsibility for rights with the state where pressure on the state is the sole role of all non-state actors role.

[81] This approach has a focus on sociology and anthropology and human rights are seen as contextual and dynamic rather than universal and stable. They are grounded in lived experience and ongoing negotiation around shared assumptions on human rights and responsibilities.

[82] Ife (2009:110-111)suggests that human rights have often been tied to modern narratives of progress and need disentangling if it is not to merely form part of a 'colonial grand narrative of human improvement' but to reflect diverse ways in which people seek to realise their and others humanity. He suggests that 'rights are often unhelpfully and inaccurately seen as 'unlimited freedoms' and in a society that values individual achievement and acquisition, this can merely reflect the dominant, selfish 'look after number one' ideology'. When this 'ideological' use of rights is then exported elsewhere in the world, it understandably often faces critique or even total rejection.

Tensions between universalism and cultural particularity continue to characterise much human rights theory and practice and raise the possibility that human rights discourse can form part of the problem, hanging abstractly as elusive 'ahistorical' rhetorical ideals above the concrete cultural and religious systems that people inhabit, shrouding the interests of the powerful in its supposedly universal claims, ambiguously applied in practice. Anthropologists such as Merry (2006) call for an ongoing task of contextualisation and translation into specific times and places to prevent ideological co-optation by the powerful and enable them to remain a concrete, liberating language of struggle. My engagement seeks to take this seriously. Some present human rights as already agreed neutral "trumps," declared for all time in the UDHR and merely in need of enforcement. Others argue against human rights as intrinsically colonial, essentialist and alien to Africa and reject them or suggest the need for a separate African human rights tradition that fits with so-called "African" traits of community and harmony. My thesis locates itself in the third trajectory, which avoids static essentialisation of either human rights or culture to seek out fertile soil (and seeds!) in Africa for the principles of human rights whilst emphasising cultural and religious contextualisation. Chapter 4 will engage with An-Na'im's contextual approach and the anthropological relation of rights and culture. Chapters 2 and 3 will pay attention to the local human rights and religious history of South Africa. As Chase suggests, "human rights may have greater impact when they are less a Western ideological export, and more a dynamic, legal-normative current seized and reinvented by peoples around the world" (2013:2). I situate my contribution within this "social constructionist' approach[83] seeing rights as negotiated and dynamic concepts that have evolved and continue to evolve in particular contexts and I employ an "optics of rightlessness" to hold both the hope of rights and its limits together.[84] Stammers points to the need to reclaim 'missing histories' of human rights within the South as part of the reconstruction of human rights from below[85] while Douzinas suggests that "the radical potential of human rights is to be found within the revolutionary tradition" (2007:55). If this is so, the South African historical experience may have much of value to contribute to this wider global discussion and it is to this "historization" that Chapter 2 now turns.

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[83] Cf., Stammers (2013), Douzinas (2007), Ife (2009), Evans (2005), O'Byrne 2012). Oliveira (2012) highlights that Brazilian researchers see human rights as a historical construction, "even when declared to be 'self-evident truths' and to be 'received through birth' human rights are not really, they are the result of struggles … constructed historically and take root in liberation and emancipation struggles" (p. 87).

[84] Odysseos et al., (2015) conceive human rights as an "optics of rightlessness" to think together the duality of hope and possibility on the one hand and the limits of rights on the other, to address particular conditions of subjugation. This offers a way of reading the ambivalence of mobilising the discourse and legal frameworks of human rights by noting the processes through which the law, the social order, state power and modern governmental rationalities entrench rightlessness as disposability" (p.2).

[85] This concern is seen in scholarly interest tracing the genealogy of rights. (Moyn, 2015; Witte, 2007; Tierney, 1997; Hunt, 2007). South Africa can be framed in this way as its evolving post-colonial human rights trajectory is rarely explored despite its rhetorical prominence.

Chapter 2 - Human rights in South Africa: Reclaiming a local trajectory of struggle

This chapter travels into the history of South Africa's struggle for human rights to give complexity and context to the present day. It remains aware of the 'paradox' of human rights of Chapter 1 and the need to see human rights not as a 'saving truth' dogmatically dropped from above but to understand how the concept has emerged historically in different contexts. While there are many contested genealogies of the idea of human rights (Hunt 2009; Ishay 2004; Moyn 2010; Flynn 2015) there is increasing agreement that its historical roots need acknowledgement and that concrete Southern histories are often "missing" (Stammers 2013: para.1).[86] It then turns to the South African current day human rights context to demonstrate an ongoing gap between legal ideals and social realities for many and points to calls for building a human rights culture from below. Religious scholar, Charles Villa-Vicencio suggests that "the South African debate on human rights, given the demographic, racist, sexist, economic and political contradictions within which it is located, constitutes an important global focus with implications well beyond its own borders" (1992:3). He notes the political and theological imperative here to balance individual freedom and communal justice' and suggests that South Africa may form a "microcosm" of wider global problems.

This chapter offers insight into 'what is going on' with human rights in South Africa. It will pay attention to identifying historical uses of human rights liberating in practice for all those excluded or on the margins of society and to problematise understandings of rights that have tended to perpetuate abusive power and privilege for some at the expense of increased justice for the most excluded. This is particularly important in South Africa which remains one of the most unequal societies in the world (Bond 2011). It focuses on socio-historical analysis as a first step to developing a theoretical reflection for better realising human rights today to lay a basis for the contextual theological contribution to this shared social task.

[86.]South Africa is a BRICS economy with one of the most progressive human rights Constitutions in the world. It plays an important role on the African continent as one of its largest economies and its approach on human rights may be critical, not only for its citizens but for the global future of human rights discourse. This notion is developed by both Nadar (2013) and Tiwana (2014) who is concerned that "the global human rights narrative continues to be heavily dominated by the West…{with] a pressing need for southern democracies to come forward and free the human rights narrative from the strategic goals of western governments". He notes that India, Brazil and South Africa have proud histories of people's movements overcoming colonialism, military dictatorship and racial oppression with visionary past leaders on human rights. However he currently questions "their willingness to take the centre-stage on human rights" today (2014:para.1).

2.1   The history of human rights in South Africa

Ibhawoh suggests that for the emerging culture of rights to take sustainable root in Africa, the association of human rights with Western worldviews that often remains in the "public imagination" is a significant drawback. He insists that rights must be conceptualised as "the heritage of all humankind." developed, struggled for and won by people in all societies. He notes, "these struggles and victories should combine to give our contemporary understanding of human rights its essence and universal validity" (2007:27). This first section therefore looks in detail at South Africa's history of human rights to understand the emergence of the idea of human rights here as part of the task of building a human rights culture today and not merely as a precursor to that task. It suggests that the contemporary situation forms part of an ongoing, contested historical struggle for the realisation of human rights for all. South African historian Saul Dubow traces back this struggle here for two centuries. He seeks to,

> redress the European and American centric ways in which the intellectual history of human rights is often written, albeit by avoiding the inference that the liberation movement in South Africa was wholly committed to the banner of human rights…by reading traditions of human rights thought over two centuries…and the ways in which claims to universality were adopted and reshaped for particular uses in local contexts (2012:16).[87]

Yet he also agrees with North American human rights historian Sam Moyn's claim that human rights language only really shot to global prominence in the 1980s (2010:70) and seeks to examine how this surge in popularity played out in the South African context.[88] In line with Dubow, I suggest that South Africa offers a case study on human rights with global application "because of the way in which human rights discourse has been used in different ways by power and interest groups within one country….and [it] strongly resists a single history" (2012:11). This resonates with Ibwahoh's (2007) concern to avoid monolithic approaches and requires human rights to be understood in relation to wider power structures as Evans notes (1998:2-4) and forms the starting point of my thesis as laid out in Chapter 1.

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[87] Dubow ties the history of human rights in South Africa into a wider set of social struggles for justice. His approach is in line with others who demonstrate some continuity between post-WWII conceptions of rights and earlier struggles (Ishay 2004; Hunt 2007; Freeman 2011).

[88] He challenges South African histories of unbroken continuity around human rights from scholars such as Asmal et al. (2005) and suggests it is a discourse that has ebbed and flowed in public life. He grants that the ANC Charterist tradition has emphasised it consistently, he argues that there have been alternative and contradictory ideologies within the ANC (e.g. African nationalism) that have been, and continue to be, employed by its leaders against universal human rights critiqued as a "white individualistic discourse" (2012:14).

2.1.1 The emergence of human rights in the 1800s

On the cusp of the new South Africa, Villa-Vicencio suggested the need to understand the history of law here as an instrument of exploitation and oppression in order to make sense of the suspicion with which debate on the rule of law and a Bill of Rights was greeted by many oppressed people. He was concerned that the long history of capricious laws and law breaking would bleed into the new society. However, he noted that the rule of law has been consistently affirmed by many of apartheid's historical opponents, offering "a latent alternative legal system…essential if South Africa is to move beyond its deeply embedded oppressive use of law" (1992:149-150). He shows that its history of legal repression reached back to colonialism[89] in structures of dispossession that benefited white economic interests.

Historian Dubow starts the struggle for human rights in South Africa in the same era. He points to a brief emergence of the Dutch concept of 'rechten van der mensch' in the early 1800s, quashed by a British colonial administration where "a new wave of immigration from overseas fostered an alternative discourse of "colonial citizenship" that took root over any discourse of common humanity and focused instead on the 'rights of whites" (2012:18, 21-23). He emphasises Ordinance 50 in 1828 as the "first declaration of human rights" on South African soil, introducing the idea of "common personhood" as grounded in both Christian faith and natural law influences.[90] However he suggests that the force of Christian mission closely allied with commerce and colonialism prevailed over early humanitarian urges[91] where, "the feeble spark of common personhood across race and culture clearly lost out historically to the drive to protect the rights of the whites" (2012:30). The early use of "rights-talk" to both protest concrete treatment based on ideas of common personhood and to bolster the legal repression of some in the name of the rights of others shows an ambivalent use of rights from early on. Dubow argues that this dehumanising historical reality was rooted in widely held colonial prejudices shared by the British and the Boers that he demonstrates paved the way to apartheid (2012:45-49).

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[89] He points to arbitrary laws enforced by the Dutch East India Company on the Khoi Khoi in 1652, frontier rules of the 1700s but, most of all, British colonial rule which, according to him, set the scene for the institutionalisation of oppression through parliamentary sovereignty as a two limbed monster, "that of unrestrained parliamentary sovereignty and constitutional denial of democracy". (1992:55) Cf., Dugard (1979) and Sachs (1990) who similarly suggest that a distorted, fixed legal and political system was embedded in South Africa which included the worst of all the traditions on which they drew whilst ignoring their safeguards against the abuse of power.

[90] He points to various "rights claims" by Cape Burgers in the 1700s with regard to their duties and privileges made in the language of citizenship and not humanity which were "not in any way at odds with a highly hierarchically ordered society including dehumanising practices of slavery" (2012:17-20, 37). He traces "seedbed humanitarian concerns" regarding treatment of the local population" noting that this budding notion of rights was tied "to reform not revolution and was still concerned with subjects and not citizens".

[91] This triumvirate of Civilisation, Colonialism and Christianity as an 'Empire' force within Africa has been discussed by many scholars. (Cf. Cormaroff et al. 1991). Minerals discovery in the 1870s required cheap labour to effectively exploit and the subsequent Boer War lit both the flames of nationalism and a strong emphasis on shared white identity in the ensuing shaky Union between British and Boer groups.

2.1.2 Human rights in 20th century South Africa: journeying to 1948.

As South Africa entered the 20th century, Dubow (2012) charts the solidification of two increasingly 'racialised'[92] discourses with the 1910 formation of the Union of South Africa and the African National Congress in 1912. He suggests these took very different approaches to the issue of universal human rights which will therefore be charted separately below.[93]

Dubow highlights that the discourse of white supremacy and their particular rights was formally reinforced through the Union as the legal, social and moral norm in South Africa. This led to a practical agenda of hierarchical segregation from the top down that led to the increasing removal of even small gains that had been made by local African and coloured populations.[94] He suggests that concern regarding what he terms the "poor whites problem" reached a high point in the 1930s[95] and legitimised an agenda around Afrikaner issues and their rights claimed over and against a history of wider British imperialism (2012:50). As a result, the Land Acts of 1913 and 1936 drove a systemic 'official' agenda of dispossession of black Africans from their land [96] whilst support for a "separatist" approach grew leading to the 1948 election of the National Party. Arguably Afrikaans nationalism, fuelled by Boer War humiliations, created a strong narrative of South Africa as a chosen land or "white man's country" (2012:45, Cf. De Gruchy 2004:29-30). Dubow suggests that the discourse of rights was distorted where black Africans were offered "group rights" around economic issues (of land) in exchange for relinquishing their 'individual' political rights (to vote).[97] Under Jan Smuts,[98] Dubow notes that South Africa adopted a "white Christian trusteeship model" where

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[92] The term black is often used in the South African context to refer to Africans, coloured people and those of Asian origin, I use the term in that sense in this thesis. My use of these terms should not imply approval or acceptance of any underlying theory of race or ethnicity.

[93] The issue of human rights was tied in its foundation to race and entrenched existing forms of hierarchical status-based dignity for some.

[94] The removal of the entrenched coloured vote in 1956 was contested and initially overturned on legal grounds in 1952 but was eventually pushed through. For the legal and political battle around this and other cases removing 'prior rights' see Cameron (2014:19-20)

[95] This situation of poverty related specifically to Afrikaners and not to English speaking white people, a point that can be lost by the use of the term white' common in much scholarship today. The discrepancy in power between these two groups over the 1850-1950 period can to be noted as a significant contributor in the rise of Afrikaner nationalism and the struggle for their rights. The situation was publicised by the 1938 Carnegie Commission on Poverty. According to Koorts (2013), D F Malan is "credited" with using this report to develop an ideology linking "poor whiteism" to the availability of cheap black labour and to argue for separation with the first apartheid laws instated in 1949.

[96] By 1992, 87% of all land was exclusively owned and occupied by whites. By 2013, planned land reforms have been largely unsuccessful with only 4.6 million of a targeted 24 million redistributed and much of this with little developmental gains (African Peer Review Report, 2011). Cf. Liebenberg 2000:4 and Mutua 2002:131)for more detail on this specific land history and its ongoing implications today.

[97] Dubow (2012) points out that certain African and coloured people who actually had voting rights were offered tribal lands in return for giving up their right to vote. He shows here that economic, social and cultural rights were offered instead of civil and political rights to a particular marginalised population rather than seeing them as interdependent and connected as the UDHR had clearly conveyed. He sees this as reversing emerging tendencies in the 19th century to "see issues of freedom and bread together", and instead they became polarized (as subsequent global human rights covenants under the long shadow of Cold War politics continued to do for decades)

[98] It is ironic that Smuts was a globally revered statesman at the time, pushing for progressive legislation at the UN with regard to human rights at the same time as taking South Africa away from the same global trends that would eventually challenge it. Dubow (2012:59-60) suggests that Smut's conception of rights was a non-universalistic and organic concept that had to be earned rather than being entitlements.

the privileged had duties but the powerless did not have rights (2012:60). Church and state formed a conservative alliance in the name of a Christianity that explicitly rejected an inclusive language of rights and suffrage for all[99]. I note two strategies, the misuse of holistic rights by 'trading' some for others and the emphasis on rights for some (whites) and not others (blacks). This shows how rights talk has and still can merely reinforce existing power.

However, it is equally clear that these steps in the early 20th century did not take place without systematic costly protest from within South Africa. The ANC was the main South African protest movement that frequently utilised a human rights discourse publicly (Cf. Asmal, Chidester & Lubisi, 2005). Its 1912 formation was grounded in specific protest against the racially discriminating approach of the new Union[100]. Its founding vision and core documents articulate a vision of universal suffrage and human dignity for all that offered an alternative way of being to the white supremacy of the day (Asmal et al., 2005). Dubow (2012) suggests that this ANC human rights language stands clearly in the pre-existing "common personhood" tradition of 1828's Ordinance 50. Asmal et al. also note that ANC founder Pixley ka Seme presented this vision of inclusive human dignity in his 1911 speech[101] that flagged the "demon of racism" and undergirded a non-racial approach. He spoke of cooperation "not just with kith and kin…but with all peoples and with all life. We are one people" (cited in Asmal et al. 2005:43). Pixley emphasises both the "right to be the same and the right to be different"[102] using an inclusionary metaphor of "home" where "we are all children of one household and we must learn to live together" (cited in 2005:34-35).[103] From the start, this arguably highlighted both diversity and a shared non-racial African humanity as a subversive protest against ongoing tendencies to "dehumanise African people as barbaric, tribal, uncivilised and less than human." (Asmal et al. 2005:36).

This agrees with the view that human rights originally conceptualised were not intended to challenge colonialism per se, a view reinforced by Morsinck's (1999) detailed reflections on the drafting process of the UDHR and the comments recorded of the various drafters.

[99] In Europe, historically formal alliances between church and state were crumbling, and centuries of religious wars meant religion was seen as a force of conflict not unity. Rights language was emerging as a challenge to many unquestioned status quos including religion. In South Africa, the government took the opposite path, reinforcing a strong religious and state connection against universal rights in the 20th century.

[100] See Asmal et al., (2005) who reproduce the primary historical sources of the day. They suggested that this ideological approach to human dignity and rights emerging out of a particular context of oppression was often ahead of global developments on human rights.

[101] The full record of this original speech as well as core founding documents of the ANC can be found in Asmal (2005). Pixley was also a key drafter of the later 1943 African Claims document. Asmal argues that the ANC emerged as a liberation movement with a stated commitment to non-racialism as a direct alternative to the ideology of white minority power, and instead for universal self-determination.

[102] This theme is also picked up in the 1990s by Sachs who insists that human rights are not just about sameness, they are also about how difference is handled, a question critical for South Africa. See Sachs (1992:9, 17). Dubow notes that "rights could not be used as the basis for protecting privilege but must enlarge freedoms" (2012:109). This early understanding of rights as about both similarity and difference is important, as rights talk has mere recently been criticised for failing to appreciate the needs of difference and diversity.

[103] This resonates with the idea in Chapter 1 of rights as intrinsically social, tied to how we related to one another. The home metaphor has resurfaced in debates around responsible globalisation with a recovery of the concept of Oikos as God's household. It offers a reminder that human rights are to be contextualised within wider creation and not andro-centrically claimed 'over' against it (Cf. Moltmann 1999).

Asmal at al. (2005)[104] chart the indigenous human rights tradition of the ANC arguably in order to explicitly counter murmurings from some within South Africa that that human rights are merely a white and colonial import of the West. Recent statements by President Zuma[105] regarding the need to 'change certain things' in the Constitution suggest that framing human rights as a form of neo-colonial white supremacy that prevents transformation still continues today.[106] Asmal et al. argue instead that human rights discourse in South Africa arose historically from within as a "practical language of protest" used by predominantly black leaders, both male and female, against the abusive treatment of the majority of South Africans. They notes that as early as 1923, the ANC called for the adoption of a Bill of Rights in South Africa, grounded in universal human rights in relation to land, law and political rights as a "substantial statement of human rights grounded in the claims of African humanity, over and against the reigning and exclusivist ideology of the times" (Dubow 2012; Asmal et al. 2005:7). This claim that Africans as "humans" have the right to be in this land[107] arguably gave a solid foundation in human rights to the ANC that pre-dated many later global formulations and emerged out of the concrete experiences of the abuse of the principle of sovereignty and the denial of basic rights of many citizens by their government.

In 1943 the ANC formally accepted the *African Claims in South Africa* document, including a Bill of Rights and predominantly drafted by black leaders[108]. It was a practical protest document that also spoke to international themes pushing for concrete outcomes based on the "assertion of claims in the face of their lack…[rather than] a polite humble request for help" (Asmal et al., 2005:1). Nelson Mandela described the *Atlantic Charter* which it appropriated, as reaffirming his faith in human dignity at a critical time in history,

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[104] *Legacy of Freedom* was written in 2005 to celebrate the 60th anniversary of the African Claims document and can be seen as deliberately designed and even engineered to reinforce human rights continuities in the ANC movement by a number of long term ANC activists.

[105] See http://constitutionallyspeaking.co.za/category/jacob-zuma/ accessed 27th Feb 2014. Pierre De Vos points out, **"**Last week (5th Jan 2014) President Jacob Zuma told ANC supporters… that the party wanted a "huge majority" to change "certain things" in the Constitution because there were "certain hurdles" in the Constitution". He argues that some "suggest that elements within the government may wish to dispense with certain fundamental human rights safeguards that render the abuse of power by the police illegal" (para 1).The idea that the Constitution is an obstacle to social transformation for the poor, rather than an asset is a concerning recent trend. Cf., Govender, 2013.

[106] Koskenniemi (2010) makes the point that "provisions in the post-apartheid South Africa's Bill of Rights have often been used to prevent meaningful land redistribution in the name of private property despite this not being the intention of the drafters"(p. 53). This gives contextual content to Chapter 1's concern that in practice rights can function ideologically to protect the status quo, a theme picked up later.

[107] This early political formulation by the ANC was also explicitly tied to a religious justification at the time offering a theological counter-claim to the 'chosen people' Christian narrative of the Afrikaners, by pointing out instead that "sons of this earth have God-given right to ownership of land, to be contributors and to secure a right to equality."(quoted in Asmal:2005) This close connection between religion and politics is noted as is its patriarchal tone as both arguably continue to characterise much dialogue on the African continent today.

[108] This was an African reinforcement of the global Atlantic Charter of the UN, a one page document drafted by Roosevelt and Churchill as "common principles of humanity". Asmal (1992) points to this as a 'precocious anticipation of a larger and more comprehensive agenda of fundamental human rights' (p. 4). He suggests that this was a primary text and a landmark moment for South Africa in relation to human rights that was internationally progressive for its time, acknowledging the claims of women and economic, social and cultural rights.

Some in the West saw the Charter as empty promises, but not those of us in Africa. Inspired by the Atlantic Charter and the fight of the allies against tyranny and aggression, the ANC created its own Charter…which called for full citizenship for all Africans, the right to buy land and the repeal of all discriminating legislation (Mandela 1994:110. Cited in Mutua 2002:132)

Asmal et al., insisted that in South Africa, "these human rights documents were formulated by those struggling for change, rather than an abstract list compiled by victors already in power" (2005:1). This offered a valuable contextual challenge to some of the current post-colonial critiques of human rights noted in Chapter 1 as merely an abstract list hegemonically decided by a small elite group of victorious Western allies post-WWII and then imposed 'down' on the rest of the world. Instead, they suggest that, "human rights were asserted by the ANC precisely because those rights were being systematically denied in South Africa" (2005:1) situating them within an expansive, anti-colonial and pan-African vision that radicalises them beyond many global understandings of the time.[109] This gives credence to claims that human rights discourse in South Africa emerged predominantly from the bottom-up from those whose actual rights were being denied. Whilst it was undoubtedly influenced by global human rights events, it was not dictated to by them and even contributed to their evolution. Asmal et al., (2005) reiterate this people-based struggle saying,

Rights are not the product of lawyers but the expression of what people expect and claim for themselves. They articulate the essence of what it means to be a human being and a citizen in South Africa. They establish a broad social compact based on agreed common values in terms of which all our people in all their variety can live together in the same country. Rights can never be conferred. They belong to the people and not to the state (2005:75).

Whilst early liberal human rights discourse in the West was often critiqued for failing to take on board the concerns of women until fairly late in the day[110] (Bunch 1995; Cook 1994) in South Africa, arguably women engaged human rights discourse in Africa from quite early on

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[109] According to Dubow, (2012) Borgwardt identifies Mandela as a "key interpreter" of the modern view of human rights by counterpoising the 1941 Atlantic Charter of his 'aspirations' with the more restrictive charter of Churchill's "intentions" (2005:28-29). I suggest this early 'multi-cultural approach' to human rights resonates with calls by post-colonial scholars today as discussed briefly in Chapter 1.

[110] This phrase was used by the women's movement in the 1990s to challenge patriarchal understandings of human rights. See Bunch (1995).. The feminist critique of rights and then the multicultural 'womanist' critique of white feminism in relation to liberal rights is an important aspect of global human rights evolution beyond the scope of this thesis. However its argument that western liberal discourse on human rights needs critical problematisation and transformation through an intersectional lens if it is not naively to participate in the pre-existing biases of the already powerful or define the human being in androcentric ways has been reiterated by South African feminist scholars. See Mabandla (1995:67-71) for more on the specific contributions of women to South African human rights discourse.

with full membership and voting rights given to women by the ANC in 1943. Asmal et al., (2005) point to Charlotte Maxeke, founder of the Bantu League in 1918 as a leader here (2005:37-38).[111] He argues that women's resistance was often shaped "from below", dealing with concrete life issues focused on the home, community and workplace in ways that challenged the public/private divide of the global human rights movement.[112] The Women's Charter of 1954 (developed by the non-racial Federation of South African Women) formed a precursor to the wider People's Freedom Charter adopted by the ANC in 1955 and "expanded the mainstream ANC rights tradition to include women, requiring equal protection and rights without regard to sex"(2005:52). Asmal et al. suggest that this profoundly shaped the ANC's unique Charterist human rights tradition (2005:53) and led to the 1955 formation of the first local human rights organisation, a women's membership organisation called The Black Sash.[113] Dubow similarly notes this challenge by women to men on subordination (2012:68-69) as well as what he terms the "tireless campaign" on human rights by the Sash (2012:83).

This brief overview shows that by the first half of the 20th century, South Africa's historical position on human rights was divided. While universal human rights were being systematically disregarded and misused in both theory and practice by the official powers of the time in favour of minority group rights for some, a grassroots protest language on human rights was also developing in concrete, holistic and vibrant ways, often ahead of wider international developments. 1948 was a decisive symbol of this division with the UDHR setting a "common standard of achievement for all peoples and all nations in respect of human rights"[114] alongside the election of the National Party in South Africa. South Africa was one of only 8 states out of 56 to abstain from the UDHR vote. Instead, religion and politics arguably combined in an alliance against ideas of universal human rights with the development of an exclusivist 20th century ideology of what became known as 'apartheid.'[115]

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[111] In a 1930s speech, she offers an analysis of women's rights and went on to form the ANC Women's League in 1948. Asmal et al., term her the "mother of African freedom in South Africa". This engagement with human rights discourse was a protest against the abusive lived realities faced by women of many races here and used as a concrete language to protest their actual treatment (2005:50-52).

[112] Human rights in the 18th century perpetuated a public/private divide where only activities deemed 'public' were defined as human rights abuses. This often continues today and is challenged by feminist scholars around the world including South Africa. See Mabandla (1994).

[113] The multi-racial Black Sash NGO, formed in 1955 out of the Women's Charter, is still the oldest human rights organisation in South Africa and continues to work today at grassroots level on contemporary human rights issues with local advisory offices. Cf. Burton (2015).

[114] Ignatieff points out that the emergence of the discourse of human rights within the West was predicated not on a narrative of the success of Western 'civilisation and democracy' but were spurred by its "deeply moral failures" (2001:65) as a fundamental 'never again' response. He suggests that this sobering history should mitigate against any sort of human rights triumphalism by those in the West.

[115] For more details of how human rights were taken away over apartheid, see Sachs (1990) and Liebenberg (2000). Mutua charts a short snapshot of the rights abuses of apartheid and the gradual shift to a rights based framework (2002:130-150). He quotes an anonymous senior American human rights scholar in 1980 as describing apartheid as "a complex set of practices of domination and subjection, intensely hierarchized and sustained by the whole apparatus of the state" (cited in Mutua 2002:221).

2.1.3 The apartheid years - 1948-1990

The period of 1948 onwards led to a gradual yet systematic removal of rights from most of the black and coloured populations and the crushing of any dissent to this by all.[116] Apartheid ideology and its state mechanisms consistently and explicitly decried universal human rights as "humanistic nonsense" (Dugard 1978; Villa-Vicencio 1992) whilst simultaneously misusing the language of minority 'group' rights for an Afrikaner 'elect' aligned with a distorted neo-Kuyperin Calvinism ordaining full authority to the sovereignty of the state and supporting Christian nationalism.[117] This specific resistance to universal human rights in the name of a conservative Protestant Christian ideology is important for my thesis. Nevertheless systematic protest in the name of universal human rights also deepened[118] with the 1955 Freedom Charter.[119] Scholars concur that a well-established tradition of "Charterism" within ANC history understood and used human rights as a protest language, engaging with wider international norms over decades of struggle (Dubow2012, Asmal et al. 2005). Dubow suggests however that the Freedom Charter implicitly "collectivises" rights in a way that the UDHR does not (2012:73) and that this was a response to group-based discriminations.

> From a human rights point of view, the Freedom Charter was amongst the most advanced document of its time. In clear and coherent language it defends fundamental legal, political, and civil rights, it spells out economic and social rights that were only to become internationally agreed upon in the 1960s and refers to people's rights that were only to be formulated in the 1970/80s. The Freedom Charter is accordingly a contribution towards world human rights literature of which we South African can be proud (A. Sachs, 1990:50).

In 1961,[120] in reaction to the 1960 Sharpeville Massacre, the subsequent banning of the ANC led to its resistance taking on new, militant and often racialized forms.[121] At the same time,

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[116.]For rights-abusive legislation see Sachs (1990, 1991) and Liebenberg (2000). The preservation of the status quo against increasing resistance to these laws led to a raft of rights abusive legislation in the form of 'security laws' in the 1950s designed to close off areas of dissent. Mutua comments that "states of emergency and forced removals heightened the trauma of the black community… South Africa is deeply divided by the two nations within its borders; one developed and white, the other underdeveloped and black" (2002:131-2).

[117] The right wing group AWB founded in 1973 perpetuated a damaging "anti-communist" ideological divide between types of rights.

[118] Dubow notes in 1952 Walter Sisulu informed the government of the ANC's intention to campaign against unjust laws, which "continue to insult and degrade the African people by depriving them of fundamental human rights enjoyed in all democratic communities" (2012:66).

[119.]Building on the 1943 African Claims document and incorporating the 1954 Women's Charter. Asmal et al., suggest that this Charter, emerging out of concrete concerns in South Africa anticipated the UN Covenants in its proposals as a "genuinely grassroots document offering an indigenous and bottom up tradition of human rights in South Africa." Dubow (2012) takes a more sceptical view, suggesting that documents like the Freedom Charter, while using the rhetoric of human rights, give little concrete guidance as to how to actualise them.

[121] At Sharpeville, 69 unarmed protestors were shot to death by South African forces, commemorated annually as Human Rights Day. With the ANC ban in place, the formation of Umkhonto we Sizwe, the military wing of the ANC, emerged. This was, according to its leaders, a

Christian leaders across denomination were beginning to mobilise a more coordinated resistance to apartheid theologies.[122] Dugard[123] (2015:35-45) pointed in 1979 to the ongoing reluctance of the South African Government to accept the 'rule of law' showing that the argument was made by many, (though contested by others) that Christian values and God's sovereignty "trumped humanistic values" such as human rights. He quoted Afrikaner lawyers of the day who had used the Constitution of 1961 explicitly to state that "the Christian premise of the sovereignty of God stands in radical opposition to the humanistic point of departure which makes man the sovereign consideration" (2015:41) and likewise Villa-Vicencio notes that for President Kruger the "testing right was seen as from the Devil" (1992:62). This is important in understanding how rights and Christianity were explicitly polarized as ideologies in many people's minds, a legacy with ongoing impact today. As a result the law was experienced by many black people as a tool serving rich white interests.[124]

On an international stage, this repression was starting to create a backlash with an official UN Condemnation of Apartheid in 1971. The UN Special Committee on Apartheid set up in 1962 led to apartheid being declared a crime against humanity in 1973 with the Convention of the Suppression and Punishment of the Crime of Apartheid. South Africa was expelled from the UN in 1974 and the Centre against Apartheid set up in 1976 (Dubow 2012:76).[125] Nevertheless, Dubow also suggests that public use of human rights discourse in South Africa by its internal "liberation" movements died down over the 1950–70s period in favour of more militant languages of struggle such as African nationalism allied to Marxist ideology and often critical of the selective use of rights by those in power (2012:92-97).[126] He argues that

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'reluctant department from ANC philosophical commitment to non-violent peaceful protest, now made impossible due to the ban" (Asmal, 2005). The Rivonia Treason trial of 1963-4 and subsequent imprisonment of ANC leaders all form part of the struggle for human rights. Mandela's speech from the dock setting out ANC philosophy has been seen as the basis for the constitutional democracy that South Africa would finally embrace. His fight against all forms of domination as at the heart of the issues for all races is clear in this speech from the court dock. In 1961, South Africa became a Republic but its new Constitution reinforced the existing supremacy of the legislature whilst perpetuating its formal connection with Christianity .This continues until the 1990s.Villa-Vicencio states "The racially defined Constitution of 1983 is framed in humble submission to Almighty God and pledges to uphold Christian values and civilised norms (2005:232).

[122] See the Cottesloe Conference in 1960, the formation of the Christian Institute in 1961 and the rise of Black Consciousness in 1965, all drawing on human rights language. These will be explored in Chapter 3 of this thesis but are also noted by secular scholars (Dubow 2012)

[123] Dugard was the Founder of the Centre for Human Rights at the University of Pretoria. His book *Human Rights in the South African Legal Order* (1979) had a significant impact on many lawyers of the time. See also Van Der Vyver *Seven Lectures on Human Rights* (1979).

[124] Trusting the law (or the police) in South Africa still does still not come naturally to many after decades of its systematic abuse This is picked up in empirical research by Gibson (2004) with specific regard to respect for the rule of law in post-apartheid South Africa with what Gibson terms 'ominous' racialised findings that it suggests may emerge from this unique South African history of legal abuse and distortion.

[125] Whilst late and slow, this was one of the first examples of the international system in action on a domestic human rights issue. Over time the pressure it was to bring to bear on countries and companies was significant and it gave increased credibility to ANC struggle leaders.

[126] I suggest it is an unresolved question to what extent the ANC as a whole endorsed the human rights framework or to what extent human rights was a rhetorical tool amongst others, employed instrumentally to draw attention to and gain credibility and sympathy for the plight of South Africa's black citizens. There were and are many within the ANC who have a distinguished record of ideological commitment to holistic human rights in both theory and practice. But it seems equally clear that others have core ideological commitments elsewhere. This may raise an important question for human rights in the future, are they seen as an 'ideology,' where Ignatieff (2001) points to the danger of their idolatry or as a limited threshold of minimum ethical concerns compatible with diverse ideological positions. UDHR drafters saw them as the latter. See Morsinck (1999) on the UDHR drafting process and its international contributors as seeking an "overlapping consensus".

human rights discourse in South Africa was only reclaimed politically in the early 1980s in the wake of global energy. For many decades human rights was confined to "mainly white progressively liberal, legal and academic circles, primarily in the Cape" whose influence drip-fed up and down[127]. He points to the role of theological influence, e.g. law professor Johan van der Vyver[128] who left the University of Potchefstroom in 1978 due to his theo-ethical criticisms of apartheid. (p. 83). Some religious leaders took a more active stance on human rights in the 1960s, especially those affiliated with the South African Council of Churches and the Christian Institute. Dubow notes "another important and sometimes overlooked source of human rights thinking in South Africa was the churches" (2012:84).[129]

By the 1980s however, Dubow notes a shift within the ANC back to the primary use of a human rights discourse.[130] He points out that "among the many parallels between the history of Afrikana and African nationalism is their near simultaneous, and frankly unlikely, rediscovery of the utility of human rights from the mid-1980s at the height of the State of Emergency" (2012:113). He suggests that all sides realised they needed to break the deadlock and as a result, "human rights language was reclaimed by the ANC, popularised in grassroots struggle and endorsed at significant cost by many black leaders." (2012:87-88)[131] The ANC signed up to international human rights documents giving it increased global legitimacy.[132] More faith leaders found their voice on human rights.[133] In 1987, Asmal points to the formal acceptance of a justiciable universal Bill of individual rights by the ANC over the competing idea of "racial group rights". Fifty years campaigning on universal human rights gave it credibility and guidelines for a non-racial Constitution were drafted (1992:20).[134]

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[127] In the 1970s, a number of human rights organisations formed in South Africa and around the world, mobilising grassroots activism.

[128] Van Der Vyver was a key Christian figure in a conference on human rights held in Cape Town in 1979. He went on to pioneer ground breaking global approaches to human rights at the Emory Centre for Law and Religion. For more on this 1979 conference attended by many who mobilised support for human rights, see Van der Vyver (1979) In 1985 the South African Journal for Human Rights was also set up.

[129] Dubow points out that "in 1978 Bishop Tutu succeeded in persuading the Lambeth conference to commit the worldwide Anglican communion to give full support around the world to those 'fighting for human rights" (2012: 85).

[130] Dubow suggests that the formation of the explicitly non-racial UDF in 1983 in the Cape, a coalition of over 400 organisations including churches and trade unions also "led to a significant revival of interest in the iconic 30 year old Freedom Charter" (2012:97). This movement mobilised over 3 million members by the mid-1980s against apartheid. Its acceptance of whites as part of the struggle distinguished it from earlier movements such as the Black Consciousness Project and it explicitly used a rights-based approach. See Green et al., 2008:202-287.

[131] He points to a "genuine sense of epiphany" in the 1980s in the ANC where belief in the efficacy of armed struggle lost out to those emphasising rights in the negotiations, "often brokered by liberal and social democracy minded individuals in Europe" (2012:114)

[132] This challenged their depiction by the South African state as a communist and terrorist organisation. 'Even an enemy has rights' said Tambo as the ANC signed the Geneva Convention in 1980. Cf. Liebenberg 2000 for the human rights documents signed up to by the ANC

[133] This was in line with the increasingly positive momentum generated globally between religion and human rights in the 1970s, in which, though ignored by the government, South African religious leaders had been influential voices. This will be explored in Chapter 3 and 6.

[134] The 1988 guidelines called for equal protection and non-discrimination on a range of grounds; gender, race, creed (Mutua, 2002:133).

2.1.4 The 1990s - moving towards a human rights culture

After decades of struggle for universal suffrage tied to human rights, and in the early 1990s, amidst much unrest, the ANC's Charterist tradition re-emerged to draft a Bill of Rights.[135] Villa-Vicencio notes there was a revolutionary desire to reconceive the basis of society if "the intersection between law and moral value is to be rediscovered" (1992:55). Dubow notes that Sachs and Asmal, as the drafters were aware of the paradox that the eventual demand for a Bill "had come first from a certain stratum in the ranks of the oppressors rather than the ranks of the oppressed" (2012:109) and there was deep suspicion that rights would become a dominating tool of the State as well as a fear that it would merely "entrench the rights of [existing] right-holders and the rightlessness of the rightless" (2012:109-112). The virtues of human rights were naturalised within the resistance tradition giving "teleological credibility" by stating that "the oppressed do not have to develop a culture of human rights as a rich vein lies in the fabric of the liberation movement" (Asmal 1992:4). New laws led to scholarly calls for a 'human rights culture' in recognition of the many rights-abusing practices endemic to everyday life (Villa-Vicencio 1992; Sarkin 1998; Asmal 1992).

Asmal tied new rights both to the wrongs of the past and the needs of the poor where "an adequate culture of human rights for the future presupposes an understanding of the grievous wrongs committed in the name of the law against the vast majority of the population" (1992:1)[136]. Increasingly scholars today, (Bond 2000; Desai 2011; Mutua 2002; Terreblanche 2007) critique these negotiations as giving away too much to a neo-liberal economic worldview in the name of equal human rights and non-racialism and even terming it an elite compromise (Terreblanche 2007:19). But many at the time (Mandela 1994: Sachs 1992; Asmal 1992) insisted on the importance of shifting the paradigm away from nationalism to rights to prevent the previously oppressed from merely becoming the new oppressors and perpetuating similar systems, practices of difference and cultures of concealment and coercion to those in the past (Dubow 2012:150, Cameron 2014:278).

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[135] A revised Bill was provided in 1992. This process involved Sachs and Asmal as credible struggle activists and drew on previous ANC human rights documents such as the Freedom Charter and contemporary concerns. Mutua (2002, p. 134) is critical of this Bill and highlights that it "protected the right to private property, discrimination on the basis of sexual orientation… and skirted the issue of land ownership". Many scholars agree that this period bears the marks of historic compromises. (Mutua, 2002; Sarkin, 1998; Asmal, 1992; Sachs 1990). The language of universal human rights, in the light of political transition, suddenly became attractive to many whites after years of ideological resistance. The spiralling of violence nearly derailed it with human rights abuses often legitimated to fight the 'evil' of apartheid.

[136] He asks how far property rights should be protected if the system cannot redress the 3.5 million people dispossessed or 'resettled' since 1952, in abuse of rights of tenancy/ownership? He notes the need for a positive rights culture (to realise) and not only negative (to respect).

The year 1994 heralded an undoubted triumph for the nearly century-long struggle for universal suffrage in South Africa. It was seen around the world as a "triumph of human rights struggle"[137] with a new Constitution and justiciable Bill of Rights, acknowledged as one of the most progressive in the world and emphasising a future founded on the recognition of human rights (Ackermann 2012, Liebenberg 2000). Its social vision bridged "the chasm between natural and positive law by converting natural human rights into positive legal rights" (Henkin cited in Villa-Vicencio.1992:52) with a Constitutional consultation process unparalleled globally.[138] However economic realities behind the euphoria were concerning. The government faced high expectations, given their utopian platform of equal human rights and huge challenges in delivery. South Africa had the worst distribution of income for any country for which national household data is available (Möller 1994).[139] The country was bankrupt, in debt with a legacy of systematic deprivation of blacks in housing, land, health, education and intangibles of self-respect, social cohesion and family violence.

The South African Constitution provided for the establishment of 6 state institutions[140] to support the provision of rights to all citizens. However the SAHRC has been criticised for being "largely ineffectual and reactive" (Dubow 2012:121, cf. Museva 2009; Parliament Report 2007). According to Sarkin, many human rights organisations shifted from the protesting periphery to the centre, creating a "crisis of legitimacy" (1998:630) for some.[141]

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[137] Mutua, a human rights critic in the new South Africa says, "the dramatic rebirth of the South African state, marked by the 1994 democratic elections, is arguably the most historic event in the human rights movement since its emergence some 50 years ago." (2002:126)

[138] In 1995 5 million copies of the draft Constitution was circulated for grassroots engagement and 1.7 million submissions made in response. Sarkin (1998:632) notes that the final bill improved on the interim with regard to certain socio-economic rights but with a limitation through the progressive realisation clause. The Bill of Rights was not just vertically applicable (against the state) but potentially horizontally too (other powerful actors). But the final Constitution allowed the government to suspend rights if "reasonable" (1998:632). Liebenberg (2000) also points out that various NGOs were influential on shaping rights amendments too. Cf. Mabandla (1995:67-71).

[139] Moller (1996) measured quality of life trends from the 1980s to 1990s with a focus on levels of subjective wellbeing. She highlights that happiness peaked post-election with the promise of a better life for all, but quickly returned to close to early 1980s levels, suggesting that the new dispensation did not meet rising expectations for the good life and that the legacy of vast income inequality remained. Income flows to black households went mainly to the richest 20% in the early years. It suggests many blacks household remained poorer in 1991 than 1975 showing that income inequality persisted within a racial hierarchy of privilege. Terreblanche suggests this continues to this day (2007:23).

[140] The Public Protector, The South African Human Rights Commission, (SAHRC) The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic communities, The Commission for Gender Equality (CGE) The Auditor General, The Electoral Commission. All termed National Human Rights Institutions (NHRIs). See Liebenberg (2000: 23) for more on the SAHRC's special role to monitor ESCRs. The SAHRC and the CGE are statutory bodies. Mutua notes that the 1996 Constitution gives the SAHRC the power to monitor the state's compliance with economic and social rights contained in the Bill of Rights. (2002:136-7). He suggests that "this broad mandate, the size of South Africa and its complex human rights problems pose serious challenges to the institution". Cf. Akopari and Zimbler for a case study of the SAHCR that acknowledges its strengths and weaknesses (2009:156-161).

[141] Some human rights experts were left outside the system in favour of more racially transformational candidates, the most notable of which was Dugard. (cf. Merritt 1996). A recent report on the SAHRC (Museva) points to high staff turnover in its first 10 years and despite receiving over 10,000 complaints in 2008, the HRC went to court fewer than 30 times, preferring to "resolve complaints amicably" (2009:25) and not using its powers to put pressure on the government or exert criminal charges against those who failed to comply.

This period has been described as a "constitutional revolution"[142] with a focus on creating not just a new legal and political order but a new society. Its foundational value was human dignity[143] with a stated aim "to improve the quality of life of all citizens [to] free the potential of each person" (Grant 2012:238). Despite this Villa-Vicencio soberly points out that even in apartheid South Africa, 'so-called' independent homelands each had a Bill of Rights and an 'independent judiciary' proudly celebrated at the time of their 'independence'. Yet he suggests that "Bantustan rule turned out to be the most overtly corrupt and violently repressive manifestation of apartheid rule. This offers a reminder that Constitutions are not enough to ensure just government" (1992:59). President Mandela demonstrated clear political will to create a people-centred society of liberty that pursued the goals of freedom from want, hunger, ignorance, suppression and fear. However he warned that political freedom was only a start and that economic freedom may still be a long walk (1994:350).

2.2   Building a human rights culture in post-apartheid South Africa

Asmal (1992) insisted early on that "in a country such as South Africa, the development of a culture of human rights is a revolutionary concept. Recognition of the rights of individuals is a way of recognising their autonomy and empowering them" (1992:11) He points to the need to nurture a more communitarian and participatory trajectory within human rights as both vital to democracy and a shield against oppression enabling a new commitment to recognize the dignity of the individual and avoid a privatisation of apartheid. (1992:5) His reclaiming of ANC history as imbued with rights talk testifies his claim that the oppressed or victims can only rely on rights while their violators can rely on power. Asmal suggests that "commentators at home and overseas have not really grasped the extent to which the liberation movement throughout its history has used the language of rights as part of its vocabulary of protest and action" (1992:3) claiming that this has the potential to also liberate white South Africans to embrace universal rights over special privilege. Human rights scholar Liebenberg shows that the new Constitution was a "milestone in the history of human rights in South Africa…by moving beyond paying lip service to the interconnectedness of human rights and giving them concrete effect by making them judicially enforceable" (2000:8).[144]

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[142] See Chaskalson (2004) for more on the social vision of the Constitution,. South Africa signed up to the majority of international Human Rights instruments and in 2012 ratified the Optional Protocol to the ICESCR. Accessed at http://www.racism.gov.za/host/pasa.htm.

[143] This mirrors the German Constitution which gives a prominent place to human dignity, For more on the importance of this founding value and core guiding principle in the light of previous atrocities and its legal outworking in South Africa, see Ackermann (2012).

[144] Liebenberg notes "human rights developments under the new democratic government in South Africa can only be understood and appreciated against the historical background of colonialism and apartheid. These regimes violated the full spectrum of human rights

She notes that the dual development of both a formal human rights framework and an informal human rights culture were seen as core tasks for the new South African state and prominent in its rhetoric, reflecting the ways in which the liberation struggle had been linked to the realisation of human rights for all. For some, decades of human rights struggle was over, won with the new Constitution and a formally non-racial government. Others realised a Constitution is only a beginning (Sarkin 1998:628; Seafield 2005:295) and that the test of human rights was not legal guarantee in the abstract but their increasing realisation in practice for all. Sachs reinforced this saying "if the Constitution is not about actual rights for real human beings, and if those rights are not upheld without fear or favour, then it is nothing" (1992:214).

This need for concrete actualisation was reinforced by a grassroots reporting process on Poverty & Human Rights (South Africa Human Rights Commission, 1995) that demonstrated the deep interconnections between poverty and human rights abuses in South Africa and sought to ground human rights understandings within the context of wider social justice. It called urgently for the engagement of all sectors in society, including churches, to make a meaningful contribution to the realisation of human rights in South Africa. (Liebenberg, 2000:28-30) Tutu also reiterated this concrete connection where "freedom translates into having a supply of clean water, having electricity on tap, being able to live in a decent home and having a good job, to have accessible healthcare. I mean what's the point of having made this transition if the quality of life of these people is not enhanced and improved?" (2001:1).[145] Human rights lawyer Dugard in a 2011 speech pointed back to 1996 as "the high water mark of South African commitment" with 'institutions for the protection of human rights that went beyond those of any other constitution". At the same time, the policy environment was in transition[146] providing an economic context in which progress on human rights was inevitably shaped.

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recognised in the UDHR" (2000:3). She highlights that no distinction is made between justiciable 'first generation' rights and 'second generation rights' in the South African Constitution and notes that this approach is close to the original spirit of the UDHR (2000:10).

[145] Desai (2005) asks "will political liberation necessarily be accompanied by a significant improvement in the material conditions and the quality of life of the very poor". He suggests soberly there is "nothing inevitable about the economic consequences of redistributing political power, all depends on the capacity of the new society. The hard-won gains of a long political struggle can be lost by the sacrifice of the claims of the poor to the selfishness of a new elite" (2005:5).

[146] In 1994, a holistic Reconstruction and Development Plan (RDP) was set out by the ANC-led alliance. In 1996, it was contentiously subsumed into GEAR. This debate continues today with left wing critics often united in a 'RDP is good, GEAR is bad' narrative. (Bond, 2004; Desai, 2011).Mutua on the other hand argues that "while the prose of the RDP was seductive, the devil was in the details with few practical measures to restore humanity" (2002:141). He suggests that a vague romantic approach permeated the RDP and undermined its credibility. A recent report (Reitzes 2009) offers an policy analysis of the 1994-2008 period. Desai also challenges the prevalent idea in South Africa of "two economies existing alongside each other but structurally disconnected as failing to see the complex actual relationships that exist between the core and the periphery" suggesting it is the nature of these linkages that is the real challenge. (2005:20).

2.2.1 The 1998 National Action Plan on human rights

Policy momentum on human rights took concrete form in a government-driven National Action Plan (NAP) in 1998 for the promotion and protection of human rights focused on the task of building a human rights culture.[147] At its 1998 launch President Mbeki brought together post-colonial and human rights talk stating, **"**As the new millennium approaches let us indeed strive to make real our commitment to "all human rights for all". Let us rededicate ourselves to ensuring that the wretched of the earth become the real inheritors of our new culture of human rights." (1998:1). A commitment to the excluded, disadvantaged and most vulnerable was mainstreamed as its guiding principle (1998:7) and it focused on the practical realisation of rights, setting out a 3-year framework within which to "entrench a culture of human rights".[148] It reinforces the paradoxical history of human rights suggested in this chapter highlighting that "human rights was one of the main casualties of South Africa's unique history" but also pointing to a "proud history of struggle for human rights held together with social justice and human dignity…fought by ordinary people" (1998:4). It emphasises the need to replace "a culture of violence and disregard for human life with a culture of human rights and respect of the right to life" (1998:5). Poverty was seen as inhibiting the full enjoyment of holistic human rights which reinforced going beyond respecting rights to protecting, promoting and fulfilling. While the NAP points to structural transformation, it highlights an inextricable link to a culture of human rights where "without structural change all talk of human rights is meaningless. But without entrenching a culture of human rights, structural transformation can become another form of unfair advantage and discrimination" (1998:7). Naidoo offers one of the few reports on the NAP to date.[149] Whilst focused on government accountability, it points to the responsibilities of all here, highlighting seven types of civil society organisations, but with the church notably absent (2003:5).

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[147] The SAHCR held a human rights conference and then consultative workshops around the country to develop this. See Preamble 9-10. It was deposited with the United Nations on the 10th December 1998 to mark the 50th Anniversary of the Universal Declaration of Human Rights. This document emerged as a result of the 1993 Vienna Program of Action that sought to focus governments on the task of concrete human rights implementation. Challenges flagged in its 1997 review of progress included a culture of violence, high levels of crime and rape, identity documents and a need for human rights training around a culture of human rights in many institutions; educational, police, prisons, courts as well as a need for public awareness due to the 'repudiation of human rights' that had characterised society in the recent past. A National Consultative Forum on Human Rights was set up to monitor progress but has seeming faded away (Naidoo 2003).

[148] It responded to the "call for a detailed policy and legislative programme to realise the fundamental rights and freedoms provided for" by tying the abstract vision of the Bill of Rights into the policy framework to provide a tool for "ongoing assessment and evaluation of the human rights vision"(1998:1-3). A recent African Commission on Human Rights report (2005:1) noted that it is one of the few NAPs in Africa and that it providing for justiciable socio-economic rights and has a forum to take some steps to realise them. However it pointed to out-of-date information, the lack of involvement of state institutions and civil society in the report and flagged xenophobia, sexual violence against women and children and public unawareness of the African Charter of 1981by ordinary people as significant concerns.

[149] Naidoo sees the NAP is a strategic planning document aimed at the programmatic and bureaucratic challenges associated with implementing the Bill of Rights" (2003:8). He focuses on the task of public policy pointing out that it grafts an extensive policy agenda onto Constitutional human rights principles and "challenges the public service to implement this human rights agenda most effectively" (p. 1).

2.2.2 Going beyond policy into culture: the TRC years

Legal scholar Sarkin (1998) suggested that,

> "A human rights culture could not develop in apartheid South Africa. The system bred intolerance, a culture of violence and a lack of respect for life and… rights in general. After the fall of apartheid, there was an urgent need to help create and foster a human rights culture and to demonstrate the value of and need for human rights" (1998:628).

This both reinforces and challenges Asmal's earlier 1992 suggestion that there was no need to develop a human rights culture as a rich vein already existed within the struggle movement. However, Sarkin also claims that just four years in South Africa is a far better place, where human rights are concerned, than at any other historical time. He notes that the transition to a human rights based culture is proving challenging and remains elusive. He diagnoses key human rights successes at the time in developing a free and fair political culture and a strong set of institutions. However he flags ongoing challenges including crime and corruption. (1998:628-629). Looking back with hindsight in the light of civil society reports on the African Peer Review Mechanism (2010), this corroborates his challenges and prognosis that "until government delivers on its election promises and on socio-economic rights, promoting human rights will continue to be more of a dream than a reality" (1998:629).[150]

One of the stated main objectives of South Africa's Truth and Reconciliation Commission (TRC) was "the creation of a political culture respectful of human rights" with its reports of 1998 and 2003 documenting the human rights situation (Gibson 2004:5). The holding of abusers to account for past atrocities was a seen as a building block in the recognition of human rights. However as a part of the settlement, Gibson (2004) has argued that offering amnesty to human rights abusers may have mitigated against its task of building a human rights culture in terms of both respect for the rule of law and in terms of restitutive justice. (Maluleke 1997;Borer 2004).[151] Gibson (2004) suggests that the TRC was ambitiously expected to change people's attitudes and values, to teach them that human rights are

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[150] Mutua has likewise emphasised the need to transform key institutions here e.g. police, military and the judiciary if a culture of human rights is genuinely to be realised. He suggests that these have the potential to reduce to ashes the RDPs central hopes and that "it remains to be seen whether the forces of repression can be transformed…to support the construction of a human rights state". He highlights the SADF's historical 'culture of deception and points out that high courts remain dominated by apartheid era judges and a bifurcated judiciary "(2002:147-8). For the ongoing need to build a human rights culture within the South Africa police force as part of "revamping the bureaucracy of apartheid" Cf., Pigou 2009, Burger & Muller, 2009.

[151] Scholars note the TRC had to hold the tension between offering compensation for past wrongs and creating funds to build a new future. The focus on 'gross' human rights violations, whilst understandable did however potentially underplay the reality of everyday violations of human rights inflicted within apartheid's system by inevitably depicting a smaller number of people as perpetrators. See Wilson (2001).

inviolable and to frame human rights as an issue "essential to successful democratisation" (2004:6).[152] He shows that the TRC reports and their final recommendations (1998:304) tie reconciliation into the need for all South Africans to accept ongoing moral and political responsibility for nurturing a culture of human rights and democracy within which conflicts are addressed (TRC Report 1998:435). Gibson concludes from his empirical research on the beliefs, attitudes and values of ordinary citizens, that South Africa still remains far from a culture in which human rights are highly regarded amongst various groups of the mass public (2004:18-21) As Chapter one noted, he argues that this culture requires people to value human rights highly, to be unwilling to sacrifice them under most circumstances and to guard against any intrusions into them and that this culture can be a potent impediment to political repression (2004:6). I endorse his notion that "establishing a culture respectful of human rights involves the creation of a set of political values and attitudes favouring human rights" going beyond institutional actors. My thesis suggests that Gibson's focus on social norms is important and goes beyond the legal sphere. He highlights that human rights realisation requires a shift from "forms into norms" that he says still remains unrealised in South Africa. I will suggest, in later chapters, that the churches can be important partners in this task.

Gibson (2004) cites the need for cultural legitimacy of human rights to establish respect for human rights in practice in South Africa. He examines the attitudes of ordinary South Africans to see how much value they attach to human rights as an indicator of a culture of human rights. His data suggests that commitment to the rule of law is not widespread amongst South Africans post TRC and that attitudes remain strongly racialized.[153] He suggests that "among some Africans, rights have long been synonymous with white rights" (2004:26) connecting the law to constraining majority power and the importance of individuals.[154] He suspects that viewing law as a means by which whites maintain their hegemony[155] has some justification in post-apartheid South Africa where he notes that most whites still hold privilege and "continue to dominate economically and socially" (2004:33).

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[152] Scholars continue to reflect critically on the TRC. (Dubow 2012:120). TRC Commissioner, Boraine (2014) reflects on the failure to take up its recommendations on economic justice as a reason why change has not materialised. Liebenberg stresses a core finding was the "complicity of the private sector in violations of human rights and the undermining of human development under apartheid" (2000:11).

[153] Gibson's data on 3700 people raises important around progress on a culture of human rights (2004:7). He concludes that South Africans committed to legal universalism are a minority with black Africans most likely not to believe in the rule of law and whites to endorse it.

[154.]Ibhawoh (2000) sees a "fundamental conflict between the implicit individualism of human rights and the importance of collectivism and definite gender roles in most African cultures" (p. 853). This polarization of African communalism and Western individualism is a concern.

[155] He suggests this is an ominous finding which may mitigate against successful protection of human rights where "law is often still seen as a mechanism for preventing the majority from getting what it wants and a means of protecting the privileged minority" (2004:33-4).

2.2.3   New struggles for human rights in 21st century South Africa

In the early 21st century, South Africa shot again to unwelcome human rights prominence. President Mbeki's 'denialist' stance on HIV/AIDS became a new site of human rights struggle against the post-apartheid ANC government in one of the worst HIV-affected countries in the world (Cameron: 2012:76-99). Johnson focuses on this as an example of how human rights discourse was employed in new ways in South Africa (2006:117). She suggests that framing the state within a liberal paradigm of individual universal rights, typical of international politics of the day was seen by some as an "intrinsic form of hegemony." However she suggests that what is actually often hegemonic is a "specific conception of rights fashioned by the West", and influenced by neo-liberalism and the USA post-Cold War and actually unlike the broad rights vision of the UDHR which emphasised liberty and equality and which the South Africa Constitution reflects (2006:117). This careful distinction between seeing rights as an intrinsically imperial and the hegemonic constructions often used by the powerful is critical for my thesis. It highlights that it is when the discourse on power is replaced with that of rights that it often functions conservatively in practice.[156]

For Johnson, the HIV/AIDS debate in South Africa broadened international human rights by using it to challenge wider hegemonic neoliberal discourse. She uses the PMA case[157] to show that in an era of globalisation, the language of rights protection has often been used in a reactionary way as a strategy by powerful vested interests. However the same case shows how rights language was counter co-opted (by the Treatment Action Campaign) as a progressive force for change where claims to private property are successfully challenged by socio-economic rights. For her, the AIDS crisis led to a human rights response in South Africa, not perpetuating neo-liberal ideas but empowering Southern voices to effectively challenge it (2006:128). She concludes that a liberal rights account is inadequate in the quest for socio-economic justice and the need to broaden out, pose challenges to neo-liberalism and reconsider its meaning (2006:127). Rights began as and still remain a contradictory terrain.[158]

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[156] Mamdani claims that human rights often began as an ideological offensive in Africa in Cold War times, as an *alternative* to the 'communist' language of 'liberation'. However he still insists "the human rights movement is no imperialist Trojan horse" (2000:14). Johnson (2006) suggests that the human rights discourse was a way of identifying and 'taming' liberation struggles in Southern Africa but that "oppression leads to the emergence of rights ideas, seeing the anti-apartheid struggle as a counter model. See Evans (1998:5-6) for more on ways in which a form of universal rights discourse often form part of a hegemonic logic in North America's foreign policy.

[157] See the Pharmaceutical Manufacturers Association and Others versus The Presidency of RSA case No. 413/98. High Court, South Africa (Transvaal Provincial Division). This includes the successful rebuttal of this case by the Treatment Action Campaign (TAC).
Powerful interests use it from above to limit popular movements and yet the same movements co-opt it from below. Johnson insists that this complexity of the use of rights in practice defies textbook theorizations of rights and requires a more contextual analysis.

2.2.4 Critiquing the human rights culture in South Africa

Finally in this survey of human rights history, I note more radical emerging voices. Mutua gives an aggressive post-colonial critique of South Africa's 1990's revamp as a "human rights state" (2002:126-153).[159] He suggests that "the most important feature of the South African post-apartheid state is its virtually exclusive reliance on rights discourse as the engine of change" (2002:128). Despite past successes, he suggests the excessive dependence by Mandela and Mbeki on rights discourse as a transformational tool for apartheid's legacies was a mistake. As Chapter 1 noted, he argues that "double edged" nature of rights language" can freeze apartheid's hierarchies and preserve its social and economic status quos. (2002: 128).[160] Mutua's concern with the "malleability" of rights leads to his suggestion that it can take on the "colour of oppression" without being sufficient to transform existing social, economic and racial inequalities (2002:151. Cf. Moyn 2014:147-164). He calls for an acknowledgement of their limits as one tool only and the need to construct a cross-culturally legitimate, "genuinely" universal creed of human dignity to counter Eurocentric ideologies.[161]

A similar concern is also expressed by Koskenniemi who suggests that "mainstreaming human rights can be a strategy for institutional power with profoundly ambiguous effects" (2010:47).[162] He points to property rights to show the "unforeseen consequences" that human rights can have when they are turned into institutional machinery like South Africa has done.[163] Instead he suggests that they need to stay outside administrative procedures as "critics and watchdogs flagging the interests of those who are not regularly represented…human rights arose from revolution not from a call for mainstreaming" (2010:55). He points human rights as an awareness or sensibility, a sort of Weberian ethics of responsibility that does not require travelling outside of politics but into its very heart.

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[159] Mutua turns to the new South Africa as "the first state that is the virtual product of that age and the norms it represents... never has the recreation of a state been so singularly the product of such focused and relentless advocacy of human rights norms." (2002:126)

[160] Mutua concedes that "rights discourse was indispensable as a strategy for energising the anti-apartheid movement. But rights rhetoric cannot and should not be the primary, and in this case, the only, instrument for the transformation of apartheid's legacies." He suggests that rights can be used to protect the powerful and the status quo just as easily as they can be wielded to advance the interests of the weak and excluded. (2002:137). He provocatively suggests that "the South African experiment is doomed to fail."(2002:130). However, Wilson (2014) insists that the South Africa post-apartheid rights experience, despite failings, shows that legalising ESCRs can help the poor.

[161] He states, "human rights are not a problem per se nor is the current human rights corpus unredeemable. But …the current human rights represent just one tradition, that of Europe. It will remain incomplete and illegitimate in non-European societies unless it is reconstructed to create a truly multicultural mosaic. The universalisation of human rights cannot succeed unless the corpus is moored in all the cultures of the world. Ideas do not become universal merely because powerful interests declare them to be so." (2002:156).

[162] Koskenniemi suggests that "in South Africa much of the struggle was waged in human rights terms. As a consequence strong protections for protecting human rights were written into the Constitution. Examined with 20 years hindsight, one of the most important uses of those provisions has been often in support of the property rights of white property-owners" (2010:53).

[163] For him, human rights counteract the tendency to transfer political power to regulators and managers who juggle things. It contrasts with the language of management and sets limits by suggesting some requirements are 'self-evidently good or evil. If rights are submitted to a cost/benefit analysis, they become merely one consideration among others (2010:55). Cf. Carey, Gbson and Poe, 1998.

2.2.5   Lessons learned from South Africa's history of human rights

This first section has traced an indigenous struggle tradition for universal human rights within South African history despite the misuse and rejection of rights language by much of its formal legal and political systems. While Asmal et al., (2005) represent scholars who 'talk up' this aspect of the ANC, Dubow (2012) emphasises the more complex reality of the ebb and flow of diverse strands of human rights discourse concluding that, "it is not at all clear that a broader civic and political consciousness of the importance of rights is rooting itself more widely in popular culture" (2012:9). I suggest that a level of suspicion and confession regarding the use of human rights discourse for ideological gain by all powers is required and an awareness that its misappropriation continues forwards into the new dispensation. Nevertheless, Asmal's history of concrete commitment to human rights within a strand of the ANC remains plausible.[164] It offers valuable examples of an anti-colonial, multi-cultural human rights discourse framed as a language of protest by the marginalised and not an elite language employed by white liberal intellectuals serving a neo-economic liberal system on which to draw. I conclude that South African historical reflection on human rights can,

1) Challenge scholarship which labels human rights as an abstract, white, liberal and individualistic preoccupation of the 1%. In South Africa, it was white supremacy which utilised particularist group and minority rights against black languages of protest from the margins that employed universal human rights talk to challenge and resist concrete injustices.

2) Emphasise the lack of a single story of human rights in South Africa. Taking its complex history seriously shows that human rights can and has been utilised in polarized ways as Dubow shows. It is a paradoxical, malleable language, often taken up by the marginalised as an empowering tool but also capable of distortion by abusive powers. Rather than rejecting it, scholars can help reclaim its transforming radicality, its protest against unjust 'givens' and its visions of possibility within a context of human development, dignity and social justice.[165]

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[164] My thesis suggests that its historical existence offers valuable experiences on which to build an ongoing commitment to a grassroots bottom up human rights culture rooted in a particular South African history that is not primarily 'Western' but deeply 'African'.

[165] South African history suggests that a key component of the ANC liberation struggle drew systematically on an inclusive human rights understanding of the type classified by Dembour as 'protest' (2010:1-5) as well as one that was 'gradually agreed'. This became a concrete way of making moral claims against unacceptable treatment of fellow humans in ways that people of varied ideological backgrounds and education could find practical consensus on. Post-apartheid this language of protest and reimagining has found new articulation in relation to new issues of concern. However many suggest it has increasingly been replaced by a 'technical language' of development and an increasing reluctance by the ANC to be held accountable to Constitutional values (Cf., Pillay 2013).

3) Enable critique of the construction of the 'rights-based state' of post-apartheid South Africa as potentially part of the problem, diagnosing the gap between ideal and reality whilst at times perpetuating it. Scholars should go beyond mere 'liberal' and legal understanding of human rights into a more multi-cultural, interdisciplinary conceptualisation that requires constructive engagement of all civil society to re-construct a bottom-up culture.

4) Highlight the ongoing importance of building an internal human rights culture from below amongst ordinary people from whom all institutions, laws and policies emerge and live. While this has been a stated priority since 1998, its history suggests it can be re-energised by reconnection to a longer grassroots movement of resistance struggle for the present times.

This history of South Africa demonstrates Chapter 1's claim that human rights language is often paradoxical in its practice but that it has adapted in liberating ways to engage specific challenges of the times. From the resistance to inhumane treatment and a reforming call in Ordinance 50, the ANC's protest against unjust government in the name of the human dignity of all people beyond kin, an increasing engagement by women, the grassroots struggle of the anti-apartheid movement, a rights-based Constitution, the TRC process and the HIV/AIDS crisis in an global era, human rights has also been a tool consistently re-claimed by those on the margins of life. It has also inspired others with power to take up solidarity with them in a shared protest against forms of dehumanisation within South Africa. Scholars like Koskenniemi offer a reminder that rights has limits and blind spots. The misuse of rights also has a history here and not only through ideologies of apartheid. Cecil Rhodes's dictum of equal rights for all men south of the Zambezi (cited in Dubow 2012:38) stands as a poignant reminder of the selective use of rights talk. I conclude that the rhetoric of rights can and has been constructed in South Africa in ways that serve "Empire"[166] and may still require decolonisation (Burke 2010, Barretto 2013). But it has also been continually re-constructed as part of dynamic critiques of abusive powers. The local history of South Africa's struggle for human rights has been played out more from below than above, from inside than out and from the concrete circumstances of African life-experiences, than being dictated to by abstract Western values.'[167] This history adds complexity to the current day to which I turn.

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[166] This term is in common use by many post-colonial scholars. For more in its employment in liberation and kairos theology today, see Rieger (2013:19-28) and Boesak 2015). While I have some reservations about its helpfulness as it can also perpetuate binaries (cf., Keller, 2005), it can be used flexibly to contest theologies of domination and conquest wherever they arise and this is my use in this thesis.

[167] This bears clear resemblances to Ibhawoh's analysis in Nigeria where "paradoxically the rhetoric of rights was as crucial in the fall of Empire as it was in its rise." Nigeria's colonial discourse on rights often legitimised Empire where the coloniser promised universal rights and a common humanity while keeping the ruled in a state of subjugation. However Nigerians appropriated the rhetoric of rights, deploying

2.3 Human rights in current day South Africa

2.3.1   Recognising the realities of abuse

South Africa's UN Strategic Framework for 2013-2017 highlights that "human rights are part of the national discourse, enshrined in one of the most progressive Constitutions in the world" (UN 2012:7). However while much has been achieved, it also points to persistently high levels of lived inequality with one of the largest gaps between rich and poor and where the poorest 20% earn just 1.2% of GDP with entrenched uneven access to basic social services. These "intersecting inequalities" mean that disadvantaged South Africans face multiple obstacles to the full enjoyment of their human rights' (2012:8).[168] Despite a "highly developed national policy framework", effective implementation remains an ongoing challenge. It emphasises the stark realities of systemic issues such as gender inequality, exclusion of those with disabilities, the largest HIV epidemic in the world and economic policies that favour the already rich, creating a tendency towards jobless economic growth and perpetuating youth unemployment. Some even suggest, like Moller in the 1990s that the overall situation for many of the poorest has not changed significantly (Bond 2004, 2010, 2011, Desai 2011; Terreblanche 2007, 2007) while others point to improvements (Cameron 2014: 274). All concur that anger is growing in communities with increased protests, violence and government corruption. (2014:275) and recent social attitudes data confirms this noting "extreme public discontent" (Davids 2010:68-86). The starting point for human rights reflection must be its uncomfortable social and economic realities, not strong paper policies.

There is also increasing concern that the current administration is rolling back civil and political rights such as peaceful protest, legitimating police violence in the name of security and challenging the Constitution (Chaskalson 2012). Empirical research (Mubangizi 2004, 2012) has explored whether the human rights protection afforded by the Constitution is sufficiently implemented in grassroots practice. It concludes negatively, that "providing for rights and protecting or implementing them effectively are two different things" (2004:145). Alexander asks, "why is it that in spite of a constitution…in which are enshrined some of the

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it to challenge the colonial state and using it in liberating ways that challenged the ideology of the colonizer. Engagement is similarly paradoxical post-independence. Nevertheless he insists that 'the rhetoric of rights was more than merely an instrument of colonial hegemony or a means of legitimizing the status quo; it was also a means of challenging, negotiating and ultimately ending it' (2007:178).

[168] It offers a sobering reality for the new generation of so-called 'born frees' where a child in the lowest percentile is statistically hugely skewed from birth in terms of access to education, health, sanitation and food in ways still reminiscent of apartheid years and surely equally as unacceptable. Active citizenship, responsibility and the capable state are three main cogs seen as driving the 'engine' to get South Africa towards that desired future. The plan also highlights the general social fear and anxiety that still grips the country, describing safety itself as a 'human right' and covers a number of areas specifically related to economic and social rights.

noblest sentiments and insights concerning human rights, we are living in a continued situation where very few of these rights appear to be realised or even realizable in practice? Why is there a disjuncture between the noble ideals and their realisation?" (2009:104).

Multiple recent reports (Reitzes 2009:15, SAIIA 2011:69-70) suggest that South Africa remains a country in systemic crisis on many levels. An "upper-middle income country" in per capita terms, it has a GINI score of 57.8 despite being the largest economy in Africa. In the bottom 10% of households, 80% have no one earning a wage[169]. There is still a lack of skills and unemployment rates remain well over 20%. Sparks points to a "double-decker economy with a First and a Third World, where what works for those on the upper desk is not working for those on the lower deck" (2003:10).[170] Desai and Padayachee (2011) point to an increasing crisis of expectations with "deepening inequality, rising unemployment, the HIV pandemic and violent crime" (2011:1). While "transformation" has enabled a deracialisation of the apex of the class structure, they note a large part of the black population remains in a similar situation; marginalised and poor (2011:2). Whilst gains[171] are acknowledged, there is much to be concerned about. In the last decade, South Africa has dropped 35 places on the UN Human Development Index to 120th (2011:6) and from 23rd to 54th on the Corruption Index (SAIIA 2011:51-52). There is a culture of "economic elitism" (Bond 2011:3) with extreme wealth held by a small number of citizens.

But the human rights concerns are not just economic. South Africa's 2012 Report to the UN Human Rights Council[172] has noted ongoing serious social issues related to the abuse of women and children, violence and discrimination against sexual minorities and rising xenophobia against foreigners as well as high rates of crime and violence overall and ineffective access to justice for many of these specific groups. Sexual violence was often socially normalised with specific 'cultural practices' flagged as concerns. Nearly 50% of the 18.5 million children in South Africa are estimated to suffer some form of abuse (SAIIA 2011:28).The under-representation of women in leadership, the huge knock on impact of

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[169] The African Peer Review Mechanism highlights high levels of poverty and inequality where 40% live on under $1 a day. (2011:319)

[170] Sparks points out that "while the top is increasingly multi-racial, all on the bottom are black and there is no stairway" (2003). Desai and Padayachee draw on a June 2006 report *A Nation in the Making* as showing the ongoing presence of two South Africas, a 1st and a 3rd world creating a country of stark and socially volatile contrasts with race and class becoming further entrenched post-apartheid (2011:1).

[171] As examples of these gains they point to an increase of 12% in social spending, the construction of 1.6 million new houses, the supply of water to 9 million, sanitation to 6.4 million and 2 million new jobs (2011:2), However criticism as to the quality and ongoing access to these services remains significant. See SAHRC 2013 reports on housing, water and sanitation. Access to basic education has been a significant achievement but the quality of that education has also come under significant criticism in recent years.(SAHRC 2008)

[172] Two Universal Periodic Reviews have been carried out by the United Nations Human Rights Commission so far on South Africa to which many non-governmental organisations (NGOs) have contributed. Cf. UNHCR 2008, UNHCR 2012, Amnesty International 2011.

economic and social inequality on children and youth in particular, and the extremely poor quality of education were all noted. Even though corporal punishment is outlawed in schools, nearly one in five children still experience it as well as other forms of violence and sexual harassment in schools and over half a million children remain out of school and face hazardous conditions related to child labour. Despite an extensive social protection system, longer term results remain limited with 65% of children still living in poverty and one in three at risk of hunger. HIV places additional pressures on a weak health system with high mortality rates and inequitable resource allocation[173]. Overcrowded correctional facilities, high rates of substance abuse and high unemployment make lived social realities for many a long way from Constitutional guarantees of human rights and visions of a better life.

Amnesty International's report to the 2012 UN Universal Periodic Review on South Africa raises similar issues; flagging discrimination, lack of access to health services (especially for the rural poor), rising HIV infection rates, gender injustice, LGBTI violence and prejudice as well as the continuation of deeply patriarchal attitudes and continuing xenophobia.[174] Lack of food sovereignty shows tremendous disparities between urban and rural with 2.5 million households affected by insecurity. It also notes with concern an increasing tendency to harass and even criminalise human rights defenders[175] despite a normative legal framework of "guarentees" for human rights. Police violence and harassment remains a significant issue with fears of a return to violent repression of protest. There were 720 reported deaths in police custody in the year ending 2012 and incidents like Marikana also received a lot of negative human rights attention and Human Rights Watch declared 2012 to be one of South Africa's most challenging years post-apartheid. Lack of government compliance with access to information laws remain concerning.[176] Amnesty's own annual 2013 report on South Africa continues to highlight high HIV infections, excessive force by police in response to service delivery protests such as Marikana and Ficksburg, ongoing refugee discrimination and violence as well as gender/sex related hate crimes, 48,000 annual rape cases and

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[173] In 2009, UNAIDS estimated that there were 5.7 million HIV+ people in South Africa (the highest worldwide) accounting for 17% of the global burden of HIV infection with life expectancy rates of under 54 years. South Africa spends more than any other African country on its health care system, but its indicators remain poor. While only around 16% of the population are on private health systems, the private sector consumes 55-60% of health care resources (African Peer Report 2011:63), pointing to the two worlds within one country paradox.

[174] Policy documents on hate crimes such as racism and xenophobia are now being developed but in the light of the systemic failure to implement previous human rights policies, a new "top down" policy seems unlikely to bring changes on these socially embedded practices.

[175] The rights based KZN shack dwellers movement, Abahlali baseMjondolo is noted here as subject to increased harassment.

[176] See SAHRC 2013 Report. Positives in it include a continuing independent judiciary, good jurisprudence promoting human rights and good government-endorsed progress on antiretroviral drugs demonstrating that the law can be a civil society tool driving policy change.

harassment of human rights defenders (with police often complicit (2013:239-241).[177] It stresses a "dire need" for public education to combat prejudice based on sexual/gender identity in particular. (Cf. SAHCR Equality Report 2012) It is clear that much of South African society continues to face a deep-seated lack of respect for the life and rights of many other citizens, especially in terms of bodily integrity. Multiple abuses of power against those perceived to be dangerous, deviant or weaker are not only endemic but often still socially normalised with police and other institutions failing to make effective inroads on prevention at a community level. Gang, gender, xenophobia, child and sexual minority violence continues to escalate (Cf. UNICEF 2011, The Children's Institute 2014, SAIIA 2011:26-28). These reports show that much of this violence takes place between people who know each other and suggest that images of power-over others remain ingrained in South Africa society, maybe as a result of past traumas and socialisation into violent patterns of behaviour within home and society. This highlights that human rights abuses are not just state-related, but need to be understood within the context of other powerful social systems and the seeming inability of the state to protect those who are living within them without a strong human rights culture from below that also delegitimises these forms of socialisation.

The 2013 SAHRC annual report notes with concern an increasing "politicisation of human rights", as used by political parties to criticise one another rather than to work together for overall improvement and a scaling down of human rights budgets (2013:iv). Whilst social, economic and cultural rights remain rightly at the forefront of many concerns regarding immediate quality of life, an increasing clamp down on civil and political rights (the 'infamous 'secrecy' bill) and a resurgence in police brutality that is in moments reminiscent of apartheid times suggest a dangerous relapse within South Africa into what has been termed a "worrying culture of concealment" (Dubow 2012:10). Recent events at university campuses here[178] also reveal a far darker side to the 'rainbow nation' multi-racial narrative. Villa-Vicencio's call to ensure that "the new dispensation is actually an improvement on the old" (1992:2) and a plea to tackle violence in home and communities in particular (Nolan, 1995: 151-156) seem portentous. Constitutional Judge Chaskalson called on the new generation to remember the "fragility of rights" in some of his last public words (2012:1).

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[177] A new Act related to police investigations came into force in 2012 but without complementary grassroots engagement, this may merely reinforce a 'top down' legislation approach as a paper policy which remains on a shelf. Cf Pigou (2000) and Burger and Miller (2009)

[178] This unrest has continued and taken on wider economic and post-colonial dimensions in 2015 with nation wise university protests on fees, white hegemony and lack of curriculum change, See Mbembe (2015) for more detailed comment on this state of affairs.

2.3.2   The ongoing gap between legal ideals and social practice

This brief snapshot highlights the continuing lack of concrete access to multiple basic rights supposedly guarenteed to be realised in the new South Africa. The "vast chasm" between legal ideal and socio-economic reality that they reinforce is documented by numerous South African scholars (Mubangizi 2004, Liebenberg 2007, 2012, Ackermann 2012, Alexander 2009 Dugard 2011, Viljoen 2012) who all highlight the unacceptable gap between abstract legal human rights and the concrete lived experience of many individuals. Twenty years into the new South Africa, there is a real danger that "having human rights" will be increasingly seen by ordinary people as meaningless political and legal rhetoric that bears little connection to the lived experience of much of their lives, unless these policies and structures can bring about real change in the areas of economic, social and cultural rights for the majority. Dugard suggests that South Africa 'still has very far to go in terms of implementation" (2011:10).

I group areas of particular concern in South Africa today into three main areas; the myriad systematic forms of social violence over others perceived to be either weaker or 'Othered' (women, children, sexual minorities, foreigners, gangs), the ongoing economic exclusion of so many often tied to the economic dominance of the few which then snowballs into an inability to access in practice the most basic services in health, education, food, water, sanitation, housing and communications that are increasingly privatised (Bond 2004). Finally endemic political corruption often tied to police brutality creates a culture of concealment with incompetence and graft that can prevent genuine against grassroots accountability, effective delivery of key services and transformational redistribution. Political corruption here is arguably often tied to an authoritarian culture of patronage power that resists the accountability and open justifications that legal scholars such as Liebenberg (2000) and Chaskelson (2012) insist is required by a fully functioning democracy.[179]

I suggest that with the bitter legacy of apartheid hanging, it is the poor and marginalised, i.e. those who need rights the most that are still furthest from having them concretely embodied. They have not generally experienced the new dispensation of human rights as 'liberatory' in the concrete circumstances of their lives. Arguably, the question is still pending in South Africa as to whether human rights will be concrete tools for the ongoing liberation of the poor and marginalised in the new dispensation and avoid co-optation as part of a powerful

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[179] Bond (2004) notes disturbing data regarding trust levels in local government, with less than a third of Black South Africans seeing the new government as better than the apartheid government. This reiterated in the recent 2010 social attitudes report (Rule and Mncwango)

ideology merely serving the existing status quos, as its detractors suggest. Ruteere suggests in line with Englund that "the challenge for human rights in contexts such as ours is to demonstrate its relevance to those who live in the margins of power" (2011:para.7).[180] Critics who suggest that human rights are inherently orientated to the status quo can point to South Africa's realities. Reclaiming the "transformative radicality" of human rights requires moving past utopian legal visions into concrete spaces of lived non-realisation to translate forms into norms if Constitutional human rights are to retain their liberating power in practice and become more than a "pipedream". Human rights activists concur that this requires ongoing struggle and needs to be supported in a focused, strategic and sustained manner.

Mubangizi (2004:204) argues that South Africa has the most highly developed NGO sector on the continent with over 100 described as human rights organisations. The various state-connected human rights organisations (NHRIs) set up by the Constitution remain the key institutional pillars of a framework for respecting human rights and form in principle a "well-structured cluster of human rights monitoring bodies" (Naidoo 2003:8) The SAHRC remains the main body tasked to monitor the Bill of Rights both human rights violations and progressive realisation.[181]. International organisations like Amnesty International and Human Rights Watch have a small foothold here fulfilling a reporting function but with little grassroots presence to date.[182] Local human rights organisations divide into two categories. Many were formed in the 1970s or earlier including Lawyers for Human Rights and the Legal Resources Centre in 1979, the Black Sash (1955), some centres linked to universities[183] and Diakonia Council of Churches[184] More have emerged in the1990s including the Centre for Constitutional Law (1990) and the Foundation for Human Rights (FHR) (1996). Most have "building a culture of human rights" as a core mandate but are often urban, policy and law focused which a 2004 human rights law conference (FHR, 2004) suggests can limit their ability to connect to the grassroots and requires wider civil society to better fulfil their task.

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[180] He draws on Malawi-focused anthropologist Englund who states that "the problem for human rights in Africa 'is not that human rights promoters are not committed to the empowerment of the poor but that the terms of its construction are too abstract to attack the particular manifestations of the problems of poverty and powerlessness" as an argument that those interested in the transforming potential of human rights need to take seriously" (2011: para. 7). Cf Englund 2006, 2011.

[181] A number of critical reviews have emerged on these (Museva 2009, Parliamentary Report 2007). The National Consultative Forum on Human Rights was tasked to monitor government performance against the 1998 NAP but appears to be currently dormant (Naidoo 2003:8).

[182] They focus on annual reporting and feed into the wider UN system but with little enforceable follow up.

[183] This includes the Pretoria Centre for Human Rights, CALS at WITS and the Centre for Socio-Legal studies at UKZN.

[184] This Durban based ecumenical agency has many programs, some with an explicit human rights focus. However human rights form a cross-cutting issue for all programs. It is one of the few South African faith-based organisations with this emphasis. www/diakonia.org.za.

2.3.3   A human rights culture from below – still under construction?

As Gibson (2004) has suggested, it is arguable that 21st century South Africa paints a concerning picture with regard to its progress on internalising a human rights culture. Even government reports have become increasingly critical of the lack of implementation and point to the need to enhance humane values and delegitimise discrimination. (The Presidency 2008:118).[185] Asmal et al., note that the gap between policy and implementation is the main challenge today and that many South Africans still do not know their rights (2005:133).[186] They call for a spirit of cooperation and co-creation to engage all social actors in the ongoing task to build a culture of human rights in South Africa as a "living, breathing and powerful reality of human development for all people" (2005:134). The Constitutional Court is seen as a progressive agent for transformation, using human dignity to guide deliberations in rights-based cases (Berkowitz 2009:204-218, Cf. Ackermann 2012, Liebenberg 2012).[187]

A 2000 UNDP study on South Africa explored innovative human rights institutions and practice in post 1994 (Liebenberg 2000). It highlights the duty of all actors, public and private, in society to respect and promote a holistic, interdependent understanding of human rights that prioritises the vulnerable like the 1998 NAP. It concludes that "redressing the legacy of inequalities that reproduce poverty, achieving human development and the realisation of all human rights remain major challenges for the democratic government in South Africa" (2000:31). Liebenberg notes that while the Constitution is a good start, every sector of society has an important role to play and need to use these tools in a concerted effort to create a better life for all (2000:32).[188] She insists that bridging "the gap between the rights enshrined in the new Constitution…and the daily realities of people's lives…forms a key challenge for government and all sectors of society" (2000:22). Without translation into detailed concrete programs she suggests these rights will amount to little more than "paper promises" (2000:15) and she also points to a related need to "move from a culture of authority to a culture of justification" with regard to the exercise of power. Liebenberg

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[185] This 15 years on Report (2008:10) highlights lack of government compliance with principles of openness and transparency by not 'realising rights to information' and a decline in trust in many institutions especially the judicial system (Chikane 2008:12).

[186] Mubangizi (2004) found that over 40% of South Africans had never heard of the Bill of Rights and that an informed citizenry is key.

[187] Certain groundbreaking cases have been cited around the world as examples of progressive and pioneering rights based decisions. See Liebenberg 2007:335, Grant 2012 and Cameron 2014:221-273) for more on these legal cases that lie beyond the scope of this thesis.

[188] Liebenberg draws on Fraser's theory of social justice of participatory parity for South Africa. She suggests two overlapping obstacles to fundamental change in unjust social relations: misrecognition as systematic devaluing/disadvantaging of certain groups and lack of resources to interact as peers. She notes poverty and inequality as the biggest challenges facing the second decade of democracy (2005:35).

focuses on the interrelationship between equality,[189] ESCRs and the Constitution to suggest that the "transformative potential of these rights has not been fully realised" (2007:337), a belief reinforced by the SAHRC (Ahmed, 2014:para.1). She suggests a "transformative conception of dignity is necessary if the equality right is to address the conditions of poverty that constrain people's development and participation" (20007:337). She notes that resource constraint arguments can fix and legitimate inequalities rather than facilitate transforming our society in a participatory and egalitarian direction" (2007:359, Cf. Pillay 2013).

Reitzes reiterates however that rights discourse in South Africa still remains profoundly ambivalent in its effects by noting that there is a real risk in a society with such gross disparities and illiteracy that the rights discourse may favour some and remain alien to others. (2009:2). She suggests, like Asmal back in 1992, that interpreting rights through an excessively individualistic lens may severely limit its liberatory impact in the South African context, concluding that "if South African legal culture is to be serious about protecting human rights, it must transcend this (individualistic) way of thinking to take into account the fact that the most pervasive and chronic forms of distress are a consequence of economic and social structural circumstances that impact groups as well as individuals" (2009:11)

Reitzes highlights the increasing impact of globalisation pointing to an "era of privatisation …defined by horizontal relationships between private entities" (2009:22). She points to the need for creative legislation to regulate this and go beyond applying the Bill of Rights vertically to enable civil society organisations to use the Constitution more to defend the interests of the poor and to link to real communities to articulate their needs, stating 'if we don't use the Constitution how can we claim the government is not doing its job" (2009:25). She notes a current tendency in South Africa to move away from a rights-based conception of struggle and social delivery to a market-based approach. Calls for a human rights culture continue to be made from all corners, suggesting that despite a robust policy and institutional framework, this has failed to materialise to date.[190]

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[189] She states "Equality is a foundational value of the Constitution and must inform the interpretation of all rights… it is also a guaranteed and justiciable right'. It requires the 'eradication of systemic forms of domination and material disadvantage…towards the development of opportunities which allow people to realise their full human potential within positive social relationships" (2007:341-2). Liebenberg (2005b) points to the location of the value of human dignity at the centre of the equality right. She is concerned that dignity may be interpreted narrowly to detract from the use of equality rights to redress material and systemic forms of disadvantage. She argues that an interpretation of equality rights and ESCRs which takes seriously their interdependence is necessary to realise their transformative potential.

[190] In 2008, the SAHRC published their first Human Rights Development report which aimed to offer "robust critical reflection on the state, its progress and shortcomings in an ongoing dialogue that engages us on the human rights imperatives that form the basis of our constitutional order". The report is intended to be "a relevant contribution to the advancement of a human rights culture" (2008: iii).

2.3.4 The call for a 'bottom up' human rights culture

I suggest that the ongoing gap between the theory and practice of human rights in South Africa detailed above raises an urgent question for all concerned with human flourishing as to how these abstract 'human rights' can be better embodied, concretized and effectively implemented in more people's lives? South African scholars across multiple disciplines continue to highlight an ongoing need for the development of a "human rights culture" as an urgent shared task for all stakeholders (Gibson 2004; Dubow 2012; Govender 2012; Asmal et al. 2005; Viljoen 2012).[191] They stress going "beyond the law" to embed human rights in wider discourses and institutions. This builds on the 1990's call for a human rights culture but recognises that it may have focused on institutions and not people's attitudes.

> One may have a society where, from a legal point of view, human rights are guarenteed but unless a culture exists, created for people by people, where the citizens recognized their own rights and deeply respect those of others, without such a culture, the legal frame is merely superficial" (Botman and Sporre 2003, p. 10).

Dubow suggests 'that this shared culture must come 'from below', pointing to trade unions, universities and media as key stakeholders in this project (but not mentioning the church). He insists that "the task of constitution-making from above is over" and that the task that remains in developing a culture is one from below"(2012:125) [192] This is not unique to South Africa. But it resonates here, with a state of the art Constitution lauded around the world as a triumph of successful human rights struggle and yet ongoing high levels of inequality, violence, abuse and poverty.[193] Judge Ackermann points out that "a transforming constitution such as ours will only succeed if everyone in government as well as in civil society at all levels lives out and embraces its demands. It will only succeed if restitutionary equality becomes a reality and basic material needs are met because it borders on the obscene to preach human dignity to the homeless and the starving'" (2012:278-9). Seafield suggests that the 'gap' between human rights theory and practice in South Africa is an opportunity to be grasped (2003:295-

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[191] While progress has been charted regarding institutional development in post-apartheid times, lived social realities suggest that it is informal cultures that still require transformation from the bottom up if top down policies are to become effectively implemented and enforced at grassroots levels, this reflects Sarkin's (1998) concern that building a human rights culture may prove to be challenging.

[192] See Ife (2009:200-235) for a further detailed development of an approach to building a human rights culture from below.

[193] Sachs in a 22nd March 2014 event at UCT in response to a question by the researcher, talked about his early resistance to "so-called human rights." He points out that in England he "was converted to human rights and dropped the 'so called" but remains sensitive to the post-colonial critique and urges South Africans, "not to abandon them because they are being abused but to critique the abuse of them by the West' challenging hegemonic paradigms where they "merely become part of the USA imperialist project and are used ideologically".

300). She highlights that most African countries do not have the top-down legal protections in place that South Africa does and argues that a Constitution is only ever a start and not an end to rights-actualisation and points to human rights education at grassroots level as critical to actualising abstract legal claims longer term (2003:296). I suggest that multiple stakeholders need to find ways to take common responsibility for the actualisation of concrete human rights in the lived spaces of ordinary life, homes, schools, workplaces, communities, local government offices if it is to make a difference to those who still 'live in the margins of power'. Sachs (2014, personal communication) suggests that "we need to give new content to human rights' with a need for a "change of mind, not just a change of law". He sees human rights as a framework for human flourishing and not "something owed to us by government" and ties rights clearly into ideas of citizenship in South Africa. Research by other disciplines can help build a culture that "vernacularises" rights and uses interdisciplinary pedagogies. This is reinforced in South Africa by Freeman who notes,[194]

> The cultural gap between the global and the local requires translation of the modern, universal discourse of human rights into local vernaculars. This is not only possible, it is done every day. The anthropology of human rights can however study whether human rights get lost in translation…culture can be a resource for the implementation of human rights, and not simply an obstacle to be overcome (2012:12).

Secular training on human rights remains highly law-oriented in South Africa and rarely engages with existing religious perspective with only a few exceptions. This may be a mistake if human rights are to be "inculturated" (Ter Haar 2011:296) and vernacularized effectively (Merry 2006) into the lives of people for whom religious values remain a significant moral force. Various scholars have named religion and its institutions as an important partner in this task (Liebenberg 2000; Freeman 2004; Ter Haar 2011; Cox 2014) and Chapters 3 and 4 will develop this argument. The absence of the church as an asset in most current day human rights literature in South Africa is noteworthy. It is more likely to be seen as a liability in relation to gender stereotypes, corporal punishment, sexuality, traditional cultural practices and cultures of authority (du Preez et al. 2010, Ferreira et al., 2014). This is a concern given the significant presence of the church in South Africa (Rule and Mncwango 2010). Mandela stated, "in order for the rights and freedoms embodied in Constitutions to be

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[194] See Viljoen (2012), Freeman (2012) Asmal (2014) as just three recent examples on this. The theme of global citizenship and its connection with both human rights and Kairos theology has been the subject of a cross-cultural Brazil/ South Africa partnership . While beyond the scope of this thesis, it is noted as an important area for further engagement within contemporary South Africa. (Cf, Ife 2009)

realised, they must become a part of the everyday reality of citizens' lives" (NAP 1998, Preamble). South Africa's history on human rights demonstrates that while abusive systems used Christian justifications, the positive role that other Christians played did have a significant impact, helping to vernacularise a subversive vision of shared human dignity.

Finally today, Cameron (2014) points to a resurgence of African Nationalism[195]where some of President Zuma's recent statements call for "cultural exceptionalism"[196] on human rights which could erode social norms regarding a human rights culture (Huber, 2014). The SAHRC's Strategic Plan 2011-14 suggests some in government have a "misunderstanding with regard to the progressive realisation of rights," as a tick-box rather than needing detailed public participation (2013:10). Manuel (2014, personal communication)[197] suggests that "the most dangerous thing for South Africans to do is to be self-satisfied and see rights merely as achieved or given to them…rights need to be struggled and worked for." As a result, I suggest that building a people-centred human rights culture 'from below' to nurture internalisation of the ethical precepts behind laws and institutions established 'from above' remains critical to bridge the gap between legal guarantees and social reality. Mubangizi[198] suggests that transitional societies need Constitutional norms to form the foundation of how citizens think about their interactions with one another. "If they remain the elite domain of lawyers they will fail to enter the hearts and minds of the people. People cannot enforce their rights if they do not know they have them" (2004:163). SAHCR Head, Ahmed (2012) points out similarly in an interview that, "ordinary people do not believe that a culture of human rights has been created in South Africa… because they see these wonderful rights articulated in our Bill of Rights and our Constitution, but at the same time the lived realities of these individuals do not speak to these rights". He seeks to reconnect a culture of rights with a culture of responsibilities where we each uphold rights with regard to others and experiential education can "facilitate the transformative radicality of human rights" (2014:para.1).[199]

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[195] He argues that while Mbeki supported the rule of law, even when courts ruled against him like Mandela, Zuma has taken a "worrying stance to Constitutional authority and the rule of law in his pronouncements", stressing the will of the people over legal machinery.

[196] Huber (2014, p. 117-137) uses "cultural exceptionalism' to describe Zuma's attitude of scepticism to human rights when speaking "on the need for African solutions for African problems, and let us not be influenced by other cultures." Nov 2012. He has disturbingly stated that the ANC is "more important" than South Africa's Constitution which only exists "to regulate matters".

[197] Statement made in response to a question by the researcher at University of Stellenbosch lecture (3rd Feb 2014).

[198] Mubangizi's 2003 research took place with 2000 people in the Eastern Cape. One third of his respondents were unaware of the Bill of Rights. They were then asked where human rights violated most 'the workplace, schools, home, rural areas'; who violates rights; 'the government, whites, the police' and what causes rights violation; 'racism, lack of access to social services, inequality' (2004:103-5).

[199] Ahmed (2012) highlights the need to see rights not as "benefits owed to people by government" and that 'citizens have the responsibility to uphold their rights with respect to fellow citizens." (2014) He suggests human rights education is often taught in a way that "limits [its] pedagogical value". The need to facilitate" guided experiential civic education' may tie into active citizenship and curriculum change

2.3.5 Summary of current day situation on human rights

South Africa's current 'on paper' record regarding human rights is progressive with good domestic policies, international ratification and a strong institutional framework. It is ahead of the continent (and the world) in its legislation and Constitutional Court.[200] This is a significant achievement. However, as a result of this I suggest policies, laws or institutions, whilst not perfect, are not the main challenge for current day South Africa as in the past.

Despite this framework, the reality of many people's lived circumstances remains unacceptable with a 'vast chasm' between legal ideals and social realities. Multiple human rights violations remain entrenched and weighted towards the vulnerable in society with social violence and abuse, economic exclusion and marginalisation and political corruption and police brutality. Disillusionment with poverty, unemployment and crime is eroding initial pride in the human rights extolled as the basis of post -apartheid society. Action is needed at grassroots levels to counter scepticism that rights remain ideological tools for the powerful.

I suggest that the 'people-centred' struggle for rights must enter a new phase if their promise of 'transformative radicality' is to be realised. Holding policy implementers everywhere to human rights standards requires an active civil society that embraces a human rights culture. The 'moral' language of human rights has often recently been politically sidelined for the more 'technocratic' language of development and the capable state as noted by South African human rights commissioner, Navi Pillay (2013 Speech). However, she suggests that communities still use rights language creatively to challenge abuses of power by state and others. The call from scholars, government and organisations for a 'shared culture of human rights' from below remains a sign of the times. Without a "culture of human rights" owned from the 'bottom up' by ordinary people, Dubow concludes that "the best institutions and laws in the world will not bring effective change to a country whose history is characterized by systematic human rights abuse" (2012:121). This arguably needs urgent multi-sectoral and interdisciplinary engagement in which churches have the opportunity to play a key role.

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[200] See Ackermann who flags the human ability to enter into relationships with others in a unique way terming this "the relationality aspect of human dignity" (2012:24-25) recognised Constitutionally. He points to Moltmann as a specific resource to help underpin understandings of human dignity for a broad consensus, asking "can human dignity be concretized without an image of the human being" (2012:37-43).

2.4   Chapter 2 Conclusion

This chapter has carried out a socio-historical analysis of human rights within South Africa to demonstrate that rights do not have a single history here but operate in multi-varied ways in relation to power. Rights emerge both as a people centred protest narrative 'from below' against concrete structural threats tied into wider social justice struggles but at the same time must consistently resist co-opting by powerful interests. While the 1996 Constitution is a historical turning point, this legal recognition has arguably taken on primarily 'top-down' forms to date and I suggest needs to be held alongside a bottom-up, people centred struggle for human rights, inspiring it to new urgency. Ironically, as human rights became institutionalised, they may have lost some of their early liberating power with the obscene gap between rhetoric and reality creating self-fulfilling apathy and scepticism In the light of human rights history and current realities, I suggest that a human rights culture, to be liberating for all, requires collaborative multi-sectoral engagement to turn forms into norms.

Paying attention to "whom rights benefit" is essential to assist their emancipatory promise for all to become concretised in the everyday lives of the marginalised. An indigenous human rights tradition[201] offers opportunities to reclaim a local liberating trajectory of human rights as a dynamic resistance of oppressive conditions and reimagining of alternatives that goes beyond geo-political rhetoric or maintaining powerful interests. I suggest that reclaiming the South African human rights story in its complex ambiguity is not mere background to the futurist task of building a culture today. It forms a substantive part of that task, offering a locally rooted, people centred African affirmative genealogy for rights, as one contingent story of origins within which the present can be both understood and transformed. Arguably, misuse of rights talk remains a concern with a need to reclaim the "transformative radicality of human rights". Grassroots internalisation can help prevent human rights becoming an elite topic for lawyers or solely part of government political machinery, by grounding them in concrete people-centred movements as a common task. The challenging social realities of South Africa must be its starting point and not its paper policies. Despite clear historical engagement, churches seem absent as an ally here and it is to this relationship that I now turn.

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[201] This popular grassroots African struggle of the excluded here offers a credible challenge to narratives that reduce human rights discourse to a white imported elite invention of the 1% as its holistic struggle held together bread and freedom with self-determination for many.

Chapter 3 – Exploring Christianity and human rights in South Africa

3.1 Situating this relationship globally

North American theologian Wolterstorff points to a "troubled relationship between Christianity and human rights in the late 20th century, not only because Christians, like others have been violators of rights, but because in his view, many Christians define their theologies in a way that leads them to both misinterpret and reject rights talk" (2011a:148). This complex and ambiguous relationship between Christianity and human rights is receiving renewed attention by many scholars today.[202] Whilst an important theological shift was made by the late 1970s in the formal relationship of many churches to the modern human rights movement,[203] this relationship still remains a contested area today.[204] Evans (2007:1) notes that in seeking to "probe the interrelationship between two of the most controversial ideas with which humanity wrestles," great complexity is encountered while Shepherd points out that "the idea that there is any one relationship between these two internally diverse and dynamic bodies of knowledge is itself illusionary" (2009:xxii). However, exploration is needed to gain greater clarity and provide a basis for action. Human rights scholar Cox (2014) makes a recent call for constructive practical engagement with religious ideas, as a gap in the human rights movement today. German-Australian theologian Lorenzen suggests that "because Christian theology is by its nature, public theology, the question of how Christians can discern their response to this human rights situation is critical" (2006:199).

This chapter first briefly outlines some dynamics that scholars (Evans, 2007; Shepherd, 2007; Witte, 2010) suggest can operate in the theoretical relationships between human rights and Christianity and will then focus on South Africa to chart these relationships here.[205] Scholars such as An Na'im (1995, 2010b 2012) in search of a "liberating hermeneutic of human rights" within their own faith traditions and relevant to their contexts, are encouraged to

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[202] See https://www.opendemocracy.net/openglobalrights/religion-and-human-rights. Morris (2014) highlights religious engagement as critical for improved practice in the shared task of building a human rights culture in Columbia. Sajoo (2014:1) warns however that this engagement needs to be marked by a healthy mutual scepticism. Rao (2014:1) claims that in Southern contexts, religious leader engagement is essential to secure cultural resonance and justification or else that a human rights culture will fail. However Kirmani (2013:1) sees religious engagement with rights as dangerous and risky, a view developed by scholars in Kenya (Akena: 2014) and Nigeria (Ezekile 2013).

[203] Cf. Villa-Vicencio 1992, Miller 1997, Moltmann 1984, Appleby (2003:197-229) who all point to this "watershed" shift in the 1970s.

[204] A range of diverse contributions have been made to these relationships. See recent collections *Does God believe in Human Rights* (Ghanea, Stephens and Walden; 2007), *Christianity and Human Rights: Influences and Issues* (Adeney and Sharma: 2007), *Does Human rights need God*? (Bucer and Barnett, 2005), *Christians and Human Rights: The search for global justice* (Shepherd; 2009), *Christianity and Human Rights: An Introduction* (Witte and Alexander: 2010). Attention has been given to interreligious dialogue. Cf. Universal Declaration of Human Rights by World Religions (2003), Faith in Human Rights Statement (2008), Küng & Moltmann (1990), D'Arcy-May (2006).

[205] See Ishay (2004), Shepherd (2007), Wolterstorff (2012), Moyn (2015), Hunt (2007), Witte (2007) and Flynn (2015) for more detail on the history of this relationship and its contested genealogy. They offer various theories as to ways in which they have interconnected.

begin with confession, proceed with suspicion, pay close attention to history and be open to interdisciplinary engagement (Witte 2010:13). South African religious leader Desmond Tutu insists that any reflection on this complex relationship between Christianity and human rights must "hang its head in shame when we consider the gory and shameful history of the Christian church" (2010:1). This highlights the need for "confession" in these historically ambiguous relationships. Lorenzen points to the need to be "suspicious" of ways in which rights can be instrumentalised and misused, contrary to their original intention, often becoming "functionalised in the struggle between ideologies, religions and cultures". (2006:199). Despite this, he notes the importance of engaging rights and suggests that Christians need to avoid the "triple temptations" of withdrawal, accommodation and violence (2006:201-2011). Below I note three categories emerging around this relationship.[206]

Firstly, some scholars (Phillips, 2007; Guroian, 2005) claim that human rights and Christianity at base are competing systems or ideologies that preclude each other. This has been such a prevalent idea that a 2007 conference in England tackled it head on by asking various scholars to explore whether there is an 'irreconcilable conflict' between religious principles and the post-1945 human rights system. For example, Melanie Phillips (2007:115-210) sees modern human rights as seeking to replace Christianity with "godless secular values that are destroying society" (2007:115). She explicitly contrasts duties and rights to claim that modern human rights are in direct conflict with religion where rights create a "culture of entitlement" that is unchristian (117) and that human rights actually suppress rather than expand freedom (2007:120). Others also see the autonomy language sitting at the core of much rights talk as a direct contradiction of the theological principle of human dependence on God (Guroian 2005:41-47). The idea of an "irreconcilable conflict" prima facie between religion and rights remains an influential strand of argumentation in much of Africa, discussed by Ghanaian theologian Atiemo (2013, 2014). It highlights perceived discontinuities between the two bodies of knowledge and can be associated with conservative evangelical voices. Post-liberal theological scholars such as Hauerwas and Milbank have critiqued rights talk by Christians calling instead for a return to virtues.[207] I suggest that South African history contains this 'conflict' approach where universal rights and Christianity were polarized by theologies of apartheid and God-ordained imperial ideologies of domination.

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[206] Secular scholars can use similar categories with many buying in the early years into the "irreducible conflict" approach (Henkin 1996:1). Obviously this summary is subject to oversimplification. For a more detailed debate Cf. Ghanea et al. 2007 and Bucar & Bennett 2007.

[207] See Regan (2010:178-198) for a detailed critique of the Christian post-liberal stance on human rights as polarizing rights and responsibilities. The Christian message here is often seen as standing in opposition to secular culture overall especially human rights culture.

Secondly, other scholars (Perry 1998, Stackhouse 1999, Wolterstorff, 2008, Tierney 1997, Philpot 2013, Snyder 2014) claim that the modern phenomenon of human rights emerges directly out of a Judeo-Christian moral and historical tradition. They work to reclaim human rights foundations and history back from the secularists and point to their specific grounding in core 'Western Christian' notions. They highlight the significant role of committed Christians such as Locke, Kant, Nolde, Cassin and Mauritian in the historical development of human rights idea.[208] Perry (1998:11-41) and Stackhouse (1999:13-16) both suggest that the human rights idea may be incoherent and ungrounded if it is removed from Christian metaphysical roots, where Perry, for example sees human rights as "ineliminably religious"(1998:12).[209] These approaches add important plurality to contemporary understandings of the influences, both religious and secular, on the idea of human rights. They offer an important counter to the 'conflict' approach above by demonstrating both a continuity of core ideas and involvement of key Christians in the evolution of human rights in ways that challenge forms of anti-religious secularism often associated with the European history of modern human rights (Freeman 2004:375-377). However by potentially over-stressing the continuity of the human rights idea with Western Christian principles, a new form of absolutism can potentially contradict the desire by the UDHR framers to secure an overlapping consensus that acknowledges multiple foundations.[210] It may even convey the claim that only a "Christian worldview" can coherently support human rights. In a post-colonial and multi-faith context like South Africa, the intrinsic linking of a cluster of specific Western cultural, political and religious values with human rights may cause understandable resistance to its top-down imposition through law on other cultural and religious traditions (Cf. Mutua 2002). This approach can tend to privilege aspects of Christianity seen as congruent with human rights and downplay elements in opposition to it, creating a circular argument where those committed to human rights select 'proof texts' to justify their claims. This view is often, though not solely, taken by 'liberal' and Western scholars. It can be seen in South Africa in verbal assent by "mainline" churches to ideas of human rights as congruent with existing Christian beliefs but not requiring radical contestation or reinterpretation of church doctrines. Respecting human rights is seen to mirror existing church identity/practice.

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[208] See Nurser (2003, 2005a), Wolterstorff (2008), Tierney, (1997) Witte (2007). Moyn (2010b) offers a recent contribution to this discussion suggesting that its roots lie in Christian personalism but that the rise of human rights in the 1980s has become detached from this early connection. Catholic contributions by Hollenbach (2002) and Cahill (1999) have framed human rights within the common good.

[209] These contributions can tend towards historical or philosophical reflections. Some scholars have seen this late rush by Christianity and other religious traditions to claim retrospective credit for the human rights idea as a form of 'bandwagon jumping' (Henkin 2005:152). See Ignatieff (2001b:82-3) for a more detailed reflection on the various challenges of this religious grounding and foundational approach.

[210] See Morsinck (1999, 2006), Nurser (2005a) Reinbold (2011:147-171), for more analysis on the drafting of the UDHR and this decision.

The third approach (Newlands and Amesbury 2008, Witte 2010, An-Na'im 2012) seeks to avoid potentially binary discussions as to whether human rights are "foundationally" Christian or not as unhelpful in practice. These scholars take a post-foundational, pragmatic and empirical approach to the existing relationships between human rights and diverse religious traditions (Newlands 2006:113-141). While this seeks positive congruencies and connections between religious traditions and the human rights discourse, it avoids objectively grounding human rights essentially in one religious or cultural tradition. This offers a cross-cultural, "social constructionist" approach to rights and concerned with understanding how all enduring world religions (and cultures) may have genuine potential to be effective and important tools in the effective implementation for all and the conceptual understanding of human rights by their members, as well as acknowledging that they can also be a significant liability. Religion is a core and respected dialogue partner but not foundational as the sole ground of the human rights idea. This approach also holds a more critical stance to human rights "orthodoxy" as currently defined in many Western contexts as well as to hegemonic religious interpretations. Instead it points to "an emerging human rights hermeneutic" (Witte 2010:13) within many faith traditions[211] that avoids charting a wholly 'positive' or negative' line between any one religion and human rights, suggesting that there is a need to recover "prophetic voices of dissent" within all religious traditions that can inform constructive human rights engagement in the practical task of building a human rights culture. (2010:14).[212] It is often supported by liberation scholars and those from Southern contexts.

I suggest that it is the third approach that may best suit the empirical realities of South African Christianity where human rights formed an early site of struggle within and between churches. Theologies for human rights often emerged as minority protest voices of resistance in a reclaiming battle against a theologised rejection of or silence on human rights by most of the Christian establishment. This endorses the suggestion that it is by reclaiming "prophetic religious voices of dissent" within traditions that action for human rights may best be fostered" (Witte 2010:14). Religions can only be an authentic ally in human rights implementation today if these voices are identified, interpreted and theologically reclaimed.

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[211] A number of recent scholars have taken this approach. Bochenek (2014:1) suggests the need to move from talking about the origins of rights or having token religious voices to build "authentic alliances" with faith based organisations, who have a core shared belief with the rights movement, that all humans have equal dignity. Barghouthi (2014:1) highlights progressive religious interpretations as important nt.

[212] UK theologian, Newlands takes an "intercultural" approach (2004) to formulate a "Christology *for* human rights" (2006:3) suggesting that there is "a need for vigilant hermeneutical reappraisal and critical retrieval if religions are to function as genuine partners in the global struggle for human dignity' (2008:50). This resonates with the approach of Ter Haar noted in Chapter 1, where religion has a key role to play in human rights practice but recognises the 'suspicious' relationship between the two. Cf., Legal scholar McCrudden (2011:31) who points to the ned to understand religious practices "from the inside" in relation to human rights and human dignity.

3.2   An overview of Christianity in South Africa

The African continent is now home to 24% of all Christians worldwide[213]. According to an recent study of social attitudes in South Africa more than 80% of South Africans identify as Christians, most within Protestant denominations. (Rule & Mncwango 2010:185-198). [214] Smit shows that huge expansion of the Christian religion can be traced within 20th century South Africa amongst the majority black population from just 26% in 1911 to 76% in 1990. He points out that this shift from Christianity as a white European-dominated settler religion trapped in apartheid to a black majority religion rooted in African culture and struggle has been called the most significant 20th century development of Christianity in South Africa (2007:14, 22). As a result, South Africa remains an overwhelmingly a Christian country. Unlike some other majority Christian countries, it has a dizzying array of denominations within an often fragmented ecclesial landscape tied to South Africa's Christian history.[215]

Christianity has clearly held a "privileged" formal position in relation to the South African state over its history, despite a long term presence of other minority religious populations. (De Gruchy 1979, Hinchliff 1980) Recent empirical data (Rule & Mncwango, 2010) in South Africa demonstrates that unquestioned belief in God is higher here than in many other countries surveyed with 75% attending church at least once a month and over half once a week. 77% saw Jesus as "the solution to all the world's problems" and theological views were seen to be generally conservative and Bible-centred. Rule et al., note that in terms of what they say publicly, South Africans across the board are very religious people and their data shows that this is an observable social artefact with a strong preference towards literalist interpretations. (2010:185-198).[216] A shift to a post-Christendom space has been slow with strong religious ties still existing in the public space. Despite a formal separation between church and state, arguably religion and public life are often still intertwined with the reduction of religion to a private affair uncommon (Green & Van de Vyver 2008:337-340).

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[213] More than 8 out of 10 people around the world still identify with a religious group. In 2010, Christianity remained the globe's most prevalent religion with 2.2 billion people (32% of the world) affiliating themselves here. Half of these identify as Catholic, 37% as Protestant and 12% as Orthodox. Sub-Saharan Africa has an overall Christian majority population of 62.9%. (Pew Forum 2012:17-20). Some scholars (Mutua 2002) see its presence as a sign of its ongoing hegemonic, colonising and proselytising nature, while others suggest it has taken on indigenous force to develop a vibrant inculturated African Christianity irreducible to a mere colonial ideology (Englund 2011).

[214] The 1996 South African census had 74.1% Christian, 18.3% as no religion and small numerical minorities for all the other faiths (De Gruchy 2004: 261). A 2012 Pew Forum report places Christianity at 81.2%. Only 8% of these identify as Catholic. (2012:49). A smaller Win Gallup study alternatively suggests a possible shift down from 85% in 2005 to as low as 64% in 2010 (2012:6).

[215] These can be grouped into three main categories. 40% belong to what are still termed "mainline" denominations, e.g. Catholic and Protestant associated with traditional missionary movements. Another 40% belong to African Independent churches (AICs) with the largest Christian church (Zionist) here (14%).10% belong to Pentecostal Christianity and then another 9% do not specify affiliation. (Smit 2007:11).

[216] Cross-cultural comparisons highlighted that this is unusually apparent in South Africa with undoubting belief in God strongest here.

> Religious bodies play a large and important part in public life, through schools, hospitals, and poverty relief programs. They command ethical behaviour from their members and bear witness to the exercise of power by state and private agencies….they are active participants in public affairs fully entitled to have their say with regard to the way law in made and applied (Justice Sachs 2006).

Christianity has however placed an ambiguous public role in South African history.[217] Some of its ideas and institutions played a theological role in the moral justification of apartheid, and spurned talk of universal human rights as "the work of the Devil" (Villa-Vicencio 2005:225, Cf. The Kairos Document 1985:6-10) whilst others took up protest roles in the costly struggle for human rights for all, with some religious leaders taking risks to engage academically, spiritually and practically with the struggle for human rights at grassroots, national and international levels (De Gruchy 2004; Boesak 2013). Beyond these extremes were hundreds of racially segregated churches in which most of South Africa's ordinary population, black, white and coloured sat, and often still sit each week. Some saw involvement as an inappropriate socio-politicization of the church away from its spiritual tasks and obedience to secular authorities and encouraged what was labelled by the 1985 Kairos Document as "church theology", verbally condemning apartheid, whilst still perpetuating its practices. This arguably theologically justified a so-called "neutral" approach which failed to insist that Christians must concretely "take sides" and act. (1985:11-16, cf. Nolan 1988:68-105). As a result of this chequered history, Smit notes that some suggested early in the post-apartheid era that the church should focus on a spiritual mission leaving the task of socio-political reconstruction to other stakeholders (2007:46). This indicates a belief that apartheid was a unique situation which required extraordinary measures from all, including churches that would normally fall outside their remit. Others suggested that churches should maintain a public presence in the socio-political realm but adopt new strategies reflecting changed times (Villa-Vicencio 1992, Pityana 1995, De Gruchy 1995). The prominent role of Archbishop Tutu and others in the Truth and Reconciliation Commission (TRC) process has been much discussed. (Maluluke 1998, Boesak 2002, Boraine 2014) and many church leaders crossed into the new government (Smit 2007:69).[218]

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[217] Only in 1990 did it cease to have a formal Christian Constitution and missionaries held socio-political roles in pre-apartheid history.

[218] This raises the question as to whether the churches were also instrumentally co-opted into the liberation struggle and used for its powerful networks, resources and moral legitimacy without churches fully theologically embracing human rights as a holistic approach.

Arguably twenty years into the new Constitutional era, the prophetic voices of churches seem less prominent in relation to issues of human rights than they often were in the "struggle years" (Smit 2007:69). [219] De Gruchy (2004:47) suggests that an urgent concern is "how public theology in South Africa will cope with the new challenges facing South Africa, the region and the world and contribute to the common good."[220] He joins a number of theologians who call for ongoing prophetic public engagement by the church on public issues (Cf Smit 2007, Le Bruyns 2012, Koopman 2010b) with a substantive Christian commitment that goes beyond merely doing theology in public spaces. Meanwhile churches remain a powerful social and political force in South Africa and according to Rule et al., (2010:185-198) still form key parts of the conservative social fabric. Theologian P.Naude highlights questions for South African churches as to whether they reflect community-in-difference or participate in ongoing social divisions, whether they play an active role in moral formation to bridge the ongoing gap between laws and social realities. He asks pointedly whether South African churches can reflect a cross-bearing church in solidarity with those marginalised by poverty and model a different kind of power-in-powerlessness to that of much globalisation? (2006:944-966) He suggests these questions are urgent and require renewed theological engagement today to better resource South African churches for effective public engagement.

Rule & Langa's empirical data place the church unanimously as the institution that the majority of South Africans still trust most at 83% (2010:26-7).[221] As a result, the church remains a public force that is listened to by many and the shared values it reinforces are not insignificant. African Independent Churches (AICs) remain the largest and fastest growing denomination here whilst other Protestant denominations are large but mainly declining (cf Green & van der Vyver 2008). Inculturation of Christianity into what "authentic" African forms still retain momentum post-apartheid and it needs to be considered that these churches have historically had little formal socio-political engagement on issues of human rights.[222]

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[219] See De Gruchy (2013:26-36). This is not to suggest that important work on human rights in the theological academy has not continued. However President Zuma appears to expect a level of party political endorsement from churches to the ANC. The 44 year old SACC, despite its active role under apartheid has also often been recently side-lined in favour of more Pentecostal churches. See Sosibo 2012.

[220] Landman suggests South Africa needs "public theologians who build bridges" and can contain substantive Christian commitments to the poor and marginalised, that shape both its approach and content (2007:201). This is the approach taken in my thesis.

[221] This is based on data collected in 2005. Indians were the exception here with a lower, but still significant level of trust in the church. Trust was unanimous across most racial lines and all age groups,. Rural levels of trust in the church were even higher at 86% in 2005. These figures were higher than local government (49%), police force (46%), judiciary (58%) or media which had low levels of trust reported.

[222] See Horn (2007:213-229) for a detailed exploration of the late engagement of Pentecostal churches with human rights in South Africa.

3.3   The history of Christianity and human rights in South Africa

Chapter 2 noted that despite their historical influence, South African churches only appear in limited ways as a current asset in human rights scholarship, despite recent calls for multi-sectoral engagement. The rest of this chapter will explore the socio-historical relations between Christianity and human rights in South Africa as a key part of "convening conversations" in this space in ways that pay attention to the particularities of specific contexts. It will also unpack the post-apartheid call in the 1990s to churches to play a role in building a human rights culture in order to better understand what is going on and why. Arguably, many ethicists and theologians have neglected history in their past work, leaving "theology and other forms of theory all too often entrenched in the ideas of the dominant classes" (Villa-Vicencio 1992:51). He suggests that as a result, good ideas in the abstract can end up co-opted to power in historical practice and lose credibility and effectiveness. This has shaped my decision to pay close attention to South African history in my thesis whilst recognising that history itself is often written by those representing the powers of the time and can easily reflect predominantly their version of events[223]. It seems clear that while there is no one way of remembering anywhere, this forms a particular challenge in South Africa with its unique and ongoingly contested versions of history.[224] Church historian Vosloo points to both the "capability and vulnerability of memory" (2013:17) in a recent volume on the role of the Reformed churches in the struggle years, noting Smit's description of the church struggle as "a story of many stories" (1992:88-110). Vosloo suggests that the question is not only "what to remember but how to remember". He concludes that we must be interested in the past for the sake of the future and must ask, "with what future in mind are we remembering the past?" (2013:25). I suggest that key events within its Christian history have shaped its relation to human rights discourse in specific, ambivalent ways and have a wider

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[223] This is particularly true on the African continent where multiple modes of indigenous oral history were subsumed under European written histories of colonial Empires. Denis (1997:85-86) suggests church history has been typically weak, inward looking, Afrikaner-dominated, white orientated and strongly denominational. The drive for a narrative account of history can silence alternative accounts that contradict the favoured grand narrative of the day. Certain historians have sought to correct this trend (Wilson &Thompson 1969, 1971).

[224] Hofmeyr & Pillay (1994) point to various 'revisionist' histories of South Africa which attack Western aggression, cultural arrogance and capitalistic imperialism and see missionaries as merely collaborators with this system of Empire who undermined the existing life and culture of African people and instituted a hierarchical social order 'ordained by God'. Denis points to Dora Taylor, a white academic writing under the African name of Nosipho Majeke in 1951, who took the opposite stand to earlier missionary historians highlighting that the missionaries "came from a capitalist Christian civilization that unblushingly found religious sanctions for inequality…and whose ministers solemnly blessed its wars of aggression." De Gruchy (1979) and Denis (1997) suggest however, and I concur, that the reality may be far more complex and ambiguous than either a benign or a revisionist reading. History shows that missionaries both collaborated with and perpetuated colonial practices but also at times challenged and resisted injustices of the day, pointing to key figures such as Colenso and Phillips. Elphick suggests (1997:2) that there is no single account of the history of Christianity in South Africa and that there is a plurality of denominational histories, missionary accounts and biographies". Only recently have more scholars captured a wider sense of the Christian churches as a whole, cf. Elphick and Davenport (1997), Hofmeyr and Pillay (1994), Hinchliff (1968), De Gruchy (1979). There is also agreement that AIC history is still under-researched to this day (Denis 1997:92).

colonial history within which many churches were implicated.[225] In the light of critiques of human rights in Africa as a colonial ideology that continues to serve powerful elites, I suggest this history of Christianity is important for theologians engaging with human rights to engage, not as mere background to the task but as part of situating today's task within a long relationship.[226] While I do not fully endorse Mutua's below provocative claim, I suggest its sobering critique that must be taken seriously by all on African soil when he argues that,

> The white human rights zealot joins the unbroken chain that connects him to the colonial administrator, the bible wielding missionary and the merchant of free enterprise. Salvation in the modern world is presented as only possible through the holy trinity of human rights, political democracy & free markets" (Mutua 2002:20).

Scholars are increasingly in agreement that the history of Christianity on the African continent can only be understood, if its close colonial connections with the discourses of "civilisation" and "commerce" are recognised and 'confessed'[227]. Christianity frequently gave an overlay of moral purpose to ideologies of Empire in South Africa where ideologies of white supremacy played out first in colonial practice and then in apartheid with an explicit underpinning by many in highly selective Christian doctrines[228] (Elphick et al., 1997:342).

Villa-Vicencio (1992:19) suggests that different manifestations of "a theologised mission of conquest" have played out in history with crusaders, conquistadors and manifest destiny models around the world.[229] He points to the missionary arm of British imperialism and theological support for Hitler's Third Reich to suggest that 20th century theological support

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[225] Both Englund (2011) and Hastings (1979, 1994) distinguish between a colonial history of Christianity in Africa and African Christianity going back to the 2nd century. Tutu comments (2010:1) "the missionaries came to our land and asked us to bow our heads in prayer. When we raised them again, we had the Bible and they had the land." Cormaroff & Cormaroff point out that "Christians conjured up one kind of society, a global democracy of material well-being and moral merit, of equality before the law and the Lord. Yet their actions conduced to something quite different; an empire of inequality, a colonialism of coercion and dispossession" (1991:12)

[226] Liberation theologians often call for a 'historization' of ethical analysis in relation to human rights. This suggests that the term cannot be understood abstractly or divorced from its use in concrete historical circumstances. There is a necessarily conflictual engagement in history that accompanies real change which is only "won in the fight" and is not just proclaimed. (Ellacuria 1991:109). Cf. Engler 2000:360).

[227] See Elphick and Davenport, (1997:340) for more on this connection between Christianity, Civilisation and Commerce in South Africa. Whilst the gospel often spread alongside capitalism and empire, certain missionaries also critiqued these ideologies in the name of the gospel. Nevertheless the triumvirate of the military might of empire, the economic power of commerce and the legitimating ideology of Christian gospel has been seen in varied forms since the days of Constantine. Bishop Westcott in 1900 at the start of the Boer War stated "We hold our Empire in the name of Christ." Its history has led some scholars to reject Christianity entirely within Africa as an Empire religion of the oppressor, slave holder and the colonialist (Mutua 2002).

[228] Elphick & Davenport (1997:1-3) call for "writing religion into history" and suggest that an interest in religion is growing amongst secular historians. This implies paying attention, critically but with empathy, to the thought and actions of religious people. Denis (1997:85) suggests that not many countries have been as influenced by Christianity as South Africa where churches and mission societies played a crucial role in shaping South African culture in the colonial period as well as the Union and then the apartheid era. "God is back" suggests Green (2014:94) in reference to a recent book by the editors of the Economist and suggests that in Africa maybe God has never left.

[229] He points to a history of Christian churches shot through with theologically legitimated "political triumphalism and economic greed". South African theologians have highlighted this tendency for religion to legitimate political domination back to Biblical and Roman times with many models of imperial monarchy (Cf Villa-Vicencio 1992:20, West 2014, Boesak 2010).

for Afrikaner nationalism within South Africa fits into this trajectory, "resulting in a cauldron of chauvinistic white supremacy and black resistance" (1992:23). He is concerned that the church tends to become merely a tool, a legitimating ideology for the status quo and as a result surrenders its prophetic task. As a result, any theological analysis must problematize his question as to whether religion can have a constructive place given its "terrible legitimation" or whether it is necessary to confine theology to matters of the soul and metaphysics and away from politics (1992:122). I draw on Witte's call for a liberating hermeneutic of human rights that pays attention to history with an eye to what needs to be confessed, what needs suspicion and the ties between law and religion (2010:13-15). I suggest that if Christianity here is to find new ways to be prophetic for human rights today, confession and suspicion and not denial are needed about its historical tendency to be co-opted into the legitimation of abusive power. This Christian history[230] provides an important backdrop to its troubled relationship to the emerging and evolving notion of human rights.

3.3.1 Christianity and Human Rights: An early South African history

Christianity's colonial arrival in South Africa on Portuguese and Dutch ships as a by-product of European agents of commerce reflects the close connection from the start between the three. The legacy of the Dutch Reformed Church (DRC) that came round the Cape in 1652 is well known (cf. Hofmeyr and Pillay 1994:8-30).[231] Its development in the socio-political circumstances of black South Africa alongside colonialism, capitalism, other religions, 19th century missionary fervour and nationalism all arguably play a part in understanding the historical relationship of religion in South Africa to the emerging discourse of human rights and its potentially subversive implications(De Gruchy 1979:54; Smit 2007:12-14). It was a conservative and rights-resisting Protestant Christianity that came with the settlers, reacting against the liberalising trend in Holland and effectively functioning as an established religion,[232] ministering to white European settlers and thus entwining race and religion.[233]

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[230] This focus on Christianity in this thesis does not suggest that other faith traditions do not have valuable insights on human rights within South Africa. This would be factually incorrect, theoretically arrogant and inconsistent with the methodology being employed.

[231] Holland at the time was experiencing what has been termed a 2nd Reformation influenced by a conservative Calvinism expressed in the Synod of Dordt in reaction to the ongoing liberalisation in Enlightenment Europe. A second reaction of inner piety and purity was generated with a high regard for Scripture and the Heidelberg Catechism. (cf. Hofmeyr and Pillay1994:12) De Gruchy points out that the cutting of the cord linking the DRC with its mother church in Holland came when the Netherlands church was shedding some of its strict Calvinist theology. Unlike the Netherlands church the DRC did not jettison Dordt but was also shaped by wider European developments (De Gruchy 1979:3-4). It is possible that religious objections to 'liberalism' and rights talk began here that would have an later influence on emerging human rights. Elphick points out specifically that the unquestionable sovereignty of God is a key concept in this theology (1997:16-18).

[232] Ministers were paid for first by the Company and then the government. Other settlers (French Protestants and German Lutherans) were expected to fit within these structures. By the 1700s, the DRC was the church of the settlers, creating a link between religion and politics.

A more active colonisation at the Cape took place at the start of the 19th century under the British who found the de facto established church of the DRC already present. Burghers (free citizens) had to take an oath of allegiance to the Anglican king splitting the religious denomination of the white ruler and the white people for the first time.[234] This created two 'partially-established churches' with the DRC as the official church of the colony and the Anglican as the church of the government. The rise of "colonial citizenry" (Hofmeyr and Pillay 1994:52) had begun within which (as Chapter 2 showed), early discussions about rights were framed. Rights often emerged as a bargaining chip between two forms of white power, one imperial and one emerging[235], both tied to religious ideology, and not as a tool for the powerless 'natives' who were arguably viewed by both as a side issue. The conservative, established link between religion and state shaped this early link between rights and power.

With the British occupation of 1799[236] came a series of church societies tied to a 19th century missionizing vision which established all major denominations into South Africa by 1850[237]. Historical tensions between missionary and settler Christianity arguably frame the strong denominational bias that still characterises South Africa today (De Gruchy 1995, 2014). Dubow (2012:25-32) charts the rise of humanitarianism amongst the views of certain missionaries on the treatment and conditions of 'natives' at the Cape challenged prevailing settler attitudes of the times of whom the most contentious[238] was John Phillips and notes that this has human rights implications. This view is reinforced by some earlier religious history scholars (Hinchliff 1968; De Gruchy 1979). According to Hofmeyr and Pillay, Phillips took an "unequivocal stand on the most controversial issue of the day, that of relations between black and white in Southern Africa with regard to equality before the law" as the "champion

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[233] According to Hofmeyr et al (1994:8-30) the main barrier between settlers and 'natives' was seen as religious, between heathen and Christian, and not explicitly racial but white paternalism was yoked to Christianity early. Hinchcliff suggests that while African converts were minimal. For a time, slaves who converted to Christianity could seek manumission, so this was unpopular with settlers (1968:4-5).

[234] The British occupation of the Cape in 1795-1803 inherited a de facto established church and the DRC remained protected by the law of the colony with a strong link to government. In 1806 the second occupation led to the permanent ceding of the Cape to the British in the 1814 peace treaty. 3,500 British citizens, many working class and religiously non-conformist, came out to the Eastern Cape in 1820.

[235] I note that from the position of the Afrikaners, it was clearly the British who held imperial and oppressive power and the Afrikaners who were fighting for their 'rights' for self-determination through to 1948, a fight that took on new dimensions as poverty deepened in the early 20th century. Arguably the rise to power of Christian Afrikaner nationalism emerged out of a protest against and resistance to the sovereign imperial power of the British where the previously oppressed became in time, the new oppressors. This distinction can be in danger of being lost in an excessively racialised analysis that merely puts all 'whites' in South Africa into the same essentialised category.

[236] Volumes have been written about the missionary enterprise in South Africa and its intersection with settler Christianity, For a summary, see De Gruchy (2004:12-14).The tension between 'mission' and 'settler churches' in the 19th century is a factor in understanding how different churches often became affiliated with racial groups quite early on and often took different stances on human rights.

[237] The expansion of the missionary enterprise from 1786 -1850 established all major denominations of English speaking churches here. De Gruchy (1979) notes this formed an evangelical revival in Europe around the time of social evangelicals and debates on the slave trade.

[238] Phillips has both "been lauded as the first and most vigorous champion of the underprivileged people of South Africa' and 'reviled as devising a form of civilising apartheid in the 1936 treaty system with local chiefs" (Hinchliff 1968:28). He was influenced by abolitionist arguments in the UK and within a framework of paternalistic benevolence, Dubow notes that it seems clear that he sought to improve historical humanitarian conditions in his time and place (2012:25-28).

of the native cause" against those who saw South Africa merely as a "white man's country" (1994:53).[239] It seems undisputed that Phillips was instrumental in forming Ordinance 50[240] identified in Chapter 2 as the 'earliest human rights document on African soil' that pioneered calls for African rights to land, labour and the law. This is one of the earliest recorded forms of local church resistance and direct action on behalf of basic rights for the powerless and marginalised of society, even if it was, like most rights talk of the time, set within a context of hierarchical benevolent paternalism showing the still ambivalent relation between notions of human rights and humanitarianism that still continues today (An-Na'im 2010). Raiser notes the ambivalence of this period, stating that "the dignity of the African person, while abused by colonialism was partly endorsed by the early missionaries" (1995:31).

Historians (Hinchliff 1968, De Gruchy, 1979, Hofmeyr et al 1994, Elphick and Davenport 1997) all note that tensions between colonial rule and farmers at the Cape gradually increased[241]. Missionaries were suspected by some of exerting too much control over government and in 1836, 15,000 DRC members left the Cape to travel inland. Hofmeyr et al., (1994:94-105) suggest that the quarrel escalated not over slaves but the more fundamental idea of equality[242] between black and white, servant and master. They suggest that for many Afrikaners with deep theological underpinnings for both race and religion in society, equality was seen as contrary to God's will. This break with the Cape DRC and gradual schism into splinter denominations is relevant for understanding later theological positions taken by churches on apartheid and the emerging ideas of universal human rights as well as showing of the early theological justification of hierarchical structures as in direct line with God's will. History took on a sacred character for many in this Great Trek (De Gruchy 1979:19-20).

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[239] De Gruchy (1979) reinforces this view of Phillips and suggests that the basic reason why settlers resented some missionaries was that "missionaries took the side of indigenous peoples in the struggle for justice, rights and land". He argues that "the church's struggle against racism and injustice in South Africa only really begins in earnest with their witness in the 19th century" (1979:13). K. Raiser concurs, stating that 'the dignity of the African person, while abused by colonialism was partly endorsed by the early missionaries" (1995:31).

[240] This formed one of a triumvirate of laws designed to improve local conditions. Ordinance 49 and 50 were passed, Ordinance 51 on vagrancy laws was in the end not passed. These, tied to the abolition of the slave trade in 1807 brought slaves under the more humanitarian auspices of Ordinance 50 but ironically meant that cheap labour to replace slaves was even more sought after in the South African colony and by 1812 a system for indenturing children as labourers was initiated See Hinchliff (1968:22-35) and Hofmeyr and Pillay (1994:56-58) for more on these clauses. If they had been taken seriously, South Africa might have charted a very different path

[241] Historians note that while Boer farmers had been self-sufficient moving around to look for better pasture, they had remained religiously and governmentally part of the Cape colony up until the time of the Great Trek. In 1836, thousands of families left and moved up to Natal where they founded a Trekker republic and then on to the Transvaal. Although they were DRC members, it was not supported by the established DRC and no ministers were sent. Many of the trekking families were Doppers, a puritanical sect that even saw hymn singing for example as a danger to the purity of the faith.

[242] This would be the first big clash between Afrikaner nationalism and British imperialism. If this interpretation of history is valid, then these differing views on equality (a notion critical for human rights), legitimated on both sides by appeals to religious ideas, were at its heart

British expansion followed in the footsteps of the trekkers, establishing a colony in Natal in 1843 and unveiling a wider plan for a federation of Boer and British republics as small pockets of "white South Africa" as part of a wider "civilising and integrationist mission"[243]. Yet again though there were vocal dissenting religious leaders. Bishop Colenso of Natal, his conflict with Governor Gray and the subsequent successful heresy trial in the 1860s[244] highlighted an ongoing power struggle within the church itself with regard to the coexistence of competing conservative and liberal theologies and their social implications for how different people were perceived and treated. (De Gruchy 1979:16-17). Like Phillips, Colenso "advocated revolutionary and unpopular missionary policies" with regard to the incorporation of African cultural traditions and asserted firmly that "the Christian gospel possessed definite social implications" (Hinchliff 1986:71).[245] These early contestations show signs of the "prophetic voices of dissent" noted in my chosen approach to human rights. They foreground the complexity of the relation between religion and society here and suggest how 20th century egalitarian human rights discourse could be seen as the latest manifestation of a liberal trend, overruled by conservative church establishments in the past as a challenge to God-ordained hierarchy. Emerging human rights was seen by some, especially in the DRC, as a liberal, humanist and even "communist" attack on the church's Scriptural understanding of life.

Historians have noted that in 1875, the Xhosa people's traditional economic system was damaged with an infamous cattle killing event leading to migrant workers flocking to the cities, coinciding with the discovery of gold within the Transvaal Afrikaner Republic (1979.[246] The subsequent wars and human rights abusive dimensions of this are beyond the scope of this thesis but De Gruchy suggests that claims of the British to pose as benefactors of the "natives" must be treated with deep suspicion[247] in the light of their clear economic interests, the decimation of an estimated one sixth of Afrikaner men, women and children in

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[243] Ironically this period of integration heralded the return of a limited 'colour-blind franchise' in the Cape which lasted till 1936 for blacks and 1956 for coloureds. Use of mission stations in this again reinforced the explicit connection between Christianity and civilisation.

[244] See De Gruchy (1979:17) who suggests it mirrors similar "heresy trials" in the Dutch Reformed Church (DRC) at the time.

[245] His use of modern forms of biblical criticism to support this socially radical approach (successfully overruled at the time by Grey) reflects early forms of liberational biblical scholarship continuing today in the cause of social transformation E.g. West 2009, Nadar 2009).

[246] De Gruchy notes that in the wars between the British and Boers that followed the might of the British Empire was brought to bear on Boer fighters, culminating in the defeat and humiliation of the Afrikaner people and the role which this played in subsequent history must be recognised. It offers a sobering reminder of the attraction of ideology for a humiliated people in ways similar to the rise of the National Socialists in Germany. He suggests that "whilst Afrikaners wanted to retain their independence and the British posed as benefactors of the 'natives', control of newly found mineral wealth was a much more powerful motive that either acknowledged" He also suggests that "black confidence in the British government dwindled away during the post war years" (1979:26).

[247] This is an example of the importance of reading South African history though a hermeneutic lens of suspicion and challenging the view, common in the light of later history to read back into this period, a naive sense of the British as champions of justice and equal rights of blacks over and against the Afrikaners who merely wanted to continue an unjust hierarchy of repression. My lens as an outsider to this lived history as one situated on its margins may offer some advantages here but may also come with alternative "British" preconceptions.

concentration camps, the increasing enforcement of segregating laws and the white Union that resulted (1979:23-27). He suggests that this led in the early 1900s to a deep disillusionment among many black men and women with regard to their future. Black African Christian leaders formally protested but were left unheard as Republican leaders and British imperialism worked together to support segregation and consolidate white supremacy (De Gruchy 2004:27). This was already manifested in practice in the racial segregation of most English and Afrikaner churches from the mid-19th century onwards (Smit 2007:11-16).

The increasing socio-political reality of black exclusion from formal structures created fertile ground for the growth of a range of new black African religious revival movements, often splinter movements from mainstream churches influenced by Afro-American churches, Pentecostalism and a reclaiming of African traditions. According to Davenport and Elphick, between 1884 and 1911 the number of black churches grew five-fold from 60,154 to 322,673 (1997:40) and Christianity grew dramatically among black people (from 26% in 1911, to 76% in 1990 (Smit 2007:14-15). Arguably, these churches offered a form of 'inculturation' often rejected by most mission and settler churches which proved popular in the political context of disillusionment with white missionary promises of increased black recognition. (Cf. De Gruchy 1979:41-49). The formation of the ANC by predominantly Black Christian leaders often educated in mission schools and exposed to progressive social gospel ideas emerging elsewhere, represented part of this increasingly racialising swing in Christianity (De Gruchy 1979:48-50). De Gruchy notes that while Christianity was seen as having "aided and abetted white power and domination", many black Christians also understood it as the "liberating power of God for them, as well as for the white and other communities in the county" and as a result it has and remains a potentially unifying factor here (2004:51).

3.3.2 The rise of human rights in 20th century South Africa

According to Hofmeyr and Pillay, commenting on the 1910 Union,

> "Christianity played a not inconsiderable role in framing the character of the new nation, if not in the form of specific denominational intervention or policies then at least in the powerful influence of many individuals both black and white who consciously understood themselves to be acting out of, and in the interests of a Christian faith" (1994:200)

The role of strands of Christian theology in 20th century Afrikaner Nationalism has been charted by those (De Gruchy 1997, Smit 2007) who suggest that in this mythos[248] "the Afrikaner churches fulfilled a central role not just in this struggle for identity, but providing a theological base upon which nationalism could flourish" (De Gruchy 2004:31).[249]

Villa-Vicencio suggests that aspects of Christianity were "uniquely co-opted" in 20th century South Africa to serve and to justify a more explicit modern agenda of white supremacy and of separate development. This was added on top of the existing colonial co-optation of Christianity to justify the overthrow of traditional culture, the condemnation of traditional religions and the blanket importing of Western cultural practices as unquestioned positives that took place in different ways across most of the African continent'[250] (1992). Five million 'whites' controlling 37 million 'blacks' within one country relied on a hierarchical ideology internalised by those oppressed as well as oppressors. Christianity was co-opted into this task as politics became 'fatally theologised' (De Gruchy 1979:34). Formal theological education was monopolised by Afrikaner universities for decades.[251] Nevertheless many anti-apartheid leaders received a more 'liberal' education in relatively autonomous mission schools, showing again the ambiguous legacy of Christianity which at the same time also nurtured resistant forms of more socially progressive religious engagement (De Gruchy 2004:48).

3.3.2.1   Apartheid – an emerging State Theology

According to Hofmeyr and Pillay, Apartheid was based on a Christian National ideology which through a "narrow-minded" reading of the Bible tried to justify racial separation in

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[248] According to De Gruchy (2004:30) "A defeated people need an interpretation of their history, a mythos which can enable them to discover significance in what has happened to them. The continuity of the Afrikaner demanded such a worldview which would provide coherence to their shattered hopes. Such a mythos was not difficult to construct especially for a people with such a strong belief in providence and an existential awareness of the plight of ancient Israel as it sought liberation from the Egyptian yoke. So it is not surprising that Afrikaner history, like that of other nations, took on a sacred character…and became central to African self-understanding and political leadership: I suggest as one personally steeped in British interpretations of history that that a winning people can often also create a narrative that can be equally mythical of the British as protectors of justice for the 'natives' within the Boer War and not as cruel aggressors.

[249] This gradual rise of modern Afrikaner nationalism, responding to the concrete material circumstances of many 'poor whites' and theologically legitimated, but also premised on a wider alliance with other white settlers around racial supremacy is incomprehensible without the theological worldviews which nurtured its appeal. The desire for segregation in the early days of the Union, agreed on by both British and Afrikaners, was argued initially as a 'common good'. Separateness was seen as an ideal for 'peace amongst the races'. But this was quickly tied to emerging capitalist needs for a cheap labour force which quickly formed the backbone of modern industry.

[250] Christianity was also co-opted into the purposes of British imperialism. Rhodes' imperial dream of political and economic power, no less than Afrikaner nationalism, also claimed direct religious sanction (De Gruchy 2004: 34). Bishop Westcott reinforced that "only one race approached God's ideal type, his own Anglo Saxon race; God's purpose then was to make the Anglo-Saxon race predominant." Villa-Vicencio suggests that these "imperial ambitions shrouded in the language of civilising Christian evangelism" are less publicised and show that Christianity plays a multiplicity of ideological roles in the emergence and maintenance of 'theologies of conquest' (1992).

[251] De Gruchy points to the 1859 founding of a seminary at Stellenbosch to control its theological teaching which "was able to plow a conservative furrow for its ministers and members to follow" (1979:4) Only in 1947 did Rhodes open up to a 'more English and 'liberal' tradition of scholarship' (Denis 1997; De Gruchy 1979). Denis suggests that, "church history was for many years a weak and isolated discipline, usually taught by theologians with little understanding of secular history or the social sciences." Increasing control of all education, culminating in the Bantu Education Act and the taking over of mission schools was a key strategy of apartheid.

terms of the identity and 'mission' of Afrikanerdom.[252] The explicit defence of apartheid through certain forms of Christian doctrine including orders of creation, a chosen people and a theology of cultural difference and hierarchy has been critiqued over many years by many South African scholars[253]. It is laid out starkly and contentiously by The Kairos Document under the heading of State Theology. While analysis of this is beyond the scope of this thesis, it is beyond historical doubt that forms of Christian doctrine provided an explicit, powerful and moralising legitimation to both oppressors and oppressed for a system of abusive power and increasing socio-political and economic domination and marginalisation. Villa-Vicencio points to an "absolutisation of a political system by theology" (1992:62) that he claims built on existing imperial, racist tendencies and parliamentary sovereignty to craft a self-reinforcing and religiously legitimated system of domination by the minority with the independence and hegemony of the Boer Nation seen as part of the providence of God.[254]

Chapter 2 showed that apartheid often drew on existing arguments for minority rights of whites and so-called 'cultural rights' of Afrikaners explicitly against ANC counter-claims of universal rights held by all, co-opting rights talk to serve the interests of one small part of the population. This bears similarities to 19th century struggles where "rights for whites," strongly supported by the church establishment were polarized against "common personhood" ideas, endorsed and even possibly pioneered by radical missionaries like Phillips. The suspicion of emerging universal human rights discourse in many churches needs to be tied to the pre-existing theologised and anthropological rejection of notions of 'equality' between black and white, master and servant and the reinforcement of forms of God-ordained dignity that were exclusive, narrow and hierarchical[255]. This theological rejection of universal rights by some churches remained up to the late 1980s and a refusal to see apartheid as contrary to the gospel remains in some church denominations today, (cf Dreyer 2013: 133-142). At the same time, many English-speaking churches and the Christian Council of Southern Africa (CCSA)[256] also played a passive support role for decades. This particular form of church theology has also been problematized, most clearly in The Kairos Document.

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[252] For more on the emergence of this theology, which is beyond the scope of my thesis see Hofmeyr and Pillay (1994:223-254)

[253] See Villa-Vicencio's *Trapped in Apartheid* (1988), Cochrane's *Servants of Power* (1987) and Nolan's *God in South Africa* (1979). Isichei notes that South Africa was one of the only countries in Africa where liberation theology has had a major impact (1995:299).

[254] He points to Kruger's claim that the "testing right is a principle of the devil" as merging oppressive laws with theological mythology.

[255] Scholars on human dignity typically point to two kinds; a status based hierarchical dignity and an egalitarian inherent one. Confusion between these two opposing kinds of dignity needs to be avoided as both discourses were employed in South Africa. See Gewirth 1999.

[256] See Thomas 1989 for a critique of the CCSA's liberal strategy founded in 1936. De Gruchy terms it by Cottesloe a "relatively ineffectual body, unprepared for the tasks that would come its way, focused on missionary cooperation not ecumenical tasks" (1979:115)

3.3.2.2 The increasing prophetic resistance of some churches

Many have covered this specific period of history far beyond the scope of my thesis.[257] The explicit legitimation by some churches of the state ideology of apartheid, the religiously ordained lack of active protest by many churches on abusive social realities for many through a particular reading of Scripture, internal struggles within many church denominations, and the increasingly public engagement of a small number of ecumenical organisations, key church leaders and laity, black, white and coloured, in the vanguard of the anti-apartheid struggle have been documented by many pointing to a religiously-informed engagement in South Africa's key human rights-related issue for the 20th century. Christianity endorsed, ignored and protested systematic human rights abuse, all by utilising theological terms.[258]

This section will highlight a few ways in which theological engagement for and against human rights became caught up with the concrete apartheid struggle as the canvas on which many wider human rights claims played out in practice for decades in South Africa. Walshe notes a communal anthropology where "a human being is a human being because others are" as relevant to this rise (1997:383). Key events that shaped churches engagement with the increasing denial and abuse of human rights to much of the population included the Cottesloe Conference in 1960, leading to the set-up of the Christian Institute (CI) by Beyers Naude in 1961 as a result of the refusal by his denomination to accept the Cottesloe Statement, the South African Council of Church's (SACC) Message to the Peoples of South Africa in 1968, and its increasingly vocal black leaders such as Desmond Tutu and Frank Chikane. Biko's student-led Black Consciousness movement emerged in the late 1960s with early roots in Anglicanism, Cone's Black Theology and the Black Power movement in the USA and had a role in shaping the Institute for Contextual Theology (ICT) the 1973 SACC led SPROCAS project on Apartheid and the later Kairos Document in 1985 (Cf. Walshe 1997:337-8; Van der Ven et al. 2004:411-412). These movements were increasingly critical of the established churches and its institutionalised racism and drew on alternative prophetic religious resources in confessing, contextual, black and liberationist theologies to motivate and articulate their resistance to human rights abuse. The argument about who was human and their rights was therefore often tied for all parties to theological justifications and images.

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[257] See Walsh (1997:383-399) Plaatjies-Van Huffel & Vosloo (2013) and De Gruchy (1979) as three examples detailing this history.

[258] This struggle, with its deep human rights implications, reminds us that in South Africa, discourses of ethics and morality (and thus people's response to the emerging language of human rights) remained embedded, for all races, in strongly held Christian beliefs in ways very different to much of 20th century Western Europe where the 'global' human rights movement was initially seen to be centred.

Arguably, the gradual widening of theological education from the 1950s onwards as well as the ecumenical FEDSEM seminary helped to politicise and radicalise a new generation of theological students[259].Walshe notes that a shift was made by many in the 1970s from a liberal notion of working *for* the poor to a participatory working *with* the poor (1997:387). The rise of the human rights dimension of the World Council of Churches in the 1960s and 70s and its specific focus on the South African human rights situation and support to the SACC gave international support which activists in South Africa were able to both draw on and influence and Villa-Vicencio suggest that this had major implications for South Africa (1999:579). It looked for a transformational theology that preserved neither the global status quo nor neo-colonial structures but could see the political struggle in South Africa to be part of its God-given mission and go beyond debate into action (1992:38-9).

It is apparent that human rights became an increasingly polarized topic in the 1970s and 80s in South African academic and religious circles (De Gruchy 1979, Villa-Vicencio 1992). While global theological debate on human rights in the 1970's were "dismissed by the South African state as interference and thereby put on the back burner" (Villa-Vicencio 1999:580), internal dissent increased and Afrikaner law professor, Van der Vyver, was fired from his university position at the University of Pretoria for his stand on human rights. South Africa's publicly thorny relationship to human rights in theory and practice continued to simmer internally with a 'human rights crisis' within theological debate in the 1989 when J M Potgieter, another law professor at the same university publicly dismissed the idea that all people had inalienable rights and argued for the restoration of community through conversion to Christ (1992:121-2). Villa-Vicencio suggests that this theological view was based on an understanding of the image of God as irremediably destroyed in humans by the Fall, deserving of no recognition and worthy of no rights and was similar in form to older theologies used in the Crusades which claimed that "error has no rights". The 'image' could only be restored in humans by conversion and Villa-Vicencio suggests that it had "tacit support by many in the churches," reinforcing a strong sense of a conflictual relationship between Christianity and human rights (1992:121-2). He ties this late 20th century view back "to reactionary attitudes more typical of the 19th century that located rights in the hands of whites as carriers of gospel and civilisation" (1992:122). Right wing Christians in the Gospel Defence League as late as 1989 still claimed that "an honest person needs no special rights"

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[259] It exposed them to black, post-colonial and liberation theories and theologies and arguably provoked a more radical critique of the South Africa situation by those oppressed by it that surmounted denomination boundaries and generated an increasing solidarity of resistance.

and presented human rights as limiting the power of the police and existing for the benefit of criminals[260] (Villa-Vicencio 1992:122). An important counter-reaction from other Afrikaner theological scholars argued that due to human sin, a declaration of human rights was necessary for recognising the rights of others, offering a cautious complementary relationship between Christian doctrine and human rights (Villa-Vicencio 1999:581, 2005:226).

However a stronger resistance voice was also emerging in ecumenical voices such as Naude and Tutu who increasingly embodied the possibility of the prophetic power of religion *for* human rights within South Africa. Tutu claims that, "I can testify that our own struggle for justice, peace and equity would have floundered badly had we not been inspired by our Christian faith" (2010:3). Villa-Vicencio suggests however that Protestant churches as a whole globally and in South Africa only made significant moves in the late 1970s after the ecumenical churches as a whole had gone through a lengthy process to re-theologise rights engagement more broadly (1992:183).[261] The pro-active role of the WCC, highly significant for South Africa[262] enabled the South African Council of Churches (SACC) to take a strong united stance and suspend the membership of churches directly supporting apartheid.

Despite these prominent figures, Villa-Vicencio however notes that generally, ecclesial support for human rights came late and was cautious, where "overt support of human rights by religions of the book is a recent phenomenon, it tended to be dismissed as humanistic nonsense" or even seen as the devil's work (2005:225). By the 1980s however, he suggests a significant shift had been seen in religious engagement on human rights and a number of prominent church leaders had taken direct action in the ethical struggle against apartheid using human rights language. Radical figures such as Beyers Naude by 1985 explicitly described apartheid as a violation of human rights and dignity and its systems of dehumanisation as having fundamentally theological roots of evil (cited in Koopman and Smit: 2007:271). He called strongly for going beyond "pious words" to action on behalf of the human rights struggle (cited in Boesak 2013:225). Umbrella Christian organisations such as the CI (banned in 1977) were targeted as a result of their protest stance and critical voice. Conferences like Cottesloe (1960), the Message to the Peoples of South Africa (1968) and

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[260] Interestingly this tendency continues to this day in Latin America where Oliveira (2012:79-98), and Santos (2009:97-121) both suggest that popular reactions against human rights see them as 'bandit rights'.

[261] He connects this to the 1960s UN Covenants, the USA civil rights movement and the drive to self-determination for colonised states.

[262] It broadened the debate on rights beyond mere religious freedoms, as an organisation engaged with rights from the UDHR forwards, and it also took an increasingly strong activist role in the 1970s on the South African situation in particular. Moltmann's theology, the subject of Chapter 6 will be seen as influential in mobilising both the WARC and the WCC churches to take a more activist stance on human rights

confessing documents like the Belhar Confession (1982) were watershed moments for many ordinary churches. Certain theological voices of all races became vanguard voices in the struggle for human rights, finding interdenominational unity in SACC and pioneer theological reflection on human rights as part of motivating an active protest against the dehumanisation of the present (cf. Nolan, Chikane, Tutu, Boesak).[263] Key later events included The Kairos Document of 1985, the Standing for the Truth Campaign of 1988 and the Call to Prayer to end unjust rule, as well as the peace march in 1989 of 30,000 people headed by faith leaders in Cape Town. This grassroots activism testifies to the convening power of religion if motivated and mobilised around human rights, not as theoretical assent on paper but as a call to action[264]. Key texts, movements, documents and conferences became hubs for the convening power of theologies–for-human rights as a radical call to action in response to the circumstances of the day, and its impact is undisputed today. However Villa-Vicencio notes that this prophetic voice "is not characteristic of the churches" (1992:241).

3.3.2.3   Taking sides: The role of Black Liberation and Kairos Theologies

Black theology rose to prominence in South Africa within the anti-apartheid struggle decades of the 1970/80s and was nurtured in the black consciousness movement (BCM) associated with Biko, Pityana and others as set up in 1961 after the banning of the ANC. It was aware that 'culture' itself had become an instrument of domination often statically imposed on black Africans by apartheid and sought to reclaim culture from the "clutches of an oppressive discourse" as an "element of resistance" (Pityana 1995:180). This rise of a more radical set of black leaders was influenced by Cone's Black Theology from the USA (cf. Cone 2014) and the Black Power movement as well as the liberation theology of Latin America. Figures such as Boesak, Tutu, Chikane, Mosala, Maimela and others brought these potentially subversive doctrines into the South African context[265] and made theological contributions that nurtured an activist grassroots movement that created solidarity and inspired practical resistance as well as a more radical politicisation that went beyond, and critiqued, much existing white

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[263] This fundamentally theologically driven voice of protest found itself in active collaboration with voices from other faiths and no faith at all. The theological dimension did not act here as an exclusionary device, but as a way of deepening joint resistance despite differences.

[264] It must be noted that as early as 1974, the DRC in their report 'Human relations and the South African scene in the light of scripture' had included an assent to human rights in principle in the document itself but set it within Scriptural norms. They also responded to the WARC declaration on human rights of 1976 (cf. De Gruchy 1979:73, 235). It was not the verbal assent to human rights that was at stake in later years but the interpretation of what this assent meant for concrete church action. This still remains important in current day usage.

[265] The radical theological seminary FEDSEM played a role here, showing the critical role of theological education if theologies for human rights are to be concretely developed and internalised by religious leaders. See Denis 1997 for more on its historical legacy.

liberalism.[266] Some (Tutu, Biko, Boesak) specifically appropriated the language of human rights and dignity to reflect on the black experience, develop a black hermeneutic of liberation, resist the ongoing dehumanisation of black people and the need to re-humanize black identity, challenging the domination narratives of the apartheid era that many of the oppressed had internalised of white people as "superior".[267] Boesak situated black theology within the wider framework of liberation[268](1987:131) highlighting the interconnected nature of oppressions in South Africa and the need for a liberatory ethic which connected all dimensions of life into a Christian social ethic that is also a political ethics.[269] The black churches, many still affiliated to missionary denominations divided by race, confronted the reality of human rights abuses more concretely than white congregations and their use of human rights language theologically as a language of struggle touched many hearts and minds locally and worldwide as evidenced by the decision to declare apartheid a heresy at the Ottawa WARC conference in 1982, a decision significantly influenced by Boesak who was the Chair at the time (cf. Henriksson 2013:363-4). However church historians (De Gruchy 1997, Horn 2007) have noted the lack of formal socio-political involvement by AIC and Pentecostal churches where many of the poor worshipped and this has arguably remained.[270]

The publication of the Kairos Document in 1985[271] emerged as one of the most vocal, but by no means only, later indigenous responses to apartheid in South Africa[272]. It arguably reflected a way of doing theology from below as a "People's Theology" (West 2014). The end document was officially anonymous adding to the sense of 'movement' with which many

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[266] Whilst an exploration of Black Theology is beyond my scope here, see Maimela (1993:54-66), Mosala (1989) Mothoague, (2012).

[267] Black theologians within different church denominations reimagine d and subverted ways in which Christian narratives were distorted to serve white ideology and challenge their denominations to think differently. A first generation used traditional exegesis to read texts, while a second identifies damaging ideologies as present within the texts (Mosala: 1989).

[268] Boesak critiques Cone for removing black theology from wider liberation theology and focusing only on one dimension of oppression. He points out that issues in South Africa are not just about racism as wealthy blacks can buy into the 'system' too and there is a need to break away from old oppressive structures and seek new possibilities that create room for the realising of our true humanity in Ubuntu . At a September 2015 Kairos conference in Johannesburg, Boesak reiterated this with the call for "Ubuntu-fication" of South African society.

[269] Arguably this theological trajectory has struggled to adapt to the post-apartheid space when many of its key figures left the theological scene to take on political roles. Black theology has received less visibility institutionally in the changed context of post-apartheid South Africa and has also been accused of 'elitism' (cf. Cone 2014). Increasingly it has been situated within African theologies although scholars such as Mbiti have charged that black theology itself is an "unAfrican politicisation of theology" (1979).

[270] Some tie this to a lack of 'liberating' theology within these denominations and a generally conservative outlook on many broader issues to do with human rights. Others suggest that they offered a more subtle form of resistance by offering an alternative sense of spiritual self-worth to their congregations which challenged their social experiences without direct confronting powers of the day. It is noted that the AICs and Pentecostals in South Africa have no formal structures in place to this day by which to engage political publics as opposed to the Catholics who have highly structured and effective mechanisms (SACBC) and most of the mainline denominations. Wood (2013) suggests however that to write off Pentecostal churches as potential assets for positive human rights engagement is a mistake.

[271] De Gruchy (2007:27) says "it became a sensation overnight, calling forth a torrent of support from inside and outside South Africa and a barrage of criticism from both church and state… generating more discussion and debates than any previous theological document."

[272] Given birth partly through the Institute for Contextual Theology (ICT) it emphasised theologies of liberation and became more prominent in the late 1970s in the light of the banning of other radical Christian organisations such as the CI. Cochrane suggests that the ICT was characterised by a wider commitment to ecological justice and intergenerational blessing and responsibility. He suggests that a theology of contrast experience is both social conditioned and historically contingent. For him, it begins with an "emancipatory interest grounded in the material conditions of oppressed local communities, groups or persons".

from different denominations could identify. Its two main claims (S. de Gruchy 2007) were firstly that South Africa faced a divided church within which people needed to 'take sides'. This was a 'moment of truth' not just for apartheid but for the church where 'neutrality' was no longer an option and a call to action was made. Secondly it made a contentious categorisation of theologies into state, church and prophetic taking the stance that the first two were unacceptable. S. De Gruchy (2007:356-360) reflects on the 1985 Kairos document and the 1986 Belhar Confession[273] to suggest that despite agreeing on the unacceptability of apartheid, they reflect two different ecclesiologies[274] that need re-connection today.

Kairos Theology is given a helpful overview by Nolan (1994:212-218) who defines it as method of doing theology from below that emerged out of The Kairos Document process in South Africa. He suggests it emerged from a concern that the church has failed to be a bearer of hope in society and the need to shift from talk to action. It highlights the need for social analysis and concrete calls to action beyond words for all Christians in relation to concrete justice and human rights issues. It points to the need for annunciation as well as denunciation through articulating an eschatological vision. It models an open-ended process of being 'on the way' with others rather than Christians "having the answers" (Saayman 2008:26) whilst also calling them to 'take sides' on socio-political issues and not just maintain a detached neutrality. Missiologist Saayman has claimed that South African theologians are "stewards of the Kairos heritage" and need to pass it on to new generations (2008:27). A number of theologians (Boesak 2013; Le Bruyns 2012) have called recently for a "renewed Kairos" in South Africa.[275] Le Bruyns points out that kairos is "noted as a brand of liberation theology" and that its "aura of liberative expectancy" cannot be relegated merely to the apartheid era. He suggests it has influenced many other settings to facilitate "prophetic praxis" drawing on themes of contextuality, criticality and change (2012:1-2).[276] I suggest human rights may potentially form an important part of an ongoing "kairotic" theology in South Africa.

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[273] De Gruchy (2007) suggests a division in progressive theology between the coloured Reformed tradition of UWC and the English speaking black ecumenical tradition (SACC/ICT/Fedsem/UKZN), giving a double legacy of indigenous theologies (Belhar and Kairos).

[274] The Kairos Document saw the church as carrying the racial divisions of society and institutionally compromised by its inability to act prophetically. S de Gruchy suggests that it is important that this issue is addressed today, 'so that we can know what we mean when we say church'. He is wary of surrendering the 'church' to those whose theology has betrayed the church and calls for an 'authentic church theology' (2007:362) that can shape the vision of a moral society by seeing engagement in the socio economic and political realities of life is fundamental to being church. He suggests this is clearer in Belhar than in Kairos and that the Kairos Document can suggest that the church played an exceptional and 'vicarious role' under apartheid which ended with the transition. He concludes that despite its strengths, kairos theology can still retain a negative view of church theology and how it relates to the prophetic task. See Saayman (2008, 16-28)

[275] Kairos Southern Africa formed in 2011 and held a 2015 30th anniversary of The Kairos Document conference on "dangerous memory". In 2013, the Kairos Centre for Religion, Rights & Social Justice was set up at Union Seminary in the USA. See http://kairoscenter.org/.

[276] Le Bruyns suggests the South African churches can be a "constructive role player" here by offering 'counter-publics' that address and challenge dominant discourse traditions (2012:15). He connects kairos to public responsibility, responsible citizenship and people power,

3.4   Navigating post-apartheid spaces: Christianity and Human rights today

Theological scholars interested in human rights implementation reinforce the reality that in South Africa, Christian churches remain an important factor in society (Botman 2003, Pillay 2003, Koopman 2014a, Bentley 2013, Smit 2007). South African theologian Pillay suggests that as a result, churches can act as an ongoing forceful agent for change, as did a number of church leaders during the anti-apartheid struggle. She is nevertheless anxious that that those in leadership positions within those structures are missing the opportunity to challenge entrenched perceptions and practices contrary to a human rights culture based on the dignity of all human beings" (2003:142). Public theologian Smit notes with concern that in the new dispensation, Christians and churches may speak up for their own rights, but are far less likely to speak up publicly for the rights of others (2007:69). Anglican Archbishop Makgoba recently suggested that the shared struggle to protect a human rights culture here is "perhaps the most challenging one confronting us today" requiring a courageous, proactive taking of responsibility by the next generation both at home and abroad if real and lasting change is to make the realisation of rights a reality for all (2015, para 1).

A detailed post-apartheid empirical study of the link between human rights and religious attitudes amongst multi-racial South African high school students (Van der Ven and Pieterse 2003; Van der Ven, Dreyer and Pieterse 2004) concludes that religious attitudes here have a significant impact on attitudes to human rights, in both positive and negative ways. Assessments of Christian attitudes to God, evil, salvation, Jesus and other religions were examined to show that the type of theology embraced had correlations to students' human rights attitudes which should not be ignored (2003:96-126, 2004:374). It suggests that the task of embedding theologies for human rights into churches has not taken place consistently. They found that "ecclesial attitudes" (what churches said and did) were a critical influence in shaping individuals' attitudes to human rights in both positive and negative ways and this highlights the significant and ambiguous influence that churches have in relation to nurturing or resisting human rights attitudes (2004:565-580). These findings support the claim that churches play a critical theological role in influencing public opinion with regard to the ordinary human rights attitudes which Van der Ven et al. suggest "sit at the heart of building a human rights culture" (2004:81). My thesis builds on these findings to call churches to take

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suggesting the need to move from a focus on the political power of the church to the empowerment of the people and stating that "powerlessness seems to be at the core of the bad life" (2012:11) where people need to be enabled to claim their rights. This highlights ongoing distorted power relations in South Africa today and its implications for rights realisation in ways similar to Asmal (2008). See Smit (2007:251-254) for a brief overview of Kairos documents around the world emerging as a result of the South African Kairos process.

social responsibility for this task in South Africa but also to note its conclusion that in post-apartheid times, the theological relationship between Christianity and human rights here remains marked by a "haze of ambivalence" which they suggest mitigates against positive institutional action by most churches for human rights realisation in practice (2004:565-583).

In the euphoria of the transition years, many religious struggle activists may have felt that the human rights struggle had been won, the 'bad state' was out of power and a new rights-based Constitution and 'good' government would deliver the fulfilment of human rights fought for. Struggle leader, Archbishop Tutu suggested, possibly ironically, that the church could go back to being the church. However others warned that dehumanising power relations remained in place[277] and suggested that the church still had a critical public role to play. (cf. De Gruchy 1995; Villa-Vicencio 1995; Naude 2006; Nolan 1995). The buzzwords of the 1990s were "nation building and reconciliation" and a number of ecumenical conferences grappled with the question of the church role in the new dispensation.[278] Mgojo (1995) called the church to remain both pastoral and prophetic in the new era. A number of diverse issues emerged to suggest that the human rights struggle was not over but that South Africa had entered a new phase requiring forms of liberating theology that could enable Christians to engage publicly in secular debate and say 'yes' to the unfolding order whilst continuing the freedom journey. This reflected President Mandela's own words at the time,

> When I walked out of prison that was my mission, to liberate the oppressed and the oppressor both. Some say that has now been achieved, But I know that is not the case. The truth is that we are not yet free, we have merely achieved the freedom to be free, the right not to be oppressed. We have not taken the final step of our journey but the first step on a longer and more difficult road (1994:617).

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[277] De Gruchy & De Gruchy suggest that South Africa's longer history of colonial power relations hovered over the initial optimism of change, where "apartheid, with its ideological and state apparatus was certainly a thing in itself but it was nevertheless a particular manifestation of colonialism, a perfected version of those power relations between Europe and Africa that had been shaped in the horror of slavery, honed in the extraction of natural and mineral wealth and perfected in the arrogance of empire.the end of apartheid did not mean the end of colonial power relations …the power relationships… established in the colonial era along racially discriminatory lines" (2004b:231).

[278] A number of ecumenical conferences took place as churches sought to re-establish its fractured identity in relation to the emerging new dispensation. The Rustenberg conference of 1990 was the first in a series of WCC conferences with a strong 'confessing' tone where a number of churches and leaders, including the NGK, publicly confessed their role under apartheid. Other conferences followed in Cape Town (1991) the Vaal (1993) and Vanderbijlpark (1995) that grappled with the question of being the church in South Africa today and the call for the church to play a role in nation building and reconstruction. They led to a stance of critical solidarity in the nation building project from SACC. See Pityana and Villa-Vicencio (1995). In 2002 the SACC changed to a policy of critical engagement. It has suffered political marginalisation, experiencing a decline in public influence that can be traced to a number of sources including its seeming lack of representation of many AICs/Pentecostals who form 50% of Christians today. See Sobiso (2012). Kumalo (2014:220-230) also explores the question as to whether the South African churches are an asset or a liability in post-apartheid South Africa for building social capital.

Villa-Vicencio suggested that human rights should form part of a 'theology of reconstruction' to bridge the gap between ideals and reality and to help translate visions into social practice and laws in the present day. In this, theologians had an ongoing task, "to take churches beyond mere debate into the actual processes of shaping the character of society" (1992:40).[279] Wider religious voices emphasised the ongoing need for churches to stand up even against a democratically elected government if it "suppresses and violates human rights…being vigilant in the words of Balcombe, of the Constantinianisms of the right, the middle and the left" (Mgojo 1995:11) and to continue to "take sides with all who remain oppressed in one form or another and come to the defence of the human rights of all"[280] (De Gruchy 1995:19). Some specifically called for a "new ecclesiology" (Pityana 1995:88-96) that could embody a church praxis that gives life and play an active role in the humanisation of society while more critical feminist voices such as Jordaan (1995:157-160) suggested that much church imagery and theological institutions remained highly problematic, hierarchical and in need of reshaping.[281] There was a concern that churches that had been united by the common enemy of apartheid were now withdrawing to both denominationalism and pietism with little real readiness to change (De Gruchy 1995:14).[282] Nolan highlights the important ongoing role of the church post-apartheid in making internal changes in the hearts and values of (especially white) people. He emphasises that the church must look beyond its relation to the state to direct its prophetic criticism elsewhere, reminding that the basis of all prophetic critique is self-criticism, my people, my nation. This emphasis on the need for a change of heart or structural changes may be undermined resonates today as does his call for a RDP of the family, "as a place where the rights of women and children can be deeply respected…and where children learn to reject all forms of racism, greed and selfishness." (1995:155). These calls for prophetic, public engagement have continued into the 21st century where Koopman suggests that public life still welcomes religion and that religion must decide how it will

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[279] Villa-Vicencio suggests that the reality of the past and the pathos of the present must inform attempts to build a new future. He warned that South Africa needs to not to be torn apart by competing ideologies and to "transcend the limitations of the aggressive individualism without social concern dominating in the West but also the sterility of a socialism without democracy and individual responsibility"(1992:6).

[280] De Gruchy points to "the need for 'continued resistance to what is unjust and false and continued protest on behalf of what is just and true. The prophetic struggle against injustice must continue; standing for the truth never comes to an end" (1995:19). This links ecclesiology and ethics, where to affirm a common humanity (baptism) is part of the struggle for the new, just society (ethics) (ibid: 22).

[281] She points to images of the Kingdom and Reign of God as both sexist and repressive images of serfdom and the need to begin to speak of church as community. She also warns of the use of God-images as parent, as catching people up in a theology of dependency as perpetual children with a concern that the 'marginal popular people's church' had been replaced by a culture of entitlement and passive waiting.

[282] Villa-Vicencio a number of years on points to the tragic irony that an ideology of apartness and exclusion often provided the South African churches with a sense of unity and cohesion (in resistance)….and yet that the end of this system would lead on the one hand to the emergence of denominational myopia and internal ecclesial concerns and on the other hand to a diffusion of focus in regard to the witness of the church in the face of a plethora of concerns in the public arena' (2004:223). De Gruchy states soberly, "we assumed that because some church leaders and churches (by no means all) stood together in protest and resistance that the churches were really committed to each other over the long haul and that there were strong theological foundations in place" (1995:14).

respond to this "hospitality" and what type of role it will play whilst avoiding new "Constantinianisms" (Koopman 2009:117). Theologian Botman pointed to the need for a dignity-enriched human rights discourse that could be deeply restorative for the many in South Africa that had been systematically denied basic dignity in many ways. (2003, 2005, 2011) He pointed to new threats which economic globalisation posed to the undoubted achievements made here on human rights and polarises what he termed an "entitlement" culture with this alternative dignity-enriched meaning. (2003:25). Chapter 6 will suggest that Moltmann also takes a similarly "dignity-enriched" approach to human rights.

De Gruchy and De Gruchy have suggested four areas[283] where church struggles need to continue post-apartheid all of which have direct resonance for human rights and include "difficult" topics for the church such as gender and sexuality. (2004:229-255)[284] They suggest that theologians need to "learn the language of rights discourse" to be able to engage publicly with credibility in the new dispensation. This can enable them to grapple seriously with engaging plurality rather than seeking to return to forms of Christian hegemony. (De Gruchy et al., 2004:256-260). Calls for renewed church engagement with human rights also emerged from unexpected quarters such as Vorster (2004a, 2004b) who had taken a highly critical stance to the WCC approach on human rights under apartheid.[285] Post-apartheid, he tried to reshape his denomination away from a negative understanding of human rights to an affirmation of its theological value. He emphasised church engagement with a human rights culture suggesting that, human rights in law could only be effective if they are embedded in a culture of respect and dignity of persons, a task of Christian ethics (2004a:23).

I suggest that this concern in the 1990s regarding the relationship between religion and human rights in South Africa continues through to the current day. A Durban-based

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[283] These were livelihoods of the poor, human sexuality and gender justice, (in the light of HIV), pluralism in a secular state & globalisation. They profile how human rights concerns feature as an overarching issue in all these areas, 'suggesting that this search for gender justice is rooted in the biblical vision of human rights and the provision of justice for all citizens'. De Gruchy & De Gruchy note a concern at the loss of the "institutional memory" of the ecumenical connection that 'grounds the coherent witness of the church and the depth of theological vision needed for new contexts in the light of louder voices of independent Pentecostal churches" (2004:229).

[284] They argue that 'human rights discourse collides with patriarchal cultural convictions buttressed by a wilfully selective reading of the Bible in such a way that the voice of the church is awfully and awe-fully silent on matters of domestic abuse, rape, AIDS and women's rights' (2004:239), suggesting instead "that this search for gender justice is rooted in the biblical vision of human rights and the provision of justice for all citizens". Secondly, they point out that "where issues of human sexuality are raised, churches find it extremely difficult to think in terms of human rights" (2004:241). De Gruchy continues to engage with the "humanist imperative" (2011) in South Africa today pulling together interdisciplinary scholars to explore the question of being human in ways that resonate with but are beyond this thesis.

[285] His work in the 1980s had taken a critical approach to what he termed the 'radical' human rights approach of the WCC to South Africa and its practical embodiment in the revolutionary stances of the CI and SACC. He denounced various neo-Marxist political theologies as unchristian and 'uncritically adopting ideological philosophies that endorsed violent struggle'. His 'Conservative Reformed' approach to human rights stood in direct contrast to many of the WARC recommendations. This can be seen from his consistent use of the Reformed Ecumenical Council human rights statements of 1983 in his work, taken in clear opposition to the 'unacceptably liberal and activist' stance of WARC. This schism continued till 2006 when the REC and WARC merged into the World Communion of Reformed Churches (WCRC). His work on human rights post-apartheid has drawn specifically on Moltmann and will be looked at briefly in Chapter 7 (Vorster 2004).

conference in 2008[286] explored the interconnections between law, religion and human rights across Africa to seek common ground. It pointed to the contribution of faith traditions both to the cultivation and the abridgement of human rights and to democratic norms as a whole (Green & Van der Vyyer 2008:337-356), noting a number of points that have ongoing relevance for human rights engagement by religions in South Africa. Firstly, the challenge of using only a Western vocabulary and concepts in the defining of human-rights related terms, for example of religion, family or marriage was raised. Secondly, the relationship between religion and culture was problematized with recognition that there were frequently strong overlaps between the two, where "religion in the African context is deeply rooted in cultural tradition" (2008:338).[287] This was tied to the increasing popularity of AICs across Southern Africa with over 3000 varieties noted.[288] Finally, the question was raised as to how to install respect for the rule of law when the law may prohibit deeply rooted belief structures and traditional practices? It concluded that "changing the hearts and minds of people cannot be imposed from the top down but must be cultivated from the bottom up…[with a] need for a community ethos that can in time eradicate inhumane practices e.g. witch killings"(2008:342). Despite the 'new' relationship between church and state in South Africa, Green et al., suggest scholars should not be misled by Constitutional rhetoric (2008:344) and that religion remains an important moral force to engage within the body politic. Green et al., (2008:337) conclude carefully that South Africa is not in fact a secular state (with a wall of separation) but a religiously neutral state.[289] Awareness of this continued role of religion in public life is essential and a number of Constitutional Court judgements were cited to highlight this ongoing reality. Judge Sachs (an atheist himself) has stated.

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[286] The focus of the conference was on religious human rights with an emphasis on church-state relations and the specific interaction between law and religion Proceedings published in the African Human Rights Journal 2008. In 2012 an edition focused on human rights and in March 2014 a Law and Religion conference was held at Stellenbosch University showing ongoing engagement by contemporary scholars here within South Africa. I suggest that this is promising but would highlight the urgent need to go beyond a legal approach into sociological and anthropological dimensions and to resist a merely conservative alliance between law and religion.

[287] Practices such as ancestor rituals, beliefs in witchcraft, FGM/circumcision, virginity testing, lobola and corporal punishment were all raised as issues with deep religious and cultural overtones challenged by new 'rights based' legislation such as the Children's Act.

[288] The authors highlight that AICs embody a range of charismatic rituals often drawing people into an explicit blend of religious and cultural worldviews. The South African media has highlighted concerning practices in unregulated churches and has led to a formal investigation being launched in 2015 by the Commission for Religious Freedom.(Motseothata:2015). This points to the tension between religious freedom and Constitutional values. The dramatic rise of AICs in late 20th century South Africa can be seen as a religious manifestation of a form of post-colonial behaviour. There is a turn towards the reclaiming of so-called 'African indigenous practices' as a form of cultural liberation. The post-colonial critique of human rights as "Western' needs to be taken seriously by South African human rights scholars as its resonance in grassroots communities remains. The continuing rise of AICs attests to this. As forms of peoples theology, I suggest that these models must be engaged theologically on human rights and not ignored. Cf., Wood 2014, Balcomb 2011.

[289] They suggest that the state does not preclude itself from participation or sponsoring of religion but seeks to uphold equal treatment of all religions in for example religious education and services in state sponsored media and schools, pointing to the danger of "well intended but counter-productive efforts of Christians to push for increased state recognition of Christian rituals on a whole political community," suggesting that if rituals are legally enforced, their faith-based significance is forfeited. Equally the drive by Christian lobby groups to include God in the Constitution is counterproductive giving a purely ceremonial designation of a Deity which "actually downgrades God".

For many believers, their relationship with God or creation is central to all their activities. It concerns their capacity to relate in an intensely meaningful fashion to their sense of themselves, their community and their universe. For millions in all walks of life, religion provides support and nurture and a framework for individual and social stability and growth, Religious belief has the capacity to awaken concepts of self-worth and human dignity which form the cornerstone of human rights. It affects the believer's view of society and founds the distinction between right and wrong (Sachs 2000, Christian Education South Africa v The Ministry of Education).

South Africa's complex and ambiguous historical reality on Christian engagement with human rights can be seen as a microcosm of Christian engagement globally. Churches in South Africa played multiple roles as a moral endorser of rights violations, as a justified silent bystander focused only on spiritual tasks and as active protester in the struggle for rights. At the start of the new dispensation, Villa-Vicencio emphasised that "freedom is a process that is forever unfinished" and suggested this formed the social agenda of the church. While he insisted that a responsible political theology must be utopian, he warned the church away from hiding in utopian ideals and pointed towards a social realism committed to "the transformation of the existing order to the benefit of the poor" (1995:57). He suggested that South Africa must overcome its "divide between First and Third World theologies and find the lessons that each has to learn from other" in specific relation to human rights (1992:15). He issues a warning that "oppressive practice and ideologies have a way of enduring periods of social reconstruction, economic upheaval and political revolution…[and] need translation into concrete programs and laws to endure to protect the new society from the abuses that marked the old" (1992:29). While he pointed to the TRC[290] as one public example of church engagement on human rights, he suggested churches have an ongoing role to play in the new dispensation in building a human rights culture. To the question, "Does human rights need God?" he notes "it depends on your God. The God of Verwoerd and the God of Tutu are not the same" (2005:236). I conclude with his call for human rights within an ubuntu context[291] as placing reconciliation, inclusivity, compromise and cooperation at the centre (1992:241).

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[290] Some saw the TRC as a new form of religious sacralising of a fundamentally political process, and views were divided on this role. (Cf. Maluleke 1998). He has described the TRC critically as offering a "hegemony of truth" (2000: 89). As well as the public role of key religious leaders and theologians, churches were involved through a process of confession. "SACC member churches confessed that they had not done as much as they should have to combat it" as well as making the acknowledgement that certain churches, leaders and Christians had played "major roles in the liberation struggle" (Villa-Vicencio 1992:226)

[291] The use of 'Ubuntu' has been critiqued. It can be used in essentialised ways and can also reinforced a racialized binary suggesting that black Africans have *intrinsically* communal ways of looking at life as opposed to the individualised ways of the white West. Both Tutu and

3.5   Building a human rights culture – A theological call to action

Villa-Vicencio (1992, 1995, 1999, 2002, 2005) has been one of the South African theologians[292] who has reflected most explicitly on the need for a theological understanding of human rights in the post-apartheid dispensation for the shared task of building a human rights culture. He points to the importance of thinking outside conventional theological paradigms in specific relation to human rights with an "ongoing 'hermeneutical task for the church of interpretation and contextualisation as part of implementation that gets beyond flag waving: (2005:239). I suggest that his identification of a "broad culture of human rights" as a core arena for church action in the early 1990s remains primarily un-institutionalised to this day (Van der Ven et al., 2004; Green et al., 2008; Coertzen 2014). As a result, his call for theological engagement to mobilise church action on human rights is still relevant today.

Villa-Vicencio suggested that churches needed to shift from an "attitude of protest" to a focus on reconstruction and nation building and that "while the prophetic and resistive no-to-oppression characteristic of South Africa's liberation theology must continue, a "thoughtful and creative yes' is also required from the church due to the complex new context"(1992:7). He argues that a key part of this relates specifically to human rights as a public theological task to which the churches are called to contribute where "religion remains a significant renewing force with an ongoing public role to play in the new society" rather than merely playing a one-off and exceptional role in the struggle years.[293] This raised, in his view, "a decisive methodological challenge which requires the birth of a different kind of liberation theology that is radically interdisciplinary" (1992:8)[294] and he emphasises the theological nature of this role in specific relation to building a human rights culture, where he suggests theology's critical and ongoing task is to promote liberation from all forms of captivity in each new time (1992:40). As a result, in post-apartheid South Africa, a theology-for-human rights is directly related to "the practical task of the church to act responsibly and prophetically in society in the goal of liberation from historicised oppression" (1992:184).

Villa-Vicencio use 'ubuntu' within the context of a commitment to universal human rights and not as an alternative. This will be developed further in Chapter. Cf., Metz 2012:19-37, Williams 2013, Shutte 2001 for detailed reflection on Ubuntu within South African scholarship.

[292] Villa-Vicencio's contribution is grounded within a wider struggle trajectory as a voice critical of the ways in which the English speaking churches (to which he belonged as a Methodist minister) became 'trapped in apartheid'. He became a contributor to a prophetic, liberating and contextual theology that sought to go beyond words into actions. Pieterse (2013) includes him in a list of "white South African liberation theologians" alongside De Gruchy, Nolan and B. Naude. From this location, he became in the 1990s, a proponent of a theology of reconstruction and nation building, arguing that South Africa's ways of doing liberating theology needed to urgently adapt to new times.

[293] For Villa-Vicencio the church can play an important bottom up role for those who still understand their life within religious frames of reference to make sense of the new dispensation from within faith categories (1992:24).

[294] He sees contextual theologies as resources with resistance credibility which draw on the theme of exodus liberation but also suggests that theme of reconstruction might more effectively draw on the motif of the "post-exile church" with its eschatological focus on hope (1992:8).

3.5.1 A liberating paradigm for human rights

Villa-Vicencio emphasises that a concern with human rights by the church must not be merely an idealistic or abstract awareness but requires a focus on the "revolutionary task of unleashing the dangerous power of liberation inherent to a theological understanding of what it means to be human into the wider structures of society" (1992:128). He suggests that it is here theology has its best chance to be materially grounded by connecting to political and socio-economic work for a world that conforms more closely to Gospel demands (1999:104) . His call for theological engagement with human rights to motivate practical action is related to the identity/relevance questions of Christian churches here in the 1990s in the light of a difficult past, a recent prophetic struggle and an emerging rights-based legal framework.

Villa-Vicencio suggests post-apartheid that the church's theological responsibility to restore justice and affirm human dignity within the context of God's impending reign requires it to "join with others to ensure the new is a qualitative improvement on the old" (1992:3). In pursuit of this task, human rights offers an important language with which he suggests churches must engage theologically, paying attention to both liberal and radical critical traditions[295] to seek "liberational" understandings that acknowledge but go beyond the historically Western liberal roots of much human rights discourse. For him, a theology of human rights must focus on praxis. He seeks a "responsible political theology"[296] that holds together a utopian vision with the practical realities of the present as an interdisciplinary task with close ties to questions of anthropology[297]. He suggests that applying theology to human rights requires exploring an understanding of what constitutes the dignity and meaning of life, what it means to be truly human and what essential rights are needed to protect this humanity. This suggestion provided the motivation behind and stimulus for Chapter 5 of this thesis.

Villa-Vicencio emphasises that the Constitution's social vision bridged the chasm between natural human and positive legal rights but that theology can contribute to a praxis for "the creation of a culture which motivates and enables people to realise their highest moral ideals and sense of communal duty". He sees this creation of a new culture and a popular will for it

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[295] Villa-Vicencio sees human rights as middle axioms which can lure society beyond its existing values at the same time as specifically addressing current These evolving principles need to be constantly reshaped by an eschatological vision. (Cf. Forrester 1990. Witte 2003)

[296] Villa-Vicencio suggests that "it is a colonial leftover for African churches to see no link between religion and political liberation" (1992:38). He looks instead for a theology of transformation to challenge the status quo and ongoing neo-colonial practice.

[297] For Villa-Vicencio (1992:6) a theology of human rights needs to connect to a wider theological anthropology that transcends both rigid liberal individualism and rigid Marxist collectivism. He suggests neither of these provides a satisfactory sense of what it means to be a person with inherent personal dignity in relationship and community with others. My thesis has been inspired by this claim to dig further into Moltmann's approach to theological anthropology as influential for his human rights approach as the subject of Chapter 5 of this thesis.

as the most important task for churches at this time and place or it will "fail in its liberating obligation to society as well as marginalise itself from the task of reconstruction"(1992:45).

I take note of his suggestion that South African theology should build on the wider existing consensus of the 1970s that human rights, inclusively understood, are worthy of theological support, rather than seek to reinvent the wheel (1992:123). The theological human rights task in the new South Africa is to contribute to its further development[298]. He locates this in the building of a liberating and healing culture of human rights, stating that "the church's primary task is clearly to facilitate Christians to promote and appropriate the values of a human rights culture" (1992:126). For Villa-Vicencio, this is not optional, as the pursuit and realisation of rights are inherent to what it means to be human, and that many South Africans still need to be theologically equipped to see "human rights as the ineradicable centre of human co-existence" and not just a rhetorical add-on to other more important political agendas. He locates the human rights struggle at the centre of the debate on what it means to be human and also at the centre of many diverse social and political pursuits. (1992:156) This call to Christians to invest the existing human rights agenda with a dynamic to help it to achieve its goals by a shared defining of the nature and purpose of humanity is held in tension with his awareness of the potential misuse of rights discourse. He claims that "unless human rights values are grounded in the cultural and political ethos of a nation and become part of the motor that drives society, they tend to be little more than of decorative value, often used to conceal the harsh reality of human abuse and exploitation." (1999:104)[299]

Chapter 2 has shown that South Africa was already concerned by the 1990s to find ways to bridge the gap between utopian legal visions and harsh realities. Villa-Vicencio engages theologically with the task of bridging this gap with translation into social practice in the here and now (1992:8). Nearly twenty years on, human rights scholarship in South Africa reinforces this as an ongoing social task with a deeper awareness of its problematized, bottom up dimensions. A recent news report by Bilchitz entitled "Rights bridge the real and the ideal" (2015:1) emphasises how contemporary this call remains. The interdisciplinary contribution made by Villa-Vicencio challenges narrow approaches and holds law and religion in creative tension, where theology offers incentives to transform the law in liberatory ways, mitigates against absolutism and keeps a sense of moving forwards (1992:8).

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[298] He supports an ecumenical focus on a Christian theological basis for human rights that can reach beyond its members to wider society.
[299] He suggests that theological engagement can help to bridge the imported 'Cold War' polarisation between individual and social rights.

3.5.2   Seeking prophetic relational embodiment for human rights

Villa-Vicencio ties a theological understanding of humanity into a broad and inclusive understanding of human rights with an inescapably social character. Like Regan, he sees these as "essential conditions" which create the space within which humans are able to be fully human and realise their God-given potential" (1992:127,156).[300] He cautions that this holistic "expansion" of rights could be dismissed as mere utopian ideals that even do more harm than good if the church merely proclaims human rights ideals as moral imperatives without an equal concern for their practical mechanisms of implementation as a revolutionary task (1992:128). He warns that the formal legal adoption of rights is not enough in South Africa and that the church must share in the creation of a new national culture which evokes the kind of communal awareness and commitment that is required for these rights to become embodied in all people's lives"(1992:6,116). This resonates with the call to turn forms into norms made by Gibson in Chapter 2.[301] Villa-Vicencio points to an urgent need for further detailed engagement within South African contexts with existing ecumenical theological rationales for human rights to better embed and embody them here in ways that create common ground rather than divide (1999:105-117). He suggests that a Trinitarian reflection may add practical value here to a theological inclusivity[302] and that a "relational reimagining" of the *imago dei* may offer resources to the social task of reconstruction. He also emphasises the need to 'Africanize' theologies of human rights[303] and suggests that the World Alliance of Reformed Churches (WARC) study,[304] led by Jürgen Moltmann, could offer a constructive theory of rights for South African scholars to further engage (1992:168, 1999:594) with a Biblical anthropology tied to the Genesis myth supporting a broad culture of human rights rather than merely embracing "rigid imposition of the do's and don'ts" of human rights

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[300] This necessarily includes the right to life (economic rights) as well as a focus on dignity and not merely bare survival. He stresses that all major theological studies on human rights agree on this broader more holistic approach to rights.

[301] There is obviously a danger (which Villa-Vicencio is aware of) with the co-opting of Christianity into a new form of civil religion here.

[302] Villa-Vicencio quotes Lategan to point to a Trinitarian model here by suggesting that human existence in relationship and participation is a mirror of God, revealing God as the Word….God is the eternal relationship of father, son and spirit, the eternal communion of the Trinity" 1992:174. Lategan (2011:28) reinforces this recently for South Africa, suggesting the need for contours of being together than can draw on a relational understanding of human existence that goes "all the way down" and that this can tied to the African notion of interconnectedness tied in to ideas of wellness. This Trinitarian model is not developed by Villa-Vicencio and will be explored in the work of Moltmann.

[303] He suggests that African communal myths may offer an important corrective to the individualism of the Western tradition with a more incarnational, accountable and solidarity orientated approach (1992:168:cf. Cobbah 1987). However he avoids unhelpful binaries here, pointing out that European thinkers like Hegel also relocate humans into a social and communal context as opposed to abstracting humans from their context as Kantian notions of human rights may tend to. It offers a relational way of understanding people similar to African worldviews where reciprocity is key. Villa-Vicencio challenges the liberal idea of Hobbes and Locke is that there is an essential core of the person that can be found by peeling away the layers of society and culture and suggests that Hegel's critique of liberalism relocates humanity within a communal and cultural context, understanding people, not as fulfilled in abstraction and isolation from others but in fulfilment of their identity and selfhood in relation to others (1992:172). Moltmann's approach later in this thesis builds on Hegel.

[304] See Miller 1977 for an account of this process. The WARC is now the World Communion of Reformed Churches (WCRC) from 2006

idealists as ends in themselves (1992:128-9, 2005:241). This locates the essence of human rights within a Christological anthropology, taking a revolutionary praxis-orientated and holistic approach (1999:598). In the promotion of African understandings of human rights, he points to 'ubuntu' as an asset in this important task to reclaim a more communal understanding of rights in South Africa[305] that can help create a social platform "where former enemies must learn to live together, as a basis for creating the fountainhead and the necessary social energy out of which a new moral imagination can emerge to address the ravages of the past and avoid the possible landmines of the future" (2005:241-2).

Villa-Vicencio's close attention to history offers a hermeneutic of suspicion in its reminder of the danger of an ongoing crusader mentality in the project of nation-building in South Africa and especially in its theological legitimation given past history. He suggests that the church has never succeeded in exercising a positive liberating and prophetic role from within the structures of power.[306] It has either been excluded from the decision making process or used as an instrument of ideological self-legitimation'. He notes that widespread abuse of the church for sectarian political purpose is common and "there has been "a theological propensity to legitimate political domination ever since the time of the Hebrew monarchy... [where theology is] merely rewritten to serve the new powers".[307] He concludes however that churches must not abdicate their prophetic task (1992:23). I suggest that reclaiming this task over two decades later requires clearer epistemological humility if human rights are not to become unwittingly a new colonizing tool but to stay connected to the 'revolutionary aspirations of the oppressed'. My thesis seeks to respond to Villa-Vicencio's call to emerging South African theologians today to nurture authentic theological roots for a human rights culture which can enable its engagement to remain connected to powerless 'belows' and not merely speak from or to powerful 'aboves' in order to retain a revolutionary, radical edge. While he explores different denominational slants to the issue of human rights (1992:131-152) I focus my attention on one important contributor to this debate, one grounded in and influential on the Reformed trajectory for human rights, but also significantly influenced by other denominations, most notably Catholic liberation theology and Orthodox trinitarianism.

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[305] This communal understanding is seen in the African Charter (1981) which has however received critique from African scholars as being too state-centred and vague. Villa-Vicencio suggests that Biblical, African and other communal cultures function differently from the modern West, where all people are part of a community which carries within it an obligation to regard individual successes and failures as inescapably the successes and failures of the entire community, to be shared in and responded to by the whole community. This insight, whilst changing in the light of modernisation and urbanisation can contribute to an evolving understanding of human rights.

[306] For more on the specific relation between church and power, see Pasewerk (1993) and Kearsley (2008).

[307] He suggests that theology has a bad track record in nation-building. While it often works well to combat political power but can be a dangerous device in the arena of power. He points to the Barthian suspicion of the danger of the 'Yes' in this particular respect (1992:20).

3.5.3 Securing a church for human rights

Villa-Vicencio calls the South African church to be faithful to the prophetic biblical vision and "to live at the nexus of power and powerlessness" (1992:30) and if it enters into partnership with power, to do so in solidarity with those who suffer most. He insists that all emerging theologies must assess action from the point of view of the poor and marginalised to help counteract the existing social bias in favour of the powerful, and that "to neglect this obligation is to neglect the church's most fundamental political role in society" (1992:30-31). As a result, he stresses that, "exploited people should form the norm and not the exception to a human rights agenda. Theology, compelled by a biblical imperative to show a special preference for the poor, oppressed, marginalised and excluded sections of society has a special obligation to never lose sight of this requirement" (1992:16).The theological section of my thesis will build on his claim that the main theological contribution to social reconstruction is to "acknowledge the presence of God as a liberating reality at the centre of life and to proclaim the public meaning of the gospel in a religionless way that can shape society before the dawning of the kingdom…to keep alive a social vision of what society ought to become" [308]. He calls theologians to develop an eschatological vision for human rights with clearly social implications in the present to enable the church to refuse to be trapped by the limits of what the dominant forces in any society say is realistically possible and retain the ability for utopian dreams[309]. For him, "the church is obliged to promote the next steps that our generation must take in order to attain social justice…it must also keep alive a vision of what society ought to become" (1992:13). I suggest he avoids Lorenzen's concern about an "instrumentalised" use of the church on human rights by insisting that the church must find "something important theologically to say regarding the individual dignity of the person, lived in community with others and with a calling to share in the creation of the reign of God on earth" (1992:116). This theological call is explored in my Chapters 5 and 6.

Villa-Vicencio insists that the church's task is not to "deduce" specific rights from Christian premises, to confer rights or even to "legitimate" the human rights debate per se as scholars like Stackhouse and Perry can tend at times to suggest, but to sensitize and make Christians more aware of these rights and how they connect to their tradition, to motivate them to live

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[308] I understand Villa-Vicencio to be using 'religionless' in a Bonhoefferian sense, not suggesting that all theological or religious language is publicly inappropriate but that it needs to make genuine and horizontal connections to other disciplines. Cf. Van Huyssteen 1997
[309] He suggests that Christianity can offer an essentially eschatological vision of society where God calls forward to a new, better society but this needs translation into programs of action in terms of essential requirements for basic human living or else it becomes mere 'opium'.

according to their demands and to offer an understanding of humanity that balances its individual and communal dimensions[310] (1992:6, 24,154). I suggest that this three-fold task locates human rights struggles within the wider quest to be human, as urgent and central to the potential of all. He terms this a "pastoral" and an "evangelical" imperative" for the church to prophetically proclaim human rights and theologically develop human rights objectives into a program of ministry which also translates words into actions (1992:149).[311] He suggests the South African church will need to democratise its own structures and dismantle its Constantinian "hierarchy of control", suggesting "it is often more oppressive, totalitarian, hierarchical and less democratic, liberating and participatory than the state" (1992:47).

Villa-Vicencio remains concerned with the potential misuse of rights discourse and suggests within South Africa that 'the espousing of equal rights within a structurally unjust context is an ineffectual mechanism for promoting the cause of the disadvantaged… it works in the favour of the strong and powerful to the extent that it supposes that the promotion of human dignity is realistically possible within unjust structures"[312]. It is because of this that he insists the primary task of church is not making just a moral appeal for human rights but going beyond this to an "active solidarity with the poor and the provision of theological and material resources as a basis for their empowerment…enabling a redistribution of power" .(1992:184). This emphasises that theological human rights talk must lead to liberating praxis with and for those oppressed by multiple structures that may need radical and even revolutionary change. He calls the church to proclaim the Biblical message of liberation as that of the human dignity of the oppressed suggesting that black, liberation and feminist theologies offer vital contributions to this task and its ecclesiological implications, calling the church into a particular way of being in the world with theological insights to bring and share (184). He concludes the church is not a foreign body in isolation from the world in its salvation mission. Nor should it view itself as an elitist body that can "confer salvation" on the world. Instead he insists it is a body of people called to "humbly share in the human task of humanising the world" (1992:196). He suggests that this requires "prophetic pragmatism" (1992:252). However his diagnosis in South Africa concludes soberly that "the tragedy is

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[310] This three-fold task of sensitization, mobilisation and anthropological in relation to human rights will be returned to in the conclusion of this project. He challenges the progressive wing of the church to take their theology seriously going beyond the individual to the person.

[311] He sees the process of 'transforming social structures to be more humanising' as a pastoral and evangelical task which goes beyond mere 'prophetic ideals and resolutions' and is therefore harder to ignore (1992:182) This needs active co-operation with agencies committed to forms of social transformation based on human rights for people dehumanised by the structures of society.

[312] For example, he points out that basic essential goods for all (rights to basic subsistence) have a God-given priority over the absolute rights to private property and luxury goods and that the church's task here is to contribute to the creation of a 'popular will' for this.

that despite the important theological insights uncovered in its heritage... few churches have seen the need to make human rights issues an integral part of their liturgy, preaching and practice" (1992:196).

I endorse Villa-Vicencio's call to the church to play a public theological role around human rights as part of the new South Africa. His challenge from within the 'prophetic' struggle movement is a reminder to continue to go beyond protest alone to simultaneously envisioning and implementing new ways of being together in radically liberating ways. He concludes that a theology of human rights may best sit within the trajectory of a 'responsible political theology' and the container of an inclusive theological anthropology. His reminder that it must find its location with those who suffer and excluded as the central focus of a liberating human rights culture and an eschatological orientation with concrete steps in the present. It is important to remain alert to the danger of the re-emergence of 'conquest theologies' in church engagement and the historical distortion of rights talk to serve the few. Connecting any specific socio-political struggle with the 'divine plan' is risky. This thesis, as it moves forwards to explore how a contextual theological perspective on human rights could add value to the contemporary struggle to make rights a lived reality for the poor and marginalised in South Africa, will do so in the awareness of this 'risk.' There are dangers in idolising or absolutizing a human rights culture from a theological perspective as well as reifying the static categories of rich and poor, powerful and powerless in ways that negate the undoubted social mobility of our times. Villa-Vicencio is aware that the role of the church in forming cultures and nations is fraught with problems partly due to its colonial history and the historical liaison of many churches with dominant and oppressive classes. And yet he insists that it is essential for the church to engage in the "cultural struggle against oppression" if it is to be part of cultural reconstruction. He sees this culture creation to motivate people to realise both moral ideals and communal duties as "perhaps the most important function awaiting the church in the period of reconstruction" (1992:45). I note however that while Villa-Vicencio sets the hermeneutical task (2005:239) and offers a few theological pointers, he does not explicitly take this theological task forwards himself. He acknowledges that to date the "tragedy" has been its theological failure to be taken up in most churches

(2005:240).[313] I suggest this remains a missed opportunity, and take up his suggestion that African scholar An Na'im may add insight to this ongoing task.

> The ambiguity of the South African human rights struggle gives implicit contextual expression to An-Na'im's quest for a self-correcting, complementary culture of human rights. A more careful methodological grappling with his quest for synergy and interdependence can be particularly helpful within emerging democracies such as South Africa where the dangers and hopes of change are still fresh and pliable (Villa-Vicencio 2005:236).

I suggest that Villa-Vicencio, like secular human rights scholars such as Freeman and Gibson noted in Chapter 2 shows that the freedom, rights and responsibilities captured in the UDHR and the Constitution still need "vernacularizing" into the concrete in South Africa. His theology enables him to see this as an incarnational task to particularize the universal and for the "word to become flesh" in relation to the needs and challenges of a particular context. He insists that this complex task is critical for it "is only in specific contexts that human rights can take root and grow, moving beyond pledges and banners to the implemented practice of human rights" (2005:239).

This, I suggest remains an ongoing theological hermeneutical task today. It requires new generations of theologians to engage constructively to build on theological resources already developed elsewhere in the world on human rights that can inspire liberating and prophetic action by South African churches for new times and issues that can again go beyond "pious words" and rights rhetoric. It is this call on which my thesis will build in its use of Sudanese human rights scholar An-Na'im in Chapter 4, its in-depth reflection on the human rights theology of German Reformed theologian Jürgen Moltmann in Chapters 5 and 6 and the selected appropriation of this trajectory in South Africa in relation to the task of building a human rights culture through the theological engagement of J.M. Vorster, Nico Koopman, Desmond Tutu, Denise Ackermann and Miranda Pillay in Chapter 7.

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[313] Ter Haar (a Dutch scholar with a focus on Africa, religion and development) also recommends the approach of An Na'im in relation to theological engagement with human rights. A number of Protestant scholars have worked closely with An Na'im including Little and Witte (both taking a Reformed approach). See An-Na'im (1990) and Witte (2010). However it is the contention of this project that his approach has not been fully applied into the contemporary South African context at a theological level and that this is a potential opportunity.

3.6   Chapter 3 Conclusion

There is no single history of Christianity in South Africa. The racialized denominationalism of its churches through history has arguably shaped entrenched identities and doctrines with clear socio-political implications. Christian doctrine has been used on multiple sides of social issues with public practical implications. South African churches have much to confess in terms of co-optation by or legitimation of abusive forces of domination but also have alternative, minority prophetic theological traditions for human rights on which to draw. Reclaiming and reshaping the theological aspects of a history that can both hinder and support human rights may offer way of remembering that can help to shape "a hopeful vision of a just and shared future" (Vosloo 2013:25). A clear collaboration with multiple theologies of domination has shaped Christianity historically in South Africa. Legacies of both settler and missionary Christianity and their 'nexus with conquest theology' have created forms of Christian doctrine which explicitly focused on 'spiritual concerns and not political liberation'. This must be both confessed and remained suspicious of in current times and reached its fruition in its justification of the system of apartheid. The important nexus between human rights and Christianity has, for most of South African history and by much of the formal church, been either polarized, denied or marginalised.

Despite this, a historic minority strand of prophetic resistance has never been absent from the Christian tradition here which employed alternative theological categories of resistance to forms of dehumanisation tied into claims of universal human rights and dignity. This offers potential resources for a 'bottom up' theology of human rights compatible both with prophetic religious awareness and a liberating trajectory of black indigenous struggle. In this way South Africa's history offers hope for reclaiming the positive role of the church on contemporary human rights abuses. However this trajectory has tragically taken a back seat in many ordinary local congregations and I suggest, requires urgent theological re-engagement.

The call for church engagement in the task of building a human rights culture cannot be confined to the current day. It has a genealogical history in which the specifically theological dimensions of this ongoing task have been emphasised and the need to situate this theology within a prophetic trajectory that pays close attention to those who suffer, places the rightless at its centre and retains a utopian dimension that can remain concretely connected to present day realities. A Trinitarian model is suggested as a potentially fruitful area of focus here.

To this day, South African churches still hold significant ethical influence in the lives of ordinary people who are influenced by its views on human rights. (Van der Ven et al., 2004, Coertzen 2014) How this influence is used is not marginal to the socio-political realities of people's lives. Interdisciplinary engagement can help progressive work in theological academies to be effectively translated into concrete grassroots action where churches have an ongoing strong presence without merely perpetuating Christianity's historical hegemony.

This chapter explored 'what is going on' in the South African context in the light of attitudes to human rights today by churches that have long historical roots. A divided settler Christianity and a missionary movement entwined with goals of colonialism and civilisation contributed to the distortion of Christian doctrine seen later in apartheid and theologically resisted ideas of human rights for decades, requiring confession. And yet alongside, despite and in protest against this were minority prophetic faith voices of resistance that spoke and acted out for human rights and, over time, exerted a groundswell of influence in society.

I suggest that South African churches need to face this question again in new times to be an authentic ally rather than a dangerous liability in the ongoing struggle for the realisation of human rights for all. Arguments for and against specific socio-political realities have been connected for centuries here to theological doctrines about God.[314] Liberal secular analysis, influential in mainstream human rights discourse may be ill-equipped to grapple with a public religious mind set still dominated by diverse Christianities. The need to frame theological understandings of the human that can nurture human rights realisation for all as a religious duty points to an urgent "hermeneutical task". This chapter concludes that significant challenges exist in countering new manifestations of both domination and quietist theologies within Christianity that can and have been reactionary, conservative and rights-violating. To see human rights as either ideologically opposed (Phillips 2007) or ideologically congruent per se with Christianity (Perry 2007) may negate the more complex engagement South African history shows is required to reclaim minority prophetic voices of dissent within existing religious traditions. South African scholars (Villa-Vicencio 2005:256), In my earlier work, I have suggested (Palm 2015:101) that Abdullahi An-Na'im may offer strategies for constructive engagement between religion and human rights for post-apartheid times and is to his anthropological approach on human rights that the next chapter will now turn.

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[314] This has entrenched the sacralisation of history and politics in the minds of many, despite recent official separation (Green et al: 2008) Moral beliefs as legitimated or refuted by church teachings remains a significant factor here to this day (Van der Ven et al. 2003, 2004).

Chapter 4 - Building legitimacy with An-Na'im's liberating hermeneutic

4.1   A human rights culture – taking an anthropological lens

Chapter 2 highlighted the need to reconstitute human rights in bottom-up ways that pay critical attention to their use in specific contexts if their promise is to be better fulfilled. Chapter 3 suggested that religion still has an important theological role to play here in exploring the "human" aspect of rights to identify liberating anthropologies that can underpin the task of building a human rights culture. Increasingly secular anthropologists (Goodale 2008, 2009, 2013; Merry 2006; Wilson 1997, 2003; Dembour 2010) have called for constructive engagement with more nuanced ideas of the "human" and "culture" (Cowan 2006:9-24)[315] while noting however that questions of the human person have been engaged with by religions for centuries, far before the disciplinary emergence of anthropology. Recent work on a "critical anthropology of human rights" (Preis 2008; Goodale & Merry 2007; Goodale 2008, 2013) seeks to offer an "anthropological third way" between rejection or co-optation (Goodale 2008:377).[316] Goodale's theory of social praxis focuses on ordinary actors and what they can do to construct "normative frameworks" for meaningful interactions (2008:381-3). He seeks to keep human rights "provisional" by inverting the direction from which legitimacy flows, not top down but emerging from critical social practices from the bottom up, and offering an "emancipatory cultural politics" (p. 383) He argues for an intersubjective approach to human rights[317] which enables critical reflection on social conditions and a basis for resistance. For Goodale, an "anthropology of trouble" lays a theoretical foundation for engagement on behalf of, or with those around the globe who seek to resist dehumanising practices"[318] (2009:385).

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[315] A 1947 American Anthropology Association (AAA) meeting announced discontent with the universalising claims and "imperialistic irony" of post WWII human rights discourse, suggesting that "while intended to protect the powerless it would actually merely impose hegemonic moral values downwards". (Goodale 2008:373).This Statement was only formally refuted with a new Declaration in 1999. For more on this shift from "scepticism to embrace" within anthropology, see Engle (2001:538) and. Messer (1993:222-4). Wilson sees human rights as filling the gap left by the demise of grand political narratives post-cold war and as one of the "few utopian ideals left". He, like others, rejects a knowable "essence of the human", suggesting "there can be no essential characteristics of human nature or rights which exist outside of discourse, history, context or agency" and highlighting its socially constructed dimensions (Wilson 1997:134).

[316] He suggests that "the idea that there is a set of potentially emancipatory principles underlying human rights discourse that have become co-opted by institutional structure of power is what lies behind increasing claims that human rights can tend towards "moral imperialism" (Goodale, 2008:379) He suggests it parallels the "diatopical hermeneutics" of Panikkar (1982:75-102) and Santos (2009:97-121). Goodale is also wary of human rights discourses that reinforce existing privilege suggesting that it "builds social relationships of knowledge and power rather than 'discovers' them, producing the very thing they assume" (2008:386-7).

[317] He suggests this approach can resist the tendency towards "moral imperialism" and re-centres personhood within international narrative (2008:387). This resonates with Eagleton's depiction in Chapter 1 of culture not as static object but as dynamic critique from within.

[318] Odysseus and Selmexi (2015:1033-1055) point to the performative dimensions of rights and suggest that "human rights incite new moral and political subjects in the very acts of defining and claiming rights, including the ways in which truth discourses surrounding human rights allow people to understand themselves as subjects bearing rights" and as a result, able to pursue new paths of action, struggle and moral

One of the consequences of the so-called "age of rights" (Henkin, 1990; Bobbio, 1996) is an image of a "global culture of rights" (Rorty 1993:2). Wilson and Mitchell point out that for an anthropologist, "it is a strange culture because it is declared rather than lived and future orientated rather than based in tradition" (2003:17). Hastrup is also concerned that "proclaiming this global culture of human rights may undermine moral agency by alienating people from their own horizon" (2003:19) and emphasises instead that the very idea of a transcendent culture of human rights is in fact itself part of a historical movement (Cf. Oliveira 2012:79-98 for a similar view from Brazil). In this respect she problematizes the idea of building a human rights culture, in line with my Chapter 1.[319] I take up Wilson and Mitchell's concern that the 'rights' part can often dominate at the expense of the 'human' part where rights can become fixed in legal languages of logic rather than remaining "subject to considerable flux…as the means by which a society may judge its own performance over time" (2003:26). Instead, for Wilson and Mitchell, human rights are ideological expressions of deeper social struggles that can critique the inflexible modernist paradigm of much current rights talk as disengaged and instrumental, stressing the 'thin' formal and legal aspect of rights in ways that can arguably end up 'morally empty'. Instead they suggest human rights declarations have the potential to "set up a space of common action…start with social practices and the abstractions may then make the force of the ideals people are living by more vivid and empowering" (2003:25-26).

Wilson, Cowan and Dembour (2001) point to the increasing deployment of a rhetoric of "culture" in contemporary human rights discourse that has often built on an erroneously "essentialised" notion of culture that has been problematised, most notably by Palestinian post-colonial scholar Edward Said (1993),[320] where "all cultures are involved with one another, none is single and pure, all are hybrid, heterogeneous, extraordinarily differentiated

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comportment to themselves and others'. They suggest that "the power of human rights often hinges on their modes and processes of 'subjectification', for example in inciting subjectivities that enable new languages and new claims for resistance against dispossession and oppression." Cf. Wilson (1997, 2003).

[319] Cowan, Dembour and Wilson (2001) suggest a strongly articulated 'culture of human rights' carries with it a particular discursive field where a field becomes demarcated and a language game is played which can be structured as a winner/loser situation. Wilson's (2001) research on the TRC commission in South Africa suggests that rights-talk creates certain kinds of subjectivities, victims/perpetrators etc. that real people have to fit into and that as a result, actual social complexities can be lost. He and Mitchell draw on Geertz's understanding of law as a "particular way of imagining the real" that can tend to 'skeletonise our social narratives' and are concerned that the individualising focus of legal rights can also 'depoliticise ideological conflicts' and 'flatten complex moral terrain'. (2003:1-2). Anthropology's focus on 'human sociality can offer an important counter-voice in the human rights field of ontology (Wilson 2001:16.

[320] An essentialist view sees 'a group as defined by a distinctive culture and that cultures are discrete, clearly bounded and internally homogenous, with relatively fixed meanings and values'. Much cultural relativism on human rights wields this 'misguided conception of culture that is reified, constructing it as internally uniform and hermetically bound, shared and normative not cross cut by social differences'. The idea that cultures are discrete and homogenous, the product of isolation and the basis for all difference and similarity between humans…. 'falls apart in contexts of hybridity, creolization, intermixture and the overlapping of political traditions' Wilson (1997:9).

and unmonolithic" (1993:xxv).[321] This understanding of culture is used by An-Na'im (1990, 2002) and Eagleton (2000) and I suggest also applies to seeing religion as culture.

Cowan et al., (2001:4-8) point out that the notion of culture as an 'essentialised object' in rights talk has often played out in a binary human rights versus culture debate or in the second idea of having a right-to-culture[322] which can fuel new and reactionary forms of ethno-nationalism. She suggests both of these approaches see culture as an object. Cowan et al., instead recommend a third process based relationship of "rights as culture". (2001:11).[323] This sees "human rights culture" as an aspect of a new global, transnational culture, a phenomenon of modernity with its own possibilities and limitations, both as a set of ideas and as a realm of practices.[324] They point out that although human rights as discourse and practice is in many ways 'culture-like' it could be seen as constituting "a truncated and artificial culture in relation to the 'more organic' cultures it impinges on" (2001:13). However they suggest that, "thinking of human rights as a culture is precisely useful because it unsettles the organic assumptions which the term too often carries" (2001:13). It can interpenetrate other structuring discourses to counter tendencies to think of "a mosaic of bounded and discrete cultures"[325] and help prevent human rights from becoming fixed and abstract (2001:13).[326]

Critical anthropologists are aware of the paradoxical reality of both rights and culture as terms and suggest that it is important to look at how cultural practices are "introduced, appropriated, deployed, reintroduced and redefined in a social field of power over a historical period" (Merry 2001:46). This appropriation is an uncertain process, "governed in part by

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[321] Recent human rights scholars have called more explicitly for an intercultural approach that includes intra-cultural engagement (Flynn 2014). This recognises the plural, porous, hybrid and dynamic nature of all cultural processes which has become more visible in human rights discourse in recent years. This approach has implications for rethinking as well as for theological methodologies where specific calls for an intercultural theology have been made from those engaging with human rights theology (Newlands 2004, 2006, 2008).

[322] Wilson suggests this demonstrates a lack of awareness of culture's "ontological aspect…its role in constituting persons" (2001:8).

[323] Here rights constitute a kind of culture in the sense that "rights discourse embodies certain features that anthropologists recognise as constituting culture. Its talk, thinking and practices entail certain constructions of self and sociality and specific modes of agency….[seeing]culture as a heuristic analytical abstraction through which to think about rights…talk about processes, grasp connections, contradictions and logics, act as a way of seeing and a means of analysis as to how rights operate as situated social action'"(Cowan et al., 1997:4). This trajectory is based on Geertz's law and culture paradigm, deployed by An-Na'im (1990) and continued by Nader (2013).

[324] They suggest that some of its structuring and foundational ideas are that it is individualistic, it addresses suffering through a legal-technical rather than an ethical framework and it emphasises certain aspects of human co-existence (rights) over others (needs or duties)

[325] Communitarian accounts e.g. MacIntyre tend to focus on the social nature of being and the ways in which subjectivity is formed in the context of social relations. But Taylor (1991:72) points out that any cultural field involves a struggle…people with different and incompatible views contend, criticise and condemn each other. Arguably communitarians can underestimate the importance which liberalism attaches to the community. Wilson (2001) suggests that both tend to see culture as existing empirically a priori and do not ask how it comes into being and through what processes. He points to both white and Zulu nationalisms in South Africa as two examples of the way in which culture gets formed through specific politics and history. He argues that cultures are always relational and have the capacity to be transformed and that cultural change is inevitable and can be positive (Wilson and Cowan, 2001:18).

[326] Merry states "rights are a cultural phenomenon…developing and changing over time in response to a variety of social, economic political and cultural influences. Culture is also a process, developing and changing through actions and struggles over meaning, rather than a static shared system of beliefs and values" (2001:38). She shows that the data does not warrant a dichotomy between cultural relativism and universal rights as' mutually exclusive moral frameworks,' and she calls instead for a pluralistic non-essentialised contextual dialogue.

similarities in underlying cultural logics and characterised by the incremental nature of change' (2001:47).[327] I suggest that both religion and human rights can be seen in this respect as "cultures" with potential to appropriate similar cultural logics in relation to human dignity.

Nigerian scholar, Ibhawoh suggests that "the modern concept of human rights, admittedly a product of the West is increasingly becoming equally relevant in other parts of the world" (2000:839). As a result, increased religious, cultural and historical engagement is needed on human rights in African contexts, as "in this way the legal and policy provisions of national human rights can derive their legitimacy not only from state authority but also from the force of cultural traditions" (2000:839). He highlights South Africa here, pointing out that while legal provision on rights is clear in the Constitution, in practice this can be ambiguously applied against a background where there is a prevalence and dominance of customary practices that may conflict with that standard. Legal enforcement alone on corporal punishment, child labour and domestic violence for example may have limited effect (Ibhawoh 2000:845. cf. Green et al., 2008, 1-25).[328] Ibhawoh suggests that rather than prescribing new rules for social relations within cultural communities, laws should aim at promoting human rights within cultural attitudes and institutions to find ways for religico-cultural forms to serve as a complement rather than a constraint to human rights aspirations through change, adaption and modification. He insists this requires a holistic, sensitive approach rather than an outright rejection of existing cultures and religions (2000:856).

Similarly, religious scholars point to the need to reclaim strands of religions that are 'for' human rights. (Oh 2007; Ter Haar 2011). Ter Haar insists that religious ideas are a currently underutilised global resource which need to reclaim their "spiritual capital" (2011:10-13). My thesis is grounded on my experience of her claim that many development and rights workers still think of religion as an obstacle to progress, rather than something that can help build human societies. (2011:4-5). As a result, many rights-based approaches can tend to ignore or be deeply suspicious of religion up front (Kirmani, 2014; Akena, 2014). This is noted in

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[327] Wilson highlights how power inhabits meaning and points out that human rights emerge historically as the result of political struggles between individuals and interest groups, often tied to the rise of nation states. He reminds us that "rights are not natural, god given or innate…they are the creation of political struggles between social classes and serve as an indicator of the balance of power."

[328] Ibhawoh (2000) suggests that human rights have not had their full effect on African society because cultural practices persist that have great limitations on constitutional human rights guarantees. Human rights regimes in Africa have often emerged out of a pre-existing colonial setting which tended to apply European law in urban areas and leave static more essentialised forms of traditional law in rural areas. (cf, Chanock, 2001) Constitutions were often rushed, importing human rights provisions with not enough local initiative and input. Ibhawoh suggests that this does not bode well for human rights post-independence as some African countries are now seeking to reverse these "colonial trends". However South Africa is an exception in some important ways in this regard as Chapter 2 has shown.

South Africa in the human rights literature surveyed where the church was rarely mentioned despite a clear seeking of engagement with many other civil society sectors. Arguably the church is even seen as an "ideological enemy" by many human rights theorists and practitioners today and the tendency to identify religion with violence and intolerance, making religion appear a cause of human rights violations rather than as a possible solution to these problems still forms a significant 'fault line' in the African human rights debate today. (Ter Haar 2011:296). She suggests that An-Na'im offers an important alternative approach as religious discourse remains a reality for the vast majority of the world's people, especially in Africa and it is these people whose thoughts human rights activists aspire to influence. The need to take a stand on religious grounds in favour of human rights without making exclusive claims to ownership as I show An Na'im recommends, is important or else Ter Haar predicts that "the stand will be taken against human rights on grounds that resonate more strongly with believers of faith communities".(2011:305) This reiterates Williams' call from Chapter 1 of the need to identify theoretical frameworks that can reconcile dangerously widening gap between religion and human rights in current times(2012:160, Cf. Freeman 2004).

I concur with Ter Haar (2011:295-300, 2014:80-91) that theologians have an ongoing important role to play to link religion and human rights in the thinking, feeling, motivation and action of their members as a part of building a global human rights culture where rights then become "inculturated" into people's ordinary ways of thinking and doing[329]. She suggests this requires religious believers to be understood in their own terms if religion is to become a source of inspiration rather than an obstacle to a culture of human rights because people's understanding of human rights is informed by their own worldview, which is often religious. (2011:5). She notes that religion often defines relations between human beings in any given society "dealing with wider questions of good and evil which can form part of the justification for human right or for their abuse" (2011:3-8, cf., Ter Haar and Ellis 2004:49-66). She insists, with Henkin (2005:154) that religion and human rights can share common ground and need a common agenda for action (2011:295, 2014:80-81).

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[329] Ter Haar shifts away from the idea of a 'transcendent human rights culture' imposed from above by suggesting that rights need 'inculturation'. This term has a missiological history and according to Gitonga (2008) "is anchored on the biblical concept of incarnation and liberation" (p. 97) relating to making the Gospel known in cross cultural settings, undressing it from one cultural setting and redressing it in another, whilst also recognising you cannot have a "culturally naked Christianity". This insight may be helpful for human rights, where An-Na'im's approach suggests that there are no culturally naked human rights. It encourages building on resources within existing cultures. Gitonga ties this to liberation because the Church is called "to liberate oppressed peoples and requires in practice the recognition of cultural equality and the human right to culture and is therefore pledged to a genuine liberation of culture" (p. 104). This "inculturation" paradigm has been taken up recently by Atiemo (2013, p. 3-4) in relation to Ghana's relationship between religion, culture and rights..

This reconciliatory approach to religion and human rights has seen a resurgence of interest recently[330]. Cox (2014) argues that religion urgently needs improved engagement as a human rights ally. He suggests that human rights discourse can often ignore the more progressive dimensions of religion by focusing only on their fundamentalisms and I agree with his concern that this "increasingly sharp divide between rights and religions comes at a significant cost as it distances human rights from the multitudes of ordinary people in the South who inhabit religious frameworks...as well as being a great loss to religion" (2014:para. 1)[331]. He suggests that some of the most effective work against religious-based oppression may come from human rights-minded co-religionists and that secular human rights workers need to rediscover faith-based allies to work together in movements that draw on the best of human rights and religions. (2014:para 2).[332] This also resonates in African contexts[333] where Ghanaian theologian Atiemo (2013:30, 2014:1) suggests that for many black Africans, God is a source that is be relied on for their basic human dignity. and a simple splitting of religious & secular concerns is uncommon. He is concerned that the rights-religion link often focuses only on great personalities and that wider religious institutions and ideas are just as important (2013:16-19). Snyder (2014) concurs, suggesting,

> Normative frameworks in the global South are largely religious, making it difficult for the secular human rights movement to penetrate these societies…while human rights is a largely elite project of activists and lawyers using global rather than vernacular language. For the poor and abused, their normative frameworks are often religious, not secular or legal. (2014, para. 1)

Liberal concepts such as human rights can remain weakly embedded in newly modernizing societies such as South Africa (Villa-Vicencio, 2005) and may as Snyder suggests "need a leg-up from progressive religion to gain organizational and emotional traction" (2014:para 2). I suggest all these scholars draw on the work of An-Na'im to whom my thesis will turn.

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[330] Williams 2012:160-175, Ter Haar, 2011:295-314. Morris 2014:1 Bochenok 2014, Henkin 2005:153-4 all identify the excessive secularisation of human rights approaches as counterproductive. However this reconciliation remains contested (Kirmani 2014, para 1 Akena 2014:1-2) whilst all highlight the importance of religious interpretation and its motivating power on members.

[331] He suggests that by struggling to align their values with human rights standards, religions grow in ways essential to their vitality and points to the USA civil rights movement as an important example. He provocatively suggests that unchecked religious power, when not tethered to human rights can turn "demonic", seen historically for example I suggest in the Crusades and the Klu-Klux-Klan. (2014:3)

[332] Morris (2014) points to the practical role of religion in 1970s Latin America to support Cox's thesis in ways beyond this thesis scope.

[333] He argues that this is more common and important in Africa than the North. In Africa, grassroots ecumenical bodies of the church have often played a dissenting role in practice in times of human rights crisis. E.g. South Africa, Malawi (TengaTenga 2006, De Gruchy 1979)

4.2   Introducing Abdullahi An-Na'im

An-Na'im is a Sudanese legal human rights scholar[334] who has consistently challenged the mainstream human rights paradigm to take a contextual and cultural approach if it is to be more effective at bridging the human rights 'gap' between theory and practice that continues to bedevil many parts of the globe today. His work reflects the specific history and concerns emerging within the African continent and he has pioneered global debate for decades on engaging religious voices for human rights realisation (1990, 1995, 2010a, 2010b, 2012).

For my thesis, I draw specifically on his emphasis on 'internal religious legitimacy' as a critical component of embodying a grassroots human rights culture if human rights are to retain their liberating promise in African contexts. He points to an ongoing theological task (1995:229-230) to help concrete religious communities "make sense" of human rights in ways that can connect authentically to their existing ways of interpreting the world. He emphasises that all cultures, including religious traditions, are fluid and changing with a multiplicity of perspectives within each tradition and that this offers ongoing scope for liberating hermeneutical reinterpretation. I suggest that An-Na'im's approach reflects the sort of critical scholarship on human rights that can help to go beyond dualities to grasp and more innovatively theorise the multiple, complex facets of its ambivalence which Odysseus and Selmeczi (2015)[335] claim is still urgently needed in South Africa today, His Sudanese context within an Islamic frame of reference has shaped his "methodology of synergy and interdependence" (2005a:56-80, 2014:20-30) as a strategy for constructive engagement between different religions and human rights founded in human dignity. He accepts both the universality of human rights,[336] and the urgent need for religion to reform some of its practices, whilst suggesting that this can be done effectively only on the basis of respect and sensitivity to religion's own criteria of legitimacy.

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[334] An-Na'im is a Sudanese lawyer, academic and activist now based in the USA. He has called for a cross-culturalisation of the human rights idea and is known worldwide as a pioneer in engaging religion and human rights to enable improved grassroots implementation. An-Na'im, alongside others at the Emory Centre for Law and Religion, is a recognised global pioneer in the importance of engaging both religious and cultural frameworks in order for human rights to be more effectively realised at local grassroots level (1990, 1993, 1995, 2000, 2008, 2010, 2012). He is a recognized global authority on both Islamic and cross cultural approaches to human rights. He describes his work as 'Scholarship for Social Change', arguing that good scholarship is essential but is not neutral and uncommitted, saying "I have to take a position and defend it" (2010a:1). He acknowledges that the liberal ancestry of rights creates certain conceptual limitations by tending to prioritise CPRs over ESCRs and ignore collective rights,self-determination and intergenerational rights but he that this is evolving and that the human rights dependency of the South on the North' due to the power relations of aid conditionality can be challenged by a North-South alliance of a people-centric human rights movement that can use the political space created by present dependency to diminish the bases of that dependency longer term (1988). He also served as the Director for Human Rights Watch in Africa for many years.

[335] This explores the duality of human rights, mapping both its radical potential in inciting and enabling struggle as "weapons of the weak" and its mobilisation in disrupting progressive political formations or entrenching unequal market and political relations. (2015:2)

[336] An-Na'im sees universalism as the "product of an ongoing process" rather than the unquestioned imposing of an already established, given concept. This holds the concept of human rights open and on the way, rather than a closed, unchallengable "canon" (2005a:59).

An-Na'im (1995) points to a "new human rights hermeneutic" (Witte 2010:14) emerging within religious traditions that is 'liberating' and suggests this is in need of more detailed appropriation in specific contexts. (1995:229). The relevance of his approach has been developed recently by Palm (2015) in relation to South Africa's current human rights context. This draws on earlier South African scholars such as Villa-Vicencio who comments that

> The ambiguity of the South African human rights struggle gives implicit contextual expression to An-Na'im's quest for a self-correcting, complementary culture of human rights. A more careful methodological grappling with his quest for synergy and interdependence can be particularly helpful within emerging democracies such as South Africa where the dangers and hopes of change are still fresh and pliable (Villa-Vicencio 2005: 236).

An- Na'im (2005a:68, 2010a:76-78) is clearly aware of ongoing tendencies in Africa for human rights to still be perceived as alien and imperialistic tools of the colonial West and rather than merely dismissing this concern, he suggests the need to engage with the question of ownership and power relations seriously[337] if human rights are to realise their liberating promise in practice. He also highlights a methodological choice to be made in how to engage as scholars in the South. To polarise human rights, cultural and religious frames as inherently conflictual is, according to him, a mistake. A methodology of synergy and interdependence whilst challenging is an essential part of making rights real for grassroots communities in Africa (2005a), This resonates with calls from other human rights practitioners (Cox 2014, Morris 2014; Ter Haar 2010; Freeman 2004; Villa-Vicencio 2005; Ife 2009) that constructive methodological engagement with religious ideas is essential for effective practice.

> "Religion and the secular both need contemporary hermeneutical review…it is important that from within their own traditions, people work on the relationship between religion, the secular, & human rights to see what might be possible to affirm in common" (Weller 2007:172).

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[337] He states, "I do not suggest that human rights as such must be the answer to all problems of differential power relations, whether locally or beyond. Rather... human rights need to be owned by different peoples around the world, instead of being perceived as simply another facet of Western hegemony. This would clearly highlight that legitimating human rights in local cultures and religious traditions is a matter of vital importance for the survival and future development of the human rights paradigm itself. Given internal transformation…religion can also provide the moral underpinnings of dynamic development of the idea to address emerging issues in different settings" (2005a:68).

An-Na'im's focus has been on the effective conceptualisation and implementation of basic human rights protections at grassroots level within the African continent and he has emphasised not merely discussion about culture *and* rights but the need to build a culture *of* rights, a concern relevant to this thesis. Due in large measure to his own experience as a practicing Sudanese Muslim,[338] religion and culture emerged as strong concerns in his relationship with the emerging human rights paradigm. His work questioned early assumptions by 'doyens' of the mainstream liberal Western human rights movement such as Donnelly (1994) and Howard (1980) discussed earlier that religion and/or culture have little of positive value to offer human rights and should be seen mainly as liabilities which the so-called 'neutral' universal discourse of human rights needs to challenge, trump and overcome, An-Na'im actually suggests that in a way we are all relativists embedded in particularities and there is no such thing as a neutral theory of human rights, or indeed a universal human person. (2010a:116).[339] He notes that while liberals may see their views as valid to every reasonable person this exactly how ideological or cultural conditioning of human behaviour works everywhere and we need to "reconcile" competing visions. (1994:62, 2014b:para 1).

Arguably, An-Na'im's work as a scholar-activist engaging religions on human rights discourse has had a significant theoretical and practical impact in the field of human rights (Freeman 2004). He recognises but goes beyond the use of religions as social capital to point to a theological task. His journey is 'existential', involving his own journey of faith and the "spiritual capital" which its tenants give him as a human rights activist. As a result of his context of "hybridity," he is not afraid to be both a religious and human right "heretic".

4.2.1 Going 'beyond the law' into culture

I suggest that An-Na'im sheds light on the South African analysis of Chapter 2 by situating human rights in a wider trajectory as the "product of a long history of struggle for social justice and resistance to oppression in all human societies" (2001a:93).[340] He problematises

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[338] An-Na'im addresses the problem of cultural legitimacy from his Sudanese Muslim context by highlighting his own journey to see that human rights are a comprehensive sort of ethical/moral code as well as a legal subject matter. He admits that he took human rights as a 'given' in the early 1980s but has changed his mind due to his own work seeking to reconcile diverse ethical frameworks. (2000:1-32)

[339] See Mutua, Shivji, Douzinas and Mamdani as discussed in Chapter 1. An-Na'im suggests it is that it may be false to pretend that a normative system can be culturally neutral and in this way pre-empts recent critiques of human rights. (2002a:34)

[340] This is not to say that "the ancient Greeks understood rights in the modern sense of the word but that the point is to understand this modern concept of human rights as a specific manifestation of an ancient pursuit of social justice and resistance to oppression by all human societies. That is, the modern concept should be seen as the product of and building on earlier conceptions and efforts rather than a total break with past experiences of human societies around the world"(2001a: 93) It aligns with post-colonial scholars who critique a tendency to root the history of human rights only in Western narratives. An-Na'im quotes Mamdani, "Wherever oppression occurs, and no continent has had a monopoly over this phenomenon in history, there must come into being a conception of rights...this is why it is difficult to accept that human rights was a theoretical notion created only three centuries ago by philosophers in Europe, True, one can quote Aristotle and his

power dynamics in this struggle history[341] and takes postcolonial critics of rights seriously, stating that,

> Cultural relativists or opponents of universalism have a point that must be taken seriously but not conceded or allowed to defeat the possibility of the universality of these rights. They are right to observe that the notion of universally valid norms is problematic but wrong to conclude that the effort to establish and implement human rights norms should be abandoned (2003b:2).

Instead, he emphasises the need to develop and implement effective strategies for overcoming this rather than to "forfeit the possibility of success" (2003:2).[342] An-Na'im insists that the human rights concept needs to find acceptance as a legitimate expression of people's demands and aspirations in their respective contexts and circumstances" (1995: 50). [343] Instead of being liberating agents in African struggles, he suggests that modern human rights legal mechanisms could sometimes enable leaders to maintain political power and economic privilege without delivering on their human rights promises. He further points out that, "… since conditions for effective legal protection [are] lacking in many African countries, the human rights paradigm is unlikely to have the same liberating power it has in developed Western countries" (An-Na'im 1990:5, 2001a:90-93). In this way, human rights, in contrast to their earlier association with decolonisation in Africa, can become today associated with re-colonisation. He insists that an emphasis on the legal protection of rights alone is often unable to check the massive violations that occur in the daily lives of the vast majority of people. As a result, people become disillusioned[344] with the human rights concept "but what they should reject is the application of that concept in the same way as the West" (An-Na'im 2001a:102). This concern that human rights remains relevant for the poor leads

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ideological justification of slavery…and yet did anyone…question the slaves? Given what we know today of slave revolts in antiquity can we assume that these in no way shaped the thinking of slaves such as giving rise to a conception of rights that tended to undermine the legitimacy of their masters practice? Or …must we assume the opposite?" (1990:359-60 cited in An Na'im 2001a:92).

[341] He suggests that convenient universals are often accepted and only inconvenient ones are disputed but also that human rights must not become a "pretext for imposing the values of one culture onto others." He remains alert to the power dynamics that often structure human rights engagement, where the unequal power relations between countries create an inevitable tension between the relative and the universal.

[342] He highlights that local activists or international NGOs working on rights are often seen as agents of "foreign cultural imperialism" and that the solution to this is to promote internal initiatives and processes which requires partnership and not dependency. (1988:121-215)

[343] He continues to this day to stress the danger of a neo-colonial importation of a narrow understanding of rights, focused only on civil and political rights and seeking a top down enforcement as a deeply problematic main strategy for human rights (2010, 2014b).

[344] This can breed support for claims that African societies are bound only by their own cultural and religious norms. For him, this requires challenge because it "repudiates the core principle that human rights are due to every human being without distinction" (2001a:102)

him to suggest mediating methodologies that go 'beyond the law'[345] into the social dimensions of the human person. He articulates a 'third way' of cultural pluralism[346] to find creative dialectical ways for the concept of human rights to be owned from below within diverse community contexts[347]. An-Na'im (2001, 2010) remains committed to a universal approach to human rights as envisioned in the UDHR as relevant for African times due to the extensive power of the state over every aspect of human life. However he also reiterates the importance of reconstructing non-Western voices in order to constantly open up what we take to be "universal" for wider debate. I endorse his suggestion that this requires vulnerability[348] and even a fear that the concept itself may be lost, but that this risk enables the possibility of a new universal to be achieved further down the road and must be taken. (1998:16, 1999a:13, 2010:75). I draw on his claim that there must be an effort, "to build and overlapping consensus around the normative content and implementation mechanisms of human rights…the project of the universality of human rights is to be realised through a congruence of societal responses to injustice and oppression and not by transplanting a fully developed concept & its mechanisms of implementation from one society to another" (2001a:95).[349]

He emphasises that the human rights concept needs deep rooted dialogue in specific contexts where its promise remains unfulfilled[350] (1995:229-231) to continue to build an 'overlapping consensus' that can draw on multiple (particularistic) foundations for rights rather than seeking to either identify just one or to eschew the whole idea of foundations at all. The cross-cultural quest to establish and implement agreed norms is a task still underway if a truly universal consensus is to be built. He points to a "contextual cultural approach" where human

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[345] This reverberates with the call from Ife to go beyond the law if rights are to be owned from below. Like An-Nai'm he suggests the legal frame can "marginalises other ways of seeing" and is remote from peoples' experience, suggesting, "if human rights are to become more grounded in lived experience, they need a broader grounding than the purely legal…or they will exclude much of the population from any sense of ownership of human rights and of the responsibilities that go with them." (2009:112).

[346] This notes the tensions between the polarized binaries of universalism/cultural relativism, western/non-western, traditional/modern and secular/religious and holds them together in ways that go beyond the Western "ideological-export model" of human rights (Chase 2014:1)

[347] He insists that multiple 'particularist' foundations within diverse cultures can be developed as compatible with human rights without requiring its wholesale rejection. He points out that human rights is still a contested discourse within the West as well and to conflate the West with wholehearted rights acceptance is as essentialist as to conflate the so-called 'non-West' with a consistent denial of rights.

[348] An-Na'im develops the idea of shared human vulnerability and its relation to human rights in a number of places (1998:15-20, 2010:84-86, 141). While this is an increasingly important aspect of his later thought it was only identified at the end of my research.

[349] An-Na'im argues that "regard must be taken of the unavoidable diversity of views on human rights within each culture due to religious, ideological, class or other differences…It is counterproductive to assume that the universality of human rights in self-evident or has already been established so that all that remains in the pressure a few ruling elites in developing countries to abandon their opportunistic denial of the obvious…The nature of existing power relations enables the governments of developed countries to raise issues of compliance with human rights selectively in service of their own foreign policy objectives without regard to the integrity and credibility of the universality of these rights as a whole" (1988:205-222)

[350] He suggests that "the liberal elite talk about democracy, economic justice and so on but they live their privileged lifestyles. They don't muddy their hands in the dirt of village life'" (1999:15). He wants to shock human rights advocates out of a dangerous complacency of thinking they have the answer, by stating "it can be healthy to think of a world without human rights language". However An-Nai'm believes that the core concepts of human rights have increasing relevance everywhere, even if he sees the language as a barrier at times. He points to the three Cs, Concept, Content, Context While the concept may be universal, he emphasises that the content and context requires detailed and local particularization (1988:211, 2012:97).

dignity and human rights are mutually reinforcing in the minds of ordinary people. (1995:229-242, 2001:93) An-Na'im highlights the importance of internal cultural and religious engagement around human rights if they are to take real root in diverse African contexts. He seeks to build consensus, challenging both human rights theory and existing cultural and religious traditions to continually rethink their positions with an eye to grassroots social transformation and the need to go "beyond the law" if rights are not to be condemned to "permanent marginality".

> This (legal) model is not only limited, exclusive, expensive and inaccessible to most Africans whose human rights are routinely violated by state and non-state actors, it is also incapable of redressing the type and scope of violations most frequently suffered. This is a far cry from the 'whatever it takes' approach of Article 28 of the UDHR and this discrepancy, if not redressed, threatens the principle of the universality of human rights and defeats their essential purpose.(An-Na'im, 200:105).[351]

An-Na'im argues (1988:104) that while the UDHR[352] shows 'liberating promise', this often comes down in practice to justiciability which presupposes, often inaccurately, that violation is the exception and not the rule[353]. As a result, human rights in Africa often "enabled leaders to maintain political power and economic privilege without delivering on their promises to protect these rights" since the conditions for effective legal protection were lacking, thus reducing its 'liberating power'. His recognition that human rights can operate repressively, and even perpetuate a form of recolonization, using methodologies counterproductive at times in African contexts reiterates the paradox of Chapter 1, requiring human rights to find context-specific and concrete ways to embody their "liberating promise" (2001:92-95). However, rather than discarding the concept of human rights, he rejects the universalisation of specific processes with little possibility for local innovation and adaptation. He suggests that "normative consensus can emerge from the actual experiences of a concrete society

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[351] This is particularly the case when it comes to family issues often embedded in cultural and religious frameworks. (see 1994 62-81 and 2002a). He suggests African societies may do more for the implementation of human rights with less sole reliance on the purely legal protection of these rights and focuses on non-legal strategies of implementation. "I am emphasising the need to address the structural, cultural and other root causes of violations in order to implement human rights in a systematic and comprehensive manner instead of (only) seeking redress for violations on a case- by-case basis" (2001:90).He suggests law remains incomprehensible and financially inaccessible for most African people and that courts and law enforcement are incapable of addressing massive violations of human rights that occur under customary and religious laws and practice at the local rural level He seeks 'address root causes of human rights violations… a complex and protracted task which raises fundamental philosophical and ideological questions about the nature of the 'good society' e.g. the lack of political commitment to women's rights can be due to cultural resistance to the foundational principle of equality. "(2003b:100-11)

[352] However he also notes that there is something about the beautiful vision of the few proclaimed now for everybody else that he suggests can make many people feel angry, regardless of the actual content, and to reject something that they were not part of creating. (2010:50)

[353] He notes this is not the case in many African contexts facing structural poverty and oppression. He avoids the individualistic victim-and-violator paradigm excoriated by Mutua as requiring a Western 'saviour' and repressing wider structural dimensions. (Mutua: 2001 201-245)

where the universality of human rights is premised upon cultural and contextual particularities rather than pretending they are non-existent or unimportant" (2001a:102).[354]

An-Na'im works with a Geertzian concept of culture[355] presented earlier that is dynamic, plural, porous and internally contested as opposed to static, monolithic and bounded. (1990: 332, 2002a:21) In this way, his work prefigures and reinforces recent critical anthropological scholarship such as Goodale and Wilson. He suggests that within a given cultural tradition, a certain human value or need has "cultural legitimacy" if it is believed to be fundamental and is accorded to every human being. This endorsement is critical for human rights enabling individuals to accept its underlying validity as "in the final analysis institutions emerge from the interaction of individuals and economic and social forces are also the expression of the interests of individuals" (1990:333). He suggests that human rights can find fertile soil in Africa if it is accepted that all cultures are contested, plural and changing and that any human understanding of universal principles is always situated in particular contexts. This problematises the idea of a 'neutral' stance on human rights as an unchallengeable 'given' sitting above all other human cultural frameworks as possible or desirable[356] stating "normative systems are by definition inherently and permanently culturally rooted. There is nothing that is culturally neutral" (1995:230).[357] As a result, genuine universality is not lost in a mere sea of either total relativity or static dogma, but remains continent, situated and partial as an ever-receding cross-cultural goal that can only be increasingly reached through an overlapping bottom-up consensus that also evolves itself as human contexts change[358]

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[354] He re-enforces universal standards, despite their historical evolution in a Western context, as needed for securing freedom and social justice for all individual persons and communities against the excess or abuse of power by the state in particular. (1988)

[355] An-Na'im draws on Geertz in line with interpreters such as Habermas who tie hermeneutics into critical social theory as a way of transforming the world. The central principle of sociological hermeneutics is that it is only possible to know the meaning of an act or statement within the context of the discourse or worldview from which it originates (Davies and Piero. 2010:50) and in this way the hermeneutical circle becomes critical, a methodological principle important in this thesis. For more on Habermas and human rights that is broadly in line with but beyond the scope of my thesis (cf. Habermas 2010; Flynn 2003; Benhabib, 2011; Ingram 2009).

[356] An-Na'im challenges assumptions that the "West' is completely committed to universality and argues instead that no country either fully accepts or completely rejects the universality of human rights. He sees a binary view is misleading in assuming either that human rights can be culturally neutral or that a conception of human rights in one context cannot be applied in other contexts. He suggests that as a normative system, human rights are the product of culture, to be interpreted for practical application in a specific context with reference to the concrete daily experience of the people who are supposed to implement them. Given the cultural foundation of all normative systems on the one hand, and the permanent cultural diversity of the world on the others …it is an ongoing task how to determine universally valid human rights standards that are acceptable to all societies regardless of cultural and contextual difference" (1999a, 2).

[357] He further states, "everything we do is culturally rooted, but we can't even see it as culturally rooted because our culture is the eye by which we see the world and it is the heart by which we feel things or the mind by which we think. So it is integral to my very being". Historically he suggests there has been the universalisation of a culturally specific project which proclaims universality but is often a Western state-centric system globalised through colonialism (An-Na'im 2003b:3-6).

[358] This reflects "a commitment to human rights consistent with international principles but not limited by them. Human rights are not a static concept. Our understanding of human rights is constantly evolving as we come to know more about the human condition" (1999:5).

4.2.2 An-Na'im's three core strategies

An-Na'im insists that internal religious & cultural legitimation of human rights concepts is essential for the effective long term grassroots practice of human rights. In this approach, human rights need to be primarily actualised through existing cultures, and not merely imposed onto them from the outside. As a result, both religion and culture can become assets for transformation, rather than liabilities that merely hold it back.[359] I draw on three interconnected aspects of his approach for my thesis: his call for a methodological approach of synergy and interdependence between religion, secularism and human rights, his search for 'liberating theological hermeneutics' for human rights within existing religious traditions, and the importance of developing internal religious legitimacy for human rights in specific contexts. All these sit within a people-centred approach to rights. (1998:212-215, 2005c:6-7)

4.2.2.1   Internal religious and cultural legitimacy

As his first strategy, An-Na'im argues that human rights need to be "owned" by different peoples around the world, instead of being perceived as simply another facet of Western hegemony" (2005b:68). He insists that legitimating human rights in local cultural and religious traditions is a matter of vital importance for the survival and future development of the human rights paradigm itself. If the internal and liberatory transformation of religions that he suggests is possible can take place, religion can even provide moral underpinnings for creative dynamic developments of this idea in relation to emerging issues in different contexts (cf. An-Na'im 1992a:19, 2005a:56,2005b:68). I have shown this idea is generating renewed currency today (Ter Haar 2011, Cox 2014) and it resonates with the strong religious and cultural identities found in South Africa. His approach seeks to embed human rights as part of the reforming or transforming voices that he claims exist internally (often as prophetic minority voices) within existing traditions.(2002b:55-73). He does not suggest that only the aspects of human rights that do not prima facie conflict with those traditions can be accepted as this would create a reverse system of trumping and make human rights merely subservient servants to existing religious and cultural dogmas. However, his voice has challenged the 'secular' orientation of rights discourse to rethink its own biases if it is to work more effectively and pragmatically in Southern contexts where religions and culture remain highly

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[359] An-Na'im is aware of the realities of religiously legitimated oppression of human rights and has been in exile from Sudan since 1985 for his dangerously 'reforming' views on Islam. (Cf., 2008, 2012). It is out of this lived experience that his persuasive presentation of an alternative approach for religious engagement on human rights has been influential in human rights circles (Freeman 2004)

significant parts of people's public worlds (Freeman 2004:375). For him, the paradox of religion and human rights has to be somehow "married through mediation and negotiation in the concrete context of each society"[360] (An-Na'im 1995, 2000:16). This can enable religions and cultures to become potential 'assets' for human rights implementation and not merely 'dangerous liabilities', as some still suggest today (Kirmani 2014, Akena 2014). It also reminds human rights activists to remain aware that that their own lenses are also culturally and ethically situated and not a neutral "trump" over all other ethical ways of seeing. In fact to fail to listen to others views is often an abuse (2000:1-32, 2010:130).

An-Na'im points to the urgent need to be sensitive to religious criteria, as "for millions of people around the world, social, political and cultural issues are inextricably tied to perceptions of religious identity in local context as well as to a religious rationale of social institutions and behaviours"(2002b:57). He highlights an "essential task" for theologians within religious traditions to find ways to "authenticate" human rights in ways that can speak convincingly to their members if human rights is to take root and be owned at grassroots level. (2002b:59) This seeks to reconcile the deep suspicion between modern human rights and religions seen especially within much modern Western work and to avoid creating a binary choice between his overall Muslim identity and his belief in human rights (2010, p. 76). Instead he reframes this relationship by moving away from seeing human rights as a neutral, objective 'given' truth to acknowledging its own ethical situatedness[361] and then seeking concrete connections between these values and the equally dynamic values which many people hold as existing religious and cultural worldviews (cf., Santos 2009:97-121).

An-Na'im insists that religious cultures change as circumstances change and that there is also a deep anthropological interdependence between individual and society. He sees culture as being about habits, transmitted socially over generations as ideal norms of behaviour which continue because they bring satisfaction and they usually change through an adaptive process though historical events can also exert a disturbing influence. In this way, he suggests that the process used for change is key and not only the outcomes and there is a need to work through [religious] culture, not just disregard it. (2002a:20-24). He suggests that some of the difficulties in effective implementation come from the insufficiency of religico-cultural

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[360] This issue is still a live debate currently with an increased interest shown those working in Southern contexts. Cox points out that Amnesty International have never targeted religious leaders in any of their campaigns and that this is a missed opportunity (2014:1).

[361] An-Na'im turns this same critical lens onto human rights discourse seeing it as a particular normative 'culture' in itself, and challenging its claims to a context-free objectivity. He asks it to become more conscious of its own history, context, values, cultural embeddedness and continuing evolution if it is to become a genuinely universal and multi-cultural normative frame around the globe (2010:115-6)

support for the particular right or claim and the need to need to motivate people to act in favour of human rights (2002b:55). An-Na'im argues that the self-evidence of peoples' moral principles being true is in fact an illusion and that generally resources have to be found within their cultures to legitimate them. (2002a:1-11). He is however confident that this is possible. He suggests that any inhumane practice within a culture or religion will and can be challenged by an alternative interpretation of the underlying cultural or religious norms (2004:1-2). Like Ter Haar, he offers a reminder that both culture and religion mediate power and often act as the framework within which self-interest is defined and realised and that internal cultural and religious legitimacy is needed for human rights to be effective in communities. Abstract claims within formal human rights documents are not enough. (1999a:166, 2002a:21-25),

An-Na'im insists that all religious frameworks have 'theological' resources to offer to this important task and that without this engagement, human rights will fail to secure internal legitimacy within contexts such as Africa where religion and/or culture still play significant roles in forming values and attitudes (1990, 1993, 1995). This goes far beyond an exercise of founding human rights philosophically in one religious tradition as some scholars focus on by employing a pluralistic methodology that justifies multiple particularistic foundations.[362]

4.2.2.2   A framework of synergy and interdependence
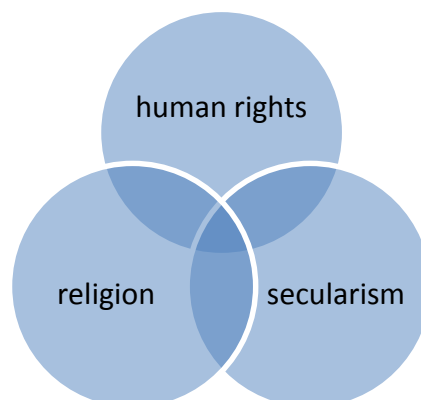
Secondly, An-Na'im (2003. 2005a:56-80, 2014:20-40) develops a methodological approach to facilitate and mediate constructive reconciliatory engagement between religions and human rights, (as well as with secularism and culture) as an important alternative to the resignation of "the damaging belief that they are inherently incompatible" (An-Na'im

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[362] I suggest this approach is far closer to the intent of the UDHR drafters. Cf. Reinbold (2011) Morsinck (1999, 2009), and Krug (2015) for more detail that shows clearly that the intent was not to secure one single foundation for human rights but multiple possible grounds.

2002b:55). The suggested adoption of a "methodology of synergy and interdependence" in this engagement opens all dimensions up to some transformation in the light of insights from the others (2005a:65-66). If human rights are to gain the internal cultural and religious legitimacy essential for its successful practice, he argues that it must be willing to take up this decentred approach rather than simply demanding unquestioning acceptance to its dogmas (2013:8-10). Likewise, he calls religious and cultural traditions to be open to the need to transform internally in the light of new social contexts such as human rights and not to see their traditions as static and literalist but as dynamic and evolving. He sees this shared task as possible due to the conceptual "interdependence" of these ideas situated in the core value of the "inherent dignity and integrity of every being" (An-Na'im 1990:344,2003:1). Human dignity forms a crucial connecting concept for An Na'im in this methodology sitting at the heart of the possible collaboration. His more fluid cross-cultural lens offers a counter to unhelpful yet ongoing excessively binary classifications between African and or religious conceptions of dignity (as hierarchy and status) versus modern secular Western notions (as egalitarian). An-Na'im suggests instead that all cultures grapple with and contain both these understandings and seeks to identify similar cultural logics regarding human dignity to enable "reconciliation" between these "diverse normative regimes" (2010a:117), based on his conviction, lived out in his own life and work that these dimensions of identity are not inherently polarized but can be inherently related through the human person. As a result, he suggests that an overarching choice between secularism, human rights and religion is not required if each is properly understood and carefully interpreted for the three can work in synergy through developing and dialoguing around the core shared value of human dignity. (2005a) [363] But he notes that there is a "methodological choice" as to whether to seek to mediate the inherent tensions among the three or not. He urges scholars to "take responsibility for this rather than to allow further damage to be done by belief in the inherent incompatibility of religion with the others" (2005a:80).[364]

I adopt this methodological approach here for the current day South African context where religious and cultural frameworks continue to play an important role in people's lives alongside a relatively new rights-based Constitution. (An-Na'im 2002a, An-Na'im 2002b,

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[363] An-Na'im points to porous boundaries and potential interconnections for dialogue without one overarching system 'trumping' all others. This approach is further reinforced by Williams (2012:160) in his distinction between procedural secularism and substantive secularism.
[364] He notes that it is important to avoid a perception that one party has the power or authority to decide, and the other side is merely obliged to accept that. He insists that "both sides may have legitimate interests and concerns in the matter". This de-centering of the automatic 'trumping' of one discourse over others is a required to develop genuine cross-cultural universals. (2013:16. Cf., Santos 2009).

Seafield 2002). I propose that if religious and legal systems and concepts continue to operate alongside each other but in explicit conflict, implicit silence, incomprehensible linguistics or even static 'silos', the future for a deeply rooted culture of human rights in South Africa may be uncertain. A constructive methodology can engage religion and human rights together in the shared task of building a grassroots human rights culture, in recognition of religion's often historically ambivalent relationship with human rights here and its formal collaboration with multiple ideologies of domination as well as struggle. However it can also recognise the early suspicion and even dismissal of religious identities by some human rights scholarship (Cf. Freeman 2004). A mediating perspective between religion and rights offers convening power to engage in constructive dialogue, build alliances and find commonalities between diverse voices on human rights, where the art of persuasion is essential if human rights are not to become a new form of force (2010:199, Cf., Perugini and Gordon 2015).

4.2.2.3   Towards a liberating hermeneutic for human rights

As a third strategy, An-Na'im (1995) calls for a detailed reclaiming of "prophetic and liberating minority voices" within existing cultural and religious traditions as one way to contextualise and legitimise human rights within many ordinary people's lived realities. (pp. 234-5) Because human rights norms embody inevitably abstract ideals of human dignity and economic and social justice, An-Na'im suggests they often depend on "the religious vision and commitment of specific communities to give them content and coherence and to motivate voluntary compliance with their dictates" (2002a:3). He points to the many rituals, norms and practices which religions can inculcate as holding possibilities for adding significant value to a thicker life-enhancing culture around the human person in relationship to others. These can also help generate political will for enforcing legal norms and implementing concrete policies (2002a:3). He goes beyond merely affirming religion as 'good' to note its challenges,

> Many forms of religion in Africa and elsewhere seem to work contrary to the values of equality, justice and peace contemplated by a human rights paradigm legitimating many forms of violence and injustice, like the oppression of women, abuse of children, persecution of minorities and dissidents within the community of believers and aggression against non-believers"(An-Na'im 2002a:4).

Despite and maybe even because of this, I suggest that An-Na'im's reclaiming of an "organic interdependence" between the two can support improved reconciliation and mutual support

despite apparent conflicts and tensions. This interdependence between 'thicker' liberating understandings of religion and the 'thin' discourse of human rights for the social embodiment of human rights norms in many people's lives resonates with a religious South African context whose theological narratives have been entwined historically with both legitimating and resisting human rights as Chapter 3 has detailed. An-Na'im warns however that issues of authority and representation may frustrate the propagation of these liberational views for wider support among believers. The dilemma facing religious reformers is often how to "retain credibility as internal agents of change, whilst being critical of the beliefs and practices of their own community of believers" (2003:2). If human rights are tied to an external Western agenda, he suggests that this task can be more difficult.

An-Na'im is clearly aware of the entwining of Christianity with colonial practice and ideology within Africa pointing to the export of aspects of European Christianity that tended to be established, conservative and supportive of the status quo. Nevertheless, unlike Mutua who sees Christianity as essentially colonial (2002:20), An-Na'im (2002b) points to the subversively liberating dimensions also present within its ideas, saying "yet the fundamental doctrine of Christianity can and has been interpreted as protest or even as revolutionary ideology" (2002b:67-71). He notes liberation theology as a specific resource here as well highlighting histories of church protest against oppression within the African continent.

I suggest that this approach goes far beyond instrumental engagement[365] with the structures of religion into the heart of engaging religious ideas as recommended by Ter Haar (2011). It calls theologians within all religious traditions to be engaged in an ongoing "hermeneutical task."[366] For An-Na'im (2013), the core issue is the "framework of interpretation" used within religious traditions which can always be challenged from within, rather than the mere presence of particular texts for or against human rights. He suggests that while each religion has an authoritative "framework of interpretation", this is often contested and that the community of believers, as the living frame of interpretation, can open doors for change (2005b:1-4). His "anthropological approach" prioritises the agency of each believer in ways

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[365] Churches can be used for their infrastructure, people and communal trust as social resources without any direct engagement of its religious ideas. Like Ter Haar, An-Na'im goes beyond this to call theologians into an ongoing 'hermeneutical task' on religious ideas.

[366] An-Na'im has focused on developing a liberating Islamic hermeneutics for human rights whilst also engaging those in other faith traditions. (1995:229-42, 2013:7-17). Tough questions emerge here, such as whether religions, by virtue of their particularity, are always exclusive of some 'others,' what happens when a human right is placed into direct competition with a core religious value, and the need to challenge certain 'literalist' approaches to Scriptures. He grapples with these questions and points to the need for ongoing important reconciling work to be continued on these difficult areas by progressive theologians within different faith traditions. (Cf., Hogan 2015, Witte 2010, 2012, An-Na'im and Baderin 2010b, Penn and Malik 1010)

that he claims are compatible with the core of religious faith (1995:236). It recognises a dynamic relationship between religions and the human person with human agency as an accepted factor within most religious Scriptures creating a space for authentic dialogue with human rights where human agency is what determines both which texts are relevant to the issue and how they should be interpreted" (2002b:70-73, 2004a:12).

An-Na'im suggests that the human rights movement forms a "sign of the times" in the 20th century with which all religions are required, by their own traditions, to theologically grapple and that in this way they have the potential to become a resource-for-human rights. Advocates for human rights situated within their own religious and cultural settings often have more credibility than those on the outside as they can engage in a cooperative process of reconciliation and challenge in which they themselves are involved. He argues that "the way to get a universal idea accepted locally is to present it in local terms and this can best be done by local people. Conversely local acceptance enriches the universal idea by giving it meaning and relevance to people's lives…and making it part of their self-identity." (2002:16).

I suggest that this call has practical implications for both theologians and human rights scholars and activists to realise that it is often counter-productive longer term to require people to choose between their religion, culture or ideology and a supposedly "neutral" universal human rights project. An-Na'im suggests, "most people would probably opt for the former over the latter […] For the vast majority of people, no human rights scheme can itself serve as a substitute for religion, culture or ideology….[and] most people would maintain that some conception of human rights is integral to their specific religion, culture or ideology" (1995:230). Instead of direct competition, he recommends a "strategy of internal transformation of perceptions of the religion, culture or ideology in question in order to reconcile the former with the latter" (1995:230). While he is not naïve about the difficulties here, he has been critiqued (Ter Haar 2010:2-4) for giving too much power to status quos within the existing community of interpretation. This is a tension that I suggest all those seeking to 'reorder power' must hold open, refuse to repress and ongoingly mediate.[367]

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[367] Ter Haar suggests that a hermeneutical approach to human rights can "tend to give the community too much scope to interpret according to existing power structures and to avoid change on the basis that religion is 'good." But she also points out that as a perceived source of real power, religion plays an important role in networks of power relations where "spiritual power provides an alternative to political power and that this can be important for the relatively powerless in society. Religious discourse can be a way to reorder power".(2011:235-240)

4.2.3 Transcending Imperialism: Towards a people-centred culture of human rights

An-Na'im puts people and their agency at the heart of human rights, both as the 'end' of human rights and also as the best means for achieving them. He sees the human rights movement as essentially people-centred despite its formal emergence in relation to states signing up to human rights treaties as the main actors and that as a result it is people who must take primary responsibility for protecting their rights and resisting their violation. (1988:212-215, 2004:1-12, 2010:73-4, 2012:103) This need for a proactive approach, rooted in human agency and civil society, builds a human rights culture within diverse religious and cultural contexts where people have a shared responsibility to take up this task, based on "consciousness of our individual and collective vulnerability as human beings to rights violation" (1998:16). Constitutions are only a start and religion can play a critical, constructive and dialectic role in the "cultural dynamics of change: (2003c:1-3).

Despite (or perhaps because of) his commitment to human rights realisation in practice, An Na'im is wary of forms of human rights fundamentalism and suggests the need for a humble provisionality in all rights talk.[368] He offers a reminder that humanity has existed without the modern human rights paradigm and will, if needed, surely survive its death with the struggle for social justice and resistance to oppression continuing through whatever means available to people in the world. He also insists that the human rights movement will stand or fall by its record of achievement in each society's struggle for human dignity and social justice and that it will be condemned to marginal status if it fails to deliver on its promises (2001:116).[369] An-Na'im calls for a shift from an international state-centred system to a "people-centred approach [which] empowers the agency of human beings to realize human rights for themselves". He suggests that this is an essential shift for Africa that does not deny the important role of the state but it does decentre it. He points out however that it can be hard to let people be the driving force behind human rights justice, focusing on prevention rather than remedy and breaking the colonial cycle of depending on externally imposed priorities, especially in contexts with a history of imperialism (2001a:90, 2012:102). An-Na'im rejects the idea, critiqued by Mutua in current South Africa, that human rights regimes in and of themselves can offer a "panacea" for all the problems of any society or the world at large.

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[368] An-Na'im highlights that human rights are not inherently liberating, but need continual and consensual construction from below to become the liberating forces they were intended to be. Process matters and this makes rights both socio-political and ethical concepts.

[369] This resonates with recent critiques by Moyn (2014) and Hopgood (2013)as noted earlier in the thesis.

However he insists they are a critical part of any solution. While he remains aware of the risks of religious engagement and accepts that "religions are not easy allies to engage", he insists, like many worldwide are increasingly suggesting "that the struggle for human rights cannot be won without them, particularly in the African context" (2002a:4).

In the light of this stress on a people-centred system (1998:205. 2012:103) An-Na'im points to human vulnerability as the shared characteristic on which the need for a human rights culture of support rests in order to internalise human rights as a shared vision in Africa. He points to the need to "transcend imperialism" in all its indigenous and exported varieties (2010:138) as at the very heart of the human rights project in challenging constantly re-iterating patterns of domination and subordination (2010:79). I endorse his suggestion that for social transformation to take place the many-headed aggressors in the world in their multiple forms must also be helped "to overcome their fear, insecurity and immaturity" (2010:90). Only in this way can we build a world in which "empire is unimaginable" (2010:88), finding ways together to navigate through our practices from the "human to the humane." (2010:73)

He notes that the African continent has no monopoly on the "despotic authoritarianism" that has characterised many societies around the world in the 20th century. But he insists it requires countering by people together who can hold to and nurture pragmatically utopian visions of good places (2010:109). He suggests that this may require alternative understanding of power and the need to see self-determination as not merely about unlimited freedom from but as responsibility for (2010:143). At the heart of his methodological contribution is the belief that to merely impose one's views and values coercively on others, no matter how well meaning, sits at the very heart of domination, by treating some as objects of the universalising projects of others rather than as subjects in their own right (2010:87). I suggest that this conviction is what enables him to challenge both unquestioned religious dogma and the narrow fundamentalisms of some strands of human rights orthodoxy. For him, submission to the "sovereignty" of God lies at the heart of this conviction (2010:77). Despite my agreement with much of his approach and beyond the scope of this chapter to develop further, it may be at this final point that his theological approach and mine will at times begin to part ways in the theological chapters to follow. But before this, we turn briefly back to South Africa to note ways in which An–Na'im's strategies can be of use.

4.2.4 Relating these strategies to South Africa

I noted in Chapter 3 that South African religious scholar, Villa-Vicencio explicitly endorses An-Na'im's bridging methodology of synergy and interdependence as "relevant to the needed dialectic between theological talk and rights talk in post-apartheid South Africa" (2005:236). I suggest that An-Na'im's recognition rather than repression of the 'tensions' and paradoxes of the human rights paradigm emphasised in Chapter 1 gives a grounded realism to his quest for modern human rights to be relevant in concrete African contexts. His approach offers tools to better understand some of the reasons why human rights may be currently failing to deliver on their "liberating promise" in South Africa foreshadowing the recent call made by South African scholars to go beyond the law and turn "forms into norms" as seen in Chapter 2. His three strategies for nurturing a 'bottom-up' human rights culture will also underpin the theological task of my thesis in the following chapters to seek out a liberating hermeneutic, adopt a methodology of interdependence and synergy and offer resources for a culture of internal religious legitimacy for human rights that can also help to transcend the multiple power-laden forms of both domestic and imported "imperialisms" within which I suggest South Africa still remains deeply embedded to this day.

The first strategy relates to *internal religious and cultural legitimacy*. Tying human rights claims into wider existing normative systems as provided by religious culture may be important in the South African context where the Christian religion remains a significant force as Chapter 3 has shown. It can enable ongoing debate, contestation and legitimation on human rights from within religico-cultural frames rather than imposition as a neutral 'trump' from above or outside. While this process may be slow, I suggest it has the potential to assist in developing a rooted human rights culture that resonates with South Africa's unique context and takes on an ethical dimension that more people can internalise, rather than hovering abstractly above lived realities in mere legal concepts (Van der Ven et al., 2004, Viljoen 2012). It is critical however that a dynamic and contestable understanding of both religion and culture is employed in this interaction, rather than the static essentialism so typical under colonial law. South African struggle theologians called the post-apartheid churches to active theological engagement with the task of building a human rights culture but arguably, as Chapter 3 has concluded, this remains primarily unanswered institutionally to date.

Secondly, a *methodology of synergy and interdependence* resonates in South Africa, which retains a far stronger sense of religion in the public space than much of the West. According to Palm (2015:108), An-Na'im does not advocate a return to the Christian hegemony of decades past or formal religious association with the state. He points to a constructive and people-centred public engagement between secularism, religions and cultures for the sake of human dignity, with the human rights ethos embedded at the heart of the new South Africa. I propose that South Africa is in a strong position to employ An-Na'im's methodology of synergy and interdependence in a way that creates genuine dialogue at grassroots level. Chapter 3 showed that some theological voices have demonstrated a willingness to engage constructively with issues of human rights as central to the public role of the church in the new dispensation and have specifically called for re-engagement with An Na'im's approach in South Africa (Villa-Vicencio 2005:235-6; Palm 2015:109). While the Constitution has legally binding power and, in this narrow sense, can seem to 'trump' claims of culture and religion, An -Na'im reminds all that many poor and marginalised people do not access the law and this clearly limit its liberating effectiveness over many lives. Going beyond laws into more complex social realities, as he suggests, and as lawyers in South Africa have urged may be essential in South Africa if human rights are to realise their "liberating promise".

Finally, An Na'im's call for a *liberating hermeneutic for human rights* urges a theological reclaiming of "prophetic and liberating voices" within existing cultural, religious and historical traditions that can actively support and nurture human rights and their further practical application. Despite formal complicity by much of the religious establishment on human rights abuse, South Africa also has a proud and vocal minority history of faith-based protest from within its diverse religious traditions to challenge and contest structural abuses and to pioneer, endorse and engage in ongoing struggles for human rights. There remain prophetic Christian voices within South Africa committed to liberating contextual theological engagement. For example, an inclusive Christian anthropology has been used to challenge homophobia in churches (De Gruchy & Germond 1997:3-4), while contextual bible studies such as the Tamar Campaign offer subversive ways to reread Scripture and reframe it is the light of endemic gender violence (West and Zondi-Mabezeli 2004) to give just two concrete examples. But prophetic voices that speak across society with credibility have become less publicly visible and theological energy of struggle decades may need further revitalising to ensure that liberating hermeneutics for human rights can speak creatively for new generations and the churches can embrace the task of building a human rights culture.

Finally, South Africa has a long and deep colonial history of white supremacy and I suggest that it is essential that the language of universal rights be separated from elite understanding of "rights for whites" that can alienate ordinary black Africans whose normative frames may be embedded in other cultural and religious life worlds (Ife & Tascon 2008:307-8).[370] This is part of the urgent need emphasised by An-Na'im to "transcend imperialism" (2010:1) in all rights-talk to reconstruct its anti-imperial, dynamic and emancipatory dimensions. He offers a engagement that is both sensitive to the danger of the colonisation of rights but also wary of essentialised post-colonialist Orientalism. He deepens an imperialist analysis to point to forms of "domestic colonialism" in patterns of domination and submission as equally problematic. South Africa rising wealthy neo-liberal black elite, its powerful reinforcement of forms of patriarchy and conformed sexuality arguably fuels an HIV pandemic of global proportions, and its continuing violations enacted on its children in particular form disturbing empirical realities today. His approach can help South Africa re-place human rights at the heart of local social movements for change and challenge the idea that human rights were ever simply either Western or liberal. He avoids the illusion that human rights can be handed out from above that may fuel the 'entitlement culture' in the new South Africa. In line with recent South African scholars explored in Chapter 2 he calls for a recovery of people-centred shared responsibility for a human rights culture bottom up if they are to retain their liberating promise and power in the places where they are needed most. In this, he suggests that engaging religious ideas as authentic allies is a practical imperative, a view reinforced today,

> How many human rights advocates work with people and/or communities who believe in a God or gods? I would argue that they are many. How many human rights advocates (with a few important exceptions) are actually talking about the specifics of those beliefs? I would argue that they are few. This is a mistake, not only for strategic campaigns, but also for the extent to which advocates in such circles, be they believers or non-believers themselves can understand and effectively work with people of faith. Understanding the people and communities with whom we work is the foundation of effective practice…I noticed what a crucial role faith in God played in the very processes I was attempting to understand". (2014:para 1)

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[370] South African public intellectual Ndabele (2000) highlights the urgent need for South African whiteness to "put itself at risk" and to share in the vulnerability of the black body by "declaring that its dignity is inseparable from the dignity of black bodies". (p. 17) I suggest that this resonates with An-Na'im's call for the "risk" of vulnerability by those who hold power for the sake of a genuine shared consensus.

4.5   Chapter 4 Conclusion

An-Na'im's approach arguably offers insight into some of the social realities of human rights and religion in South Africa that takes seriously the paradox of Chapter 1. His work is concerned to bridge the gap between theory and practice seen in many African contexts and to go beyond the law if human rights is to become embedded as a grassroots culture. His concern is that despite legal changes, human rights still remain illegitimate within many societies. Human rights discourse, if only conceptualised in typically Western legal terms, may ironically end up oppressive, imposed as an external 'thin' discourse, competing with 'thicker' others and even dis-embedded from real needs. An-Na'im can help understand why human rights may currently fail to deliver on their liberating promise in South Africa and offer strategies that can help nurture a human rights culture. I draw on him to,

- Offer an African-based, cross-cultural, anti-imperial, people centred approach that can develop internal religious legitimacy for human rights in the South African context.
- Underpin a constructive theological task that religions can play to translate human rights into people's lived frameworks, recovering prophetic voices in its traditions
- Employ a methodology of synergy & interdependence and his call for a 'liberatory hermeneutic of human rights' to frame my theological exploration as a contribution to the shared task of building a bottom-up human rights culture in South Africa.

Chapter 4 forms the end of section one of this thesis, focused on the "descriptive task" to better understand what is going on and why on human rights. It has unpacked a focus on human rights in the light of a clear gap between legal ideal and social reality. It has identified an ongoing shared task of building a human right culture in South Africa that places the currently rightless at its centre, and elaborated on a call for active church engagement in this task, showing South African scholars suggest this remains primarily unanswered today in the light of the ambivalent historical relationship between Christianity and human rights. Finally it turned to An-Na'im to deepen an understanding of why this situation exists, and to identify some strategies to take forward. He calls for improved internal religious legitimacy, constructive methodologies for engagement between religions and human rights grounded in human dignity and the need to reclaim voices that offer a liberating hermeneutic for human rights within religious traditions that take seriously the anthropological agency and vulnerability of human persons. It is to this theological task that the next chapter will turn.

Chapter 5 – Jürgen Moltmann: A liberating anthropological lens

5.1   Introducing theological anthropology

Chapter 4 showed that scholars concerned with the anthropological dimensions of human rights have highlighted the need for reflection on the 'human' dimension of rights with an increasing awareness that ontologies of the human and their cultural and religious embeddedness have a significant effect on how human rights claims are both conceptualised and enacted in diverse contexts.[371] Questions regarding the human person have also been raised by philosophers and theologians for centuries. In this chapter, I focus on German theologian Jürgen Moltmann to suggest that his concern with a "liberating anthropology" in the light of human historical horrors offers an interpretative key for his insistence on active church engagement with human rights, the subject of the following chapter. It provides a brief overview of Moltmann's context, themes and methodology and then unpacks how his liberating anthropology draws him into a radical social re-envisioning of the Trinitarian God Theological anthropology is a huge topic beyond the scope of this thesis as a whole[372] but a few framing remarks will set the scene for Moltmann's specific contribution here.

According to Pannenberg, an understanding of the human being has played a foundational role in the history of modern theology (1985:11). While this growing anthropocentrism has been stimulated by philosophical trends, he like An-Na'im also sees a theological mandate framed in relation to Christianity's particular focus on the human question of salvation and the anthropological imperative at its incarnational core[373] (1985:11-13). He notes that anthropology is fundamentally important to the modern age where "a shared conception of the human person, human values and human rights became the basis for social co-existence" (1985:15). As a result, he, like Moltmann, insists that Christianity's two classic anthropological doctrines; creation in the image of God and original sin need creative re-envisioning to make sense in new settings to prevent the gap between 'secular'[374] and

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[371] For more on this area which is in line with but beyond the scope of this thesis, (Cf., C. Taylor, 1989, 1994, 1999).

[372] See Pannenberg (1985) for a detailed overview of theological anthropology. He traces stages in the Protestant tradition, from a 'bias towards a praxis springing from the human need of redemption' to 'the existentialist view of Bultmann' as well as in Catholic thought, demonstrated in Rahner's 'turn to the human' (p. 11-12). For reflection on the turn to relationality in theology see Schults (2003p. 11-35).

[373] Pannenberg differentiates between the social focus of the Catholics and the more individualising tendencies of Protestants, suggesting that Protestants have often "tended towards a narrow anthropology, pietism and the privatisation of religion" (1985:13). I suggest both Pannenberg and Moltmann have challenged a privatised understanding of religion within Protestantism and have played an important theological role within modern Europe especially in reframing Christianity in relevant and credible public ways for the late 20th century.

[374] The concept of the 'secular' is deeply contested, Williams (2012:20) distinguishes between procedural and programmatic secularism to highlight the difference between a refusal to privilege a particular religious viewpoint in the public space and a refusal to acknowledge it.

religious anthropology to widen further and instead to enable critical appropriation. (1985:20).[375] Pannenberg introduces Moltmann as a theologian who adopts this non-dogmatic approach. (1985:532). Regan has reinforced the importance of this anthropological awareness within the Christian tradition in specific relation to constructive theological engagement with modern day human rights discourse (2010:4-7). I build on her suggestion that theology can help secular sciences to see their questions in "radical depth" whilst remembering that the Christian does not have privileged information about the future and must enter into dialogue with other "fellow builders of a common future" (2010:74). I seek a constructive interdisciplinary engagement.[376] Just as Regan turns to Catholic scholar Metz (2010:200 - 232), I turn to his colleague, Moltmann to explore liberating theological engagement with human rights today.

5.2   Introducing Jürgen Moltmann: A public prophetic voice

Moltmann has been described as one of the most influential living Protestant theologians worldwide of the 20th century with impact across the globe. (Bauckham 2005:147), and "the most decorated theologian since Barth" (Grenz 2004:73)[377]. Lorenzen notes that "he has influenced the life of the church and its witness…throughout the world" (1996:304)[378]. South Africa has not been immune from this influence. De Gruchy states that "it is hard to overestimate the role of European political theology in South Africa for many anti-apartheid theologians" (2004b:46).[379] Despite his European roots, theologian Müller-Fahrenholz points out that Moltmann has often been more appreciated in Third World contexts than in his home country (2000:5) and sees him as "the most important German-speaking Protestant theologian since the Second World War" (2000:12).[380] Geiser suggests that he is one of the few

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[375] Pannenberg is aware that 'theology can be co-opted by anthropology into a category of "forms of superstitions" rather than offering universally valid claims that can contribute to the interpretation of human existence…whether religion is an indispensable component of humanness or on the contrary contributes to alienate human beings from themselves'. He suggests that modern Christianity is required to both understand and engage with the critiques of religion by Feuerbach, Marx and Nietzsche (1985:15). This requires the problematizing of a mere dogmatic anthropology if a respectful dialogue between theology and social sciences can be opened up

[376] I will seek to avoid either the 'instrumentalisation' of religion by secular anthropology or theology's tendency at times to take a 'God's eye view' over other disciplines by utilising the methodology of synergy and interdependence outlined in Chapter 4. The reduction of theology into categories of anthropology is something that Moltmann's work specifically contests in his Christological contributions.(1990a)

[377] Meeks says "it is difficult to imagine any theology in the near future which could function without being consciously or unconsciously influenced by Moltmann's Theology of Hope…perhaps it will be said in the future that he has initiated a new theological era'. (1975:x).

[378] Moltmann has effectively collaborated with theologians around the world where he sought to work out contextual applications of his theology. Bauckham suggests that "his political theology demands that it be concretised by anyone who takes it seriously" (1995:117).

[379] Reformed public theologians Smit (2006) and Naude (2006) reinforce the impact of Moltmann's ecclesiology for theologians resisting apartheid. Under apartheid his theological ideas were considered too 'Marxist' to be accepted in state-funded theological educational programs and his sole visit to South Africa in 1978 was nearly derailed by a refusal to grant him a visa due to his 'dangerous ideas. This was communicated to me by Moltmann himself in a personal communication in January 2012 in Tubingen, Germany.

[380] Smit (2006) points to important ways in which Moltmann influenced South African struggle theologians such as Durand, De Gruchy, Villa-Vicencio, and Ackermann. Moltmann's influence has been acknowledged by black theologian James Cone , feminist theologians La Cugna and Carter Heyward and Pentecostal pastor, Yonghi Chi, Latin American liberation theologians Leonardo Boff and Jon Sobrino as a

European theologians of his time who holds a "vision for a post-European and post-colonial vision for a new kind of systematic theology in a global and intercultural conversation across continents" (2013:189). I suggest that Moltmann's emphasis on a liberating theological anthropology continues to have important implications for the church's role in social transformation that are being picked up by emerging scholars (Jones, 2009; Odin, 2015; Dare, 2012; McDougall 2005) and need nuanced appropriation and concretisation for diverse contexts. He may offer resources for a new generation of theological scholars grappling with a context facing complex challenges post-apartheid[381]. This chapter suggests that Moltmann's concern with a liberating anthropology can offer a relational container for his human rights engagement that may speak afresh to theologians as they take up the specific challenge laid out in Chapters 2 and 3 of building a human rights culture from below.[382]

According to many scholars (Greene, 2004; Lorenzen, 2004; Grenz, 2004) Moltmann's work demonstrates some of the core characteristics of a liberating theology; a concern with praxis, a commitment to the voices and lives of those who suffer within concrete history, a public focus on concrete social questions of the day and the need for social transformation. His work demonstrates a critical concern with multiple questions of liberation that may also translate into more post-modern times (Greene, 2004; Lorenzen, 2004).[383] Greene suggests that the narrative of human emancipation[384] has been a compelling one for the modern mind, nurtured by concrete struggles of emancipation and liberation in the world. (2004:198). [385]

'significant mentor' in their development of their own 'liberating' Trinitarian and Christological approaches (Greene:2004). See also his past students who have gone on to become renowned theologians, for example, Michael Welker, Miroslav Volf and Müller-Fahrenholz..

[381] Theologies of liberation influenced by Black, Latin American and wider African voices have also been uniquely appropriated in the specific South African context often, but not only, under the banner of 'kairos theology' (Cf. West 2009, 2015).

[382] Nolan has argued that the denunciatory 'No' of the resistance to apartheid era needs to be complemented with a annunciating 'Yes' if prophetic theology is to remain publicly relevant in changing times (1995). For more on the need for the churches in South Africa in particular to regain their prophetic voice today and find a "renewed kairos" see Le Bruyns (2012) and Bentley (2013).

[383] Lorenzen places him in the category of "liberationist" approaches to the Resurrection focused on "the promise of revelation and the praxis of discipleship" alongside Metz, Sölle, Cone, Gutiérrez and Sobrino. He suggests this approach "was born of out the existential shock that the Christian gospel, born out of the poverty of Jesus, must have something to say to people whose life and dignity is broken, spoiled and destroyed. It must have something to say about structures of injustice that reward the rich and powerful and punish the voiceless, the poor and the powerless…This existential shock was intensified with the awareness that the Christian churches have often been found on the side of the oppressor, rather than the oppressed, supporting the slave owner, rather than the slave, being an advocate for the rich rather than providing support to the poor, furnishing balm for those who hunger for power, rather than encouraging and sustaining those who are passionately involved in their struggle for justice and peace." (2004:85-7).

[384] According to Greene, the topic of freedom is often construed very differently by those primarily schooled in secular trajectories who draw on the Enlightenment idea of freedom from religion, and those within diverse religious trajectories, who hold to ideas of freedom of and within religious discourse. Moltmann has sought to build creative, constructive but also critical bridges between Christian notions of redemption and secular notions of freedom (Greene 2004:198).Cf. Bauckham 2002.

[385] Greene suggests that the question of what is meant by this process of liberation and how it is best achieved has 'become one of the most dominant and insistent Christological paradigms' He points to the range of theologies of liberation, 'doing sustained Christological reflection aimed at the articulation of a comprehensive form of human emancipation' (2003:197), exploring how emancipation, liberation and freedom connect to each other and to that core theme of theological anthropology, salvation. Theologies of liberation have called attention to the 'underbelly' of many human desires for emancipation and progress, showing how in modern times, a drive towards increased 'freedoms' for some has often been at the expense of freedom for others, creating systems which can oppress and dominate and from which liberation is still needed. They foreground social voices from the margins calling the church to a 'preferential option for the poor and marginalised as a starting point in the theological endeavour and dialogue partner in its hermeneutical reflection.

While "European" theologians have often focused on a Kantian emancipation from religious authority, "Third World" theologians have tended to emphasise the transformation of the world through concrete emancipation from oppressive structures. However, I suggest in line with Greene (2004), Bauckham (2002) Conradie (2008:79) and MacDonald (2005:3-5) that Moltmann has consistently paid attention to both forms of freedom in his political theology with a clear commitment to the poor and oppressed and a primary concern with the transformation of the world and the need to engage theologically with concrete oppressive ideologies to further practical emancipation around the world.[386]

Moltmann seeks to avoid a binary distinction between the 'Christian view' and the 'modern secular view' both as a whole and in relation to human rights (Greene, 2004; Moltmann 2012a).[387] Instead, like An-Na'im he wants to find ways for theological contributions to remain relevant to changing public contexts without losing their distinctive faith identity and sees "freedom" as a bridge of engagement across religious and secular debates (1983b:55 - 69). As a result, he[388]may offer valuable theological insights for critical appropriation in South Africa's post-apartheid context where Chapter 3 has suggested so-called First and Third World theologies and socio-economic realities still nestle side by side. Arguably, Moltmann is a bridge-building theologian, synthesising diverse trajectories of European progressive theology with the more radical concerns of theologies of liberation into what Van Proojen suggests is a liberating, public and imaginative anthropology (2004:1-4) that enables a concern for human rights to emanate from the heart of his theological project. I suggest this merits appropriation for constructive theological engagement with liberating human rights discourse, in the light of the South African task of building a human rights culture today.

> For Moltmann, it has always been a matter of course that theological anthropology
> must be liberating. The leading question should be how dehumanised human beings
> can find their 'humanity' or as he writes with Luther how 'proud and unfortunate

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[386] Greene states "Sobrino's theology of the cross owes much to the influence of Moltmann, who contended that the cross radicalises our experience and knowledge of God…by and large liberation theologians have sought to counteract the image of the impotent suffering Jesus with the Trinitarian theology of the cross that was first developed by Moltmann'". Greene shows that Sobrino focuses on the historicity of cross, redefines God as 'liberative power' and links the resurrection like Moltmann to the phenomenology of hope to embrace history as a history of promise that takes shape in the vocation of the church (2004:210-11).

[387] His approach stands in contrast to post-liberal scholars such as Hauerwas and Milbank in this specific respect. For a detailed critical refutation of the 'post-liberal' approach to theologies of human rights in particular, see Regan (2010:179-203) See also Hill (2008) who places Moltmann and Tutu in a prophetic category in contrast to Hauerwas and Moltmann's recent critique of Hauerwas (2012a:30-32).

[388] I have chosen to engage Moltmann in part because he has been a significant theological influence in my own journey. He represents my European heritage but I have read his work, beginning with The Crucified God, amidst the suffering contexts of the Philippines and sub-Saharan Africa. Its resonances here have convinced me that he has ongoing theological resources that can be creatively appropriated here.

gods' can become real men. How can theological anthropology interpret our current situation of alienation, guilt, and slackness and point a way beyond it. How can it place daily life within the perspective of God and his reign in such a way that it liberates people from unhealthy and superstitious fixations that frighten and disparage and urge them to take concrete responsibility for the world in which they live? (van Proojen 2004:2-3).

Moltmann's work has spanned over 50 years.[389] He is well-known for his ground-breaking 1964 book *A Theology of Hope*, credited with "reclaiming the relevance of the dusty doctrine of eschatology and giving it fresh life and meaning for the 20th century" (Bauckham, 1995: 10). Hope for the Kingdom of God remains his overarching theme (cf, Müller-Fahrenholz, 2000; Bentley, 2003) calling all Christians into ongoing theological resistance to the concrete conditions and structures of poverty, oppression and despair within history. Alongside Metz, he pioneered a political theology that subversively challenged existing 'political theologies' of his day often used to legitimate church support for or passivity in the face of deeply authoritarian status quos. His most enduring contribution may be an "emphasis on a political hermeneutic of the gospel". (Bauckham 2005:161). Van Proojen suggests that responding to the problems of the day theologically forms the "artery" of Moltmann's theological project and if it is cut, only a "lifeless body" will remain (2004:5) and Moltmann reinforces this urgent task of the theologian himself (2008b:31-44). He has avoided a closed system to offer a dynamic, dialogical theology open to the world and struggling for a truth which liberates, in opposition to ideologies which oppress[390] (Bauckham1995, 2005)

It is impossible to do justice to the theological vision of Moltmann in one PhD chapter. My humbler contribution is to suggest, in line with recent scholars (MacDougall 2005,Van Proojen 2004, Lorenzen 2004, Paeth 2008, Jeroncic 2014, Bingaman 2015) that an essential thread at the heart of Moltmann's theological project is an ongoing commitment to a liberating understanding of the human person, especially those who suffer and are caught up in vicious circles of oppression, and as a result his liberating anthropology with its clear

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[389] Van Proojen (2004:7) cites 1217 works by Moltmann himself and 1043 books and articles dealing with his theology as of 2000. My focus is Moltmann's engagement with human rights and his development of a liberating anthropology. I draw on a range of his works for context but with a specific focus on passages that deal with this aspect of his contribution only for the purposes of my thesis.

[390] He offers systematic theological contributions held together by this overarching commitment, completing rather than prefacing these by an articulation of his 'method' where he reflects deeply on his engagement with theologies of liberation. (2000) Bauckham suggests that Moltmann's theology is characterised by its openness to dialogue. He stresses the provisional nature of all theological work and the ability of one theologian only to contribute to continuing discussion within an ecumenical community of theologians which must itself be in touch with the wider life and thinking of the churches and the suffering and hopes of the world (2005:150).

public and relational dimensions (van Proojen, 2004:3-5).[391] I suggest this offers an important interpretive key to his emphasis on human rights praxis. He has continually engaged with the evolving question of "what it means to be human"[392] and situates himself within this quest as a fellow traveller "on the way" in the project of "becoming human". Moltmann's concern with a liberating anthropology can be distinguished from a reduction of theology to anthropology or a focus on the privatised individual (cf, 1971, 1796, 1990b) where his relational approach still emphasises its public structural dimensions. His theology has never been "a neutral scientific study or an objective doctrine but an existential experience which must be personally suffered, digested and understood" (Bauckham, 1987:1). Because of this, I turn first briefly to his personal story.

5.2.1 Moltmann's background - Prisoner, Pastor, Professor

Moltmann has developed a growing conviction that "the biographical dimension is as essential part of theological insight" and can, in time, challenge the objectivity often associated with theological dogmatics and the "determining subject" to take a more contextual approach (2000: xviii). Odin suggests that "Moltmann's method is himself" (2015:54). His formative personal experiences contextualise his theology and offer clues as to his God-centred concern with liberating ways of being human emerging as both a theological solidarity with the marginalised and a concern for the liberation of dehumanised oppressors (2000:183-188). I reflect here on Moltmann's own identity formation as prisoner, pastor and professor. Arguably, his concern with the human person and their concrete liberation within social structures is grounded on these experiences. (Van Proojen 2004:18-23, Moltmann 2008:13-35). He responded critically to the common emphasis of his time and place on a privatised existential message of faith and sought to reclaim Christianity's social and public dimensions where we are relational beings, related to God, each other and the earth with this theological reality giving social responsibilities. (Van Proojen 2004, cf. Moltmann 1990b:262, 1996: 69-71). [393]

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[391] Van Proojen's detailed study focuses on Moltmann as a unique representative of a liberating anthropology from a Christian perspective. This specific theme has been picked up in recent years by a number of scholars. See MacDonald 2003, 2005, Jeroncic 2014, Bingaman 2014. This thesis concurs, in the main whilst is unable to engage in further depth, with their approach to Moltmann's anthropology.

[392] Moltmann admits that "after his 1971 book (Man), he wrote no further anthropology but comments that in other connections he has continually entered into fundamental questions about the becoming and the being of the human person" (2009 Preface, x).

[393] Moltmann concludes his biography with gratitude to God and 'all the people to whom I owe my life….because in their love I became free and can breathe in wide spaces" reinforcing his strong experiential sense of living in and through relationships (2007:382, 1997b: 13).

Prisoner - Jürgen Moltmann's defining "conversion" experience to which he returns frequently as an event which has fundamentally shaped his faith journey, took place within his experience of WWII as a teenager and his subsequent military service and imprisonment as a prisoner of war for nearly three years. (2008:13-35). Many note his "biographically rooted attentiveness to that which people suffer" as the deepest characteristic of his theology (Van Proojen, 2004:1, Conradie 2008:79). Moltmann suggests this springs from this personal experience of "hope rubbed raw on a barbed wire fence" and a Christ-centred reconciliatory encounter in his own life with the concrete Other. [394]

> my experiences of death at the end of the war, the depression into which the guilt of my people plunged me, and the inner perils of utter resignation behind barbed wire; these were the places where my theology was born....these were my first locus theologicus and at the deepest depths of my soul they have remained so (2000:4).

Moltmann experienced the paradox of both complicity as a German soldier and also victimisation as a teenager by the structural lies and violence of the war.[395] Bauckham suggests that this war experience provides the "initial source" of his theology and its ongoing "dialectic tone" in the power of hope and God's presence in suffering (1995:1). Moltmann can be positioned, alongside others, as a theologian whose early combat experience was formative for this approach.[396] His existential concern with liberation from despair and meaninglessness for both the oppressed and the oppressor is grounded here as the first 'turning point' in his life (Moltmann 1997b:13 Van Proojen 2004:18). It is here that his conviction that theological reflection must be concretely liberating may have begun[397].

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[394] Moltmann grew up in a secular home from which religion and the church were alien and had planned to study maths and physics when war broke out. The death of his best friend aged 16 torn to pieces in the infamous WWII Hamburg bombings and his cry to God for the first time: "My God, where are you?" haunted his life since with the question "Why am I not dead too?" In 1944, aged 17, he was drafted in to the German army and captured at a large massacre in 1945. His experience as a POW had a powerful impact on his life, where he met Christian chaplains, read the New Testament and Psalms, and received his first introduction to Christian theology including Bonhoeffer. He was confined as a prisoner of war (POW) till 1948 and moved from camp to camp, first Belgium then Scotland then England. Moltmann and fellow prisoners were part of an innovative YMCA 'experiment' in England at Norton Camp aiming to bring a restorative dimension into the prison experience. He details an encounter with Dutch students where, "Christ was the 'bridge' on which we enemies could meet and be reconciled." See Moltmann (1997b:13-155, 2007: 19-35) and Bauckham (2005:147). He returned here to give thanks 50 years later.

[395] Moltmann has written about the paradox of 'oppressed oppressors' (1978:26) and it is likely that his own war experiences shaped his awareness of the impossibility of clearly demarcating the world into the binary categories of oppressed and oppressor, guilty and innocent and yet the equal importance of not collapsing them into one abstract category. He sought instead a drive towards a re-humanisation that took seriously both these 'categories' whilst not merely collapsing both into an abstract Christian concept of sin or justification for all, distinguishing between justification for the perpetrators and the victims in history which elaborates on the danger of an abstract understanding of either sin or justification that ignores the concrete differences of the persons concerned.

[396] Regan (2010:105) makes the claim that 'cultural amnesia' can afflict these early post WWII thinkers, in their understanding of Germans as victims of the war, rather than as perpetrators of the Holocaust. In my view however, Moltmann wrestles with a genuine and not to be dismissed sense of being both a victim and complicit and seeks in his work to do justice through remembering to this experienced paradox and the deaths of his contemporaries. This may have resonances for reconciliation in South Africa. See Vosloo (2013:15-25).

[397] As a result of a number of ecumenical experiences as a POW, Moltmann returned to Hamburg post-war and pursued theological training. This has arguably influenced Moltmann's structural willingness to do theology in critical dialogue with a wide range of interlocutors.

Pastor - In 1952 Moltmann, accompanied by his wife and fellow theologian Elisabeth[398], trained and became a pastor of a Protestant Reformed Church in a remote rural area of West Germany inhabited by 500 farmers.[399] Moltmann reminisces that "whenever I thought of 'church' later it was always this farming community that I saw in my mind's eye" (2007:57) and he has consistently emphasised the local congregation in his ecclesiology. This early experience of rural church ministry shapes his concern about the pastoral dimensions of situations and the need for theology to serve the church's mission in the world. As a result, his concern with doctrine had always been more with its "concreteness" than with its "correctness" (2000: 4-9), honed in his early church experiences where he found his doctorate of little use, and turned to his life experiences as a prisoner in the "hard school of life. Here he learnt first-hand the "shared theology of all believers" (2000:12) and the theology of the people, giving him a maintained conviction that unless academic theology "continually turns back to this theology of the people, it becomes abstract and irrelevant" (2007:59-60). Moltmann insists that theology is "a task laid on the whole people of God" (2000:5).His sermons emerged out of his weekly home visits where he learnt to speak of another 'hermeneutical circle', not between text and one's own private interpretation, but between text and the experience of a community of people. This gave him solidarity with "a shared theology of believers and doubters, the downcast and the consoled" (2000:5, 2007:60 - 63).

Moltmann also held ongoing public roles in the Ecumenical church movement and from 1963 to 1983 he was a member of the Faith and Order Commission of the World Council of Churches (WCC). It was in relation to this that he was commissioned to do studies on Human Rights in the 1970s to be further discussed in Chapter 6.[400] Meeks suggests that,

> No-one goes further [than Moltmann] to meet the practical theologian on common ground and in a common task. In his definition of theology as the theory of the practice of the church, he is allied from the beginning with those who want to see theology carried on in responsibility to the life and mission of the church, without of course compromising the independence and critical role of theology (1979a:56).

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[398]In 1952, Moltmann married theologian and political activist Elizabeth Wendel after completing their doctorates in theology together under confessing church leader Weber. He has described his entire career as a form of 'theology in dialogue' with his first and most enduring partner, that of his wife. From 1981-2005, the two Moltmanns' lectured together on themes of 'being human'(1983:109 - 126).

[399] They remained here for five years and had their first few children here. The Moltmann's first child, born dead, as well as the suicide of two students whose funerals he took as a student-pastor are cited as pastoral realities of life and death found in community (2008:63-64).

[400] This 'home' in the ecumenical movement, from camp conversion, to human rights engagement, and the culture of life WCC framework shaped his theology to this day. (2011:607-613). Moltmann's long term co-editorship of Concilium developed long-standing friendly relationships with Gutiérrez and Sobrino as well as with Hans Küng. This is important in light of his moments of conflict and critique here.

Professor - In 1958, Moltmann became a theology teacher at a church seminary academy in Wuppertal operated by the Confessing Church where his own choice of "hope for the kingdom of God" proved to be career defining (2007:67) In 1963 he joined the theological faculty of Bonn University and in 1967, was appointed Professor of Systematic Theology and Social Ethics at University of Tübingen where he remained until retirement in 1994[401](2007:82-94). Müller-Fahrenholz comments that he chose a bold move in his initial lectures where "a tone prevailed which we had not heard before, eschatology not as applying to an invisible beyond but in concrete terms to our earth…The voice was new but it corresponded to the 'kairos' of our times" (2000:40-1). In 1968, he was a visiting Professor at Duke University, USA at the heart of the civil rights struggle where he was exposed to the social and theological roots of Black Theology.[402] Grenz argues that Moltmann brought together word and world for his students, with "an overriding desire to engage with contemporary life….yet from a thoroughgoing theological perspective" (2004:74).[403] Moltmann offered a bridge to systematic theologians of earlier times but with a clear awareness of and willingness to constructively engage the new challenges of his particular, modernizing times. He and others describe his journey not as a desire to found a school or have disciples (MacDougall 2005; Van Proojen 2004) but to inspire others into "curiosity and imagination for the Kingdom of God" (Moltmann 1997b:20).

5.2.2 Moltmann's social context and key theological influences

Moltmann was strongly shaped by his wider social context, firstly in his war experiences and the resistance of the Confessing Church, but then new challenges faced in the post-war years. As a young theologian honed in a Bonhoefferian ecclesiology of the socio-political responsibility of the church in the world as well as the post WWI theology of Barth, he felt there were new important social tasks to which theological reflection needed to rise (1999b:14). The authoritarian political theology of Schmitt and its outworking in the Nazi regime, along with the complicity of many German churches with political and economic status quos left him with radical questions about the role of the church in society.[404] He, and some others, challenged tendencies within the post-war established German churches to

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[401] From 1983 to 1993, Moltmann was a visiting Professor of Systematic Theology at Emory University in Atlanta, Georgia. In 1984, he was delivered the Gifford Lectures at the University of Edinburgh, the only German theologian of his generation to do so (1985).

[402] He was invited by Fred Herzog, a pioneer in black theology and was still on campus when King Jnr was assassinated (2000:189-216).

[403] Moltmann (2000: xvii) challenged his students not to become 'disciples' of a Moltmannian school, but to converse with and challenge his ideas, and to think and experiment in their own contexts. His creative co-optation of diverse influences demonstrates this but he offers a reminder of the importance of situating new contributions within pre-existing theological trajectories where possible to learn from the past.

[404] We can see here a resonance in Moltmann with Witte's hermeneutics of confession and suspicion (Witte 2010:1-2).

return to business as usual and looked elsewhere for the dynamic messianic hopeful ethics that they felt lay at the heart of the person of Christ and the Kingdom of God' (2004:37-38). His experience as a rural pastor had given him a love for the lived message of the gospel within concrete local communities and its power to 'make sense' for ordinary people struggling to live together in life-enhancing ways amidst daily challenges. He insisted that Christian theology must be "public theology for the sake of the kingdom" (2000:15), contextualised and grounded in Scripture. He has been concerned to engage the church in local and ecumenical manifestations for its responsible participation in the world and also to strongly promote a theology of the laity. A willingness to seek God's presence outside the institutional church has also characterised his emerging theology of the Spirit. (Moltmann 1992, 1997a, 2005, Bauckham 2005, Odin 2009, Greene 2010). Moltmann's experience of the complicity of German churches with Nazism made him suspicious of their social role.[405]

Finally Moltmann lived in an era characterised by the rise of modernity and new social movements[406]. His openness to interdisciplinary dialogue across boundaries and willingness to seek God's presence in emerging 'secular' movements outside formal church structures enabled him to contribute publicly into an era where Europe was experiencing significant secularisation. In this respect he is a truly modern theologian but one equally prepared to criticise 'dehumanising' aspects of the modern project. His commitment to 'take sides' with those on the underbelly of the historical process as a theological imperative led him to increasingly critical comment on the narratives of progress of the West in particular and to which Hall suggests his theology of hope, "honed on the anvil of European despair" was often co-opted by others.(2010:5). His personal exposure to theological voices of protest helped his theological human rights reflections to retain "a foot in each of the three worlds" so often polarized in relation to each other in the 1970s. At the same time, he challenged liberal approaches which privatised faith. For him, faith remained public because it had to do with relationships of people to one another[407]. Moltmann also shed a critical eye on issues of class, suggesting from early on that the bourgeoisie middle class established Christianity of Germany was itself part of the problem (1972:1-2, 1999:1). South African eco-theologian

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[405] Moltmann has always been concerned from his prison experience days, with the location of God and the question of where God is to be found in our suffering world. This has driven him outside the walls of the institutional church to find the 'hope for the kingdom' in places others might consider unlikely. In this way he decentres the church, suggesting that the church is called to be where Christ is.

[406] These included protests against the Vietnam war, civil rights, race and decolonisation, second and third wave feminisms, anti-nuclear peace and environmental movements. Moltmann was influenced by the negative dialectic of the Frankfurt School. As he travelled and saw the many structural obstacles and vicious circles that prevented liberation, this aspect comes more to the fore. (cf. 1996: 218)

[407] This was his disagreement with Bultmann who he heard denouncing social engagement as "inappropriate for the church" (2008:50).

Conradie terms his approach "an anti-bourgeois theology in solidarity with the victims of modernity and not a progressive theology of the established middle classes" (2008:79)[408]. Moltmann insists on the need to reflect critically, publicly and existentially on the theological challenges that the changing issues of the day present to faith identity.[409]

It is also important to situate Moltmann's contribution within the theological context of his day.[410] Firstly, Moltmann stands deeply indebted to Karl Barth from whom he takes a strong "dialectical" approach to theology and an emphasis on Christ as the centre as well as a commitment to socio-political engagement as a theological imperative.[411] Bauckham (1995:2) also points out that Moltmann was one of the first theologians to seriously study Bonhoeffer's work[412] and that it was here, as well from as his Confessing church teachers, that he deepened his concern for social ethics and church involvement in secular society. He notes that it was through Dutch theologian Van Ruler that Moltmann drew his eschatological perspective for the "universal mission" of the church towards the coming Kingdom of God (1995:2). He points to a strongly Hegelian influence in his dialectical interpretation of the cross and resurrection and suggests that Biblical scholars, Von Rad and Kasemann grounded his theological approach in Scripture where he develops a "political hermeneutic of the Gospel." However it was Ernest Bloch who provided the "catalyst" (Bauckham1995:18, Moltmann 1997b:15) for converging influences in his thought with a "vision of a new society of freedom" and an "ontology of not-yet being" (Grenz 2004:77). This encounter is the second 'turning point' in Moltmann's theological journey and shapes his liberatory concern for a messianic Christology, ecclesiology and ethics, his dialogue with Jewish, Marxist and humanist thinkers and an insistence that beliefs about the end influence our historical present. Bauckham also notes that "his experience of the worldwide church, including the charismatic worship on African and Asian continents, the political engagement of liberation theology and the suffering of the church in Korea has affected his ecclesiology in particular" (1995:3).

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[408] See Rieger (2013a: 5-10, 2013b:19-28) for more on essential connections between class, religion and theology that Moltmann prefigures

[409] Moltmann has continued to contribute creatively in his retirement to this day. In 2012 he published his Ethics, in 2014 he was a key speaker at the Emergent Village conference in the USA and in 2015 he was a key speaker at the Barth Conference at Princeton University.

[410] Van Proojen divides Moltmann's work into three major periods; 1943-68, 1968-77 and 1977-2003 suggesting three turning points in his life and thinking which reflects what Moltmann has acknowledged (2007) his WWII experience (1945), meeting Bloch (1960) and attending the black/liberation theology conference in Mexico City in 1977. His focus on human rights began in the 1970s and benefited from all these 'turning points' especially and importantly the last one (2004:6),

[411] Bauckham notes that "Moltmann 'imbibed' Barth at Gottingen and that it was some time before he felt the need to 'go beyond' it (1995:1). Greene (2004:316) defines Moltmann's journey as "another theological pilgrimage that owes much to Barth's influence and direction but that has also recognised that every theology requires the help of other disciplines and cultural influences if it wants to remain a theology with an eschatological proviso and an unfinished agenda." According to Moltmann, his early "post Barthian' directions were significantly influenced by his teachers (Iwand, Weber, Wolf) who were active confessing church leaders (2007:41-52).

[412] Moltmann did his Habilitation on Bonhoeffer's concept of church as "sanctorum community" (cf. Van Proojen 2004: 31-36).

In the 1970s Moltmann took a leading role within the human rights reflection of the global Reformed tradition. His increasing engagement with theologies of liberation in the 1960s and 70s led to his third 'turning point' in his theology (Van Proojen 2004:188, Moltmann, 1997b:19, Muller Fahrenholz 2000:150)[413]. An open letter to Latin American theologians in 1975 by Moltmann (1976a),[414] led to a difficult encounter in 1977 when Moltmann travelled to a conference of third world and liberation theologians in Mexico City to be greeted by some angry scholars who in his words, "ripped to pieces my human rights theology" and in the words of Cone, "they crucified him" (Moltmann 2000:218-219). This was a moment of disappointment and rejection for Moltmann who had identified his theology in partnership with theologies of liberation[415]. The suggestion was made that 'the notion of identification with the poor smacks of annexation of the powerless by the powerful' (Van Proojen 2004:189)[416]. Chapman (2000:69-84) suggests this was a watershed moment for his theological anthropology where he begins to find an authentic role as an 'ally' of liberation theology[417] by developing a concrete theology of liberation for the oppressors. Müller-Fahrenholz concurs with my own view that Moltmann's tensions with liberation theology are formative for his thought (2000:123-6) and this is also noted by Moltmann (2000:183-302).

Despite or maybe due to this early conflict, constructive theological engagement with human rights remains a strong concern for Moltmann to this day (2012a:217-230). Despite the critique he effectively challenged many Latin American theologians not to "throw out the baby of human rights with the bathwater of imperialism" (Moltmann 1976a, Engler 2000). His ecological concerns have deepened over his lifetime but a concern with the liberating

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[413] Moltmann's theology both predated and also emerged contemporaneously with a number of Latin American 'theologies of liberation'. His work has been an acknowledged influence on many liberation theologies but he has also been shaped himself by the insights and critique of theologies of liberation. See Van Proojen (2004:190-200).

[414] In 1975, as a response to the refusal by a group of Marxist students to engage with European theology at all, (2000:218) Moltmann raised a number of concerns publicly to Latin American theologians in the journal Christianity and Crisis entitled, "An Open Letter to Miguel Bonino", one of the few Protestant Latin American liberation theologians of the day and who Moltmann knew personally.(1976a) Bonino and Moltmann engaged for many years after in a fruitful way. However it elicited wider discontent and led to a 1978 showdown. See Van Proojen (2004:188-194) for a detailed rendition of this event and the issues and reasons surrounding it.

[415] Moltmann describes this event as a "crisis of belonging…as someone who is not black, not oppressed and not a woman". Scholars such as Bauckham and Paeth have pointed out, Moltmann does belong somewhere but this reflects his strong feeling of solidarity with theologies of liberation and belief that his work mirrored similar themes in his own context and stood apart from European other contemporaries.

[416] For Moltmann, Jesus proclaims to the poor their future in the Kingdom which offers them "a new dignity". Van Proojen says it is clear that Moltmann intends to take the marginalised seriously as dialogue partners suggesting that because they hold the key for the liberation of humankind from oppression, they are fundamentally the subject of theology' (2004:43). Van Proojen suggests that "Moltmann knows it is a misapprehension that 'we' can understand 'them' and put ourselves in their shoes. It over-rates our capacity for empathy and also underestimates the suffering of the poor and our conscious or unconscious contribution to it. He therefore stresses that the other must remain the other completely" (2004:153-4). "Bonino and other Latin American scholars criticised not that Moltmann made a distinction between them and us but that he is unaware of it and seemed to present his theology as the universally valid path to liberation". (Cf. 2000:183-302).

[417] Liberation theology has however gradually embraced the language of human rights far more fully. See Engler (2000) for a description of this embrace. Equally, Moltmann has better acknowledged his own context, reluctantly accepting the need for separation from colonial hegemonic ideologies as a first and necessary stage in finding a new non-dominated theological identity together. On the plane back, Moltmann began to draft his liberation theology for the oppressors, a project that continued into his visit to South Africa the year after.

dimensions of human existence remains. His appropriation of the Christological core from Barth, social responsibility from Bonhoeffer, a Kingdom of God theology from Van Ruler, the Blochian messianic thrust of hope to the future and the concern with concrete historical oppressions from theologies of liberation converge in theology tied to a radically relational ecclesiology (See McDougall 2005, Jones 2007, Odin 2015). Geiser suggests that Moltmann is one of only a few European systematic theologians who has consistently faced the permanently threatening reality of the use and abuse of power. He creatively "addresses the fundamental and unresolved question of power and powerlessness in every single theological locus…with an impressive and kaleidoscopic sensitivity to the many and various workings of power and powerlessness" enabling readers to hold together faith and ethics in concrete action, all over the power-stricken world (2013:149).

I conclude this section by noting that Moltmann's formative personal experiences of prisoner, pastor and professor contextualise his theological concerns from early on. Whilst within the Reformed tradition he has also appropriated and synthesised ideas from a range of denominational traditions and worldviews. A pastoral concern as to how to speak of God in meaningful ways to form concrete confessing church communities and how to speak responsibly in a global world has characterised his journey. Finally his deep orientation to those who suffer and despair is rooted in his existential experiences of learning to speak of God in a way that gives liberatory hope to the hopeless. He seeks to interpret the question, 'Who is Jesus Christ for us today' in new social contexts, paying attention to the eschatological horizon against which that responsibility must be understood (Van Proojen: 2004:32). As a result, he seeks theological suggestions for action with hope as the horizon forming a dialectical relation between theory and praxis. His work has been driven by a transformative Christian ethics and eschatology which refuses to separate theology and ethics (2012a). His sustained attention has been towards "developing a Trinitarian perspective that can serve the church's mission in the contemporary world" (Grenz 2004:74). He sees the task of theology as in transforming the world in the light of its ultimate transformation by God and seeks to overcome a separation between Christian theology and practice to offer a critical theory of God[418] with social application. This underpins all his core themes to which the next section will briefly turn.

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[418] For renewed interest in this, see Raschke 2014 at http://www.politicaltheology.com/blog/from-critical-theory-to-a-new-critical-theology/

5.2.3 Moltmann's core theological themes

Moltmann has made systematic contributions across a range of theological topics with two major series, an early trilogy (1964-1979) and then six "systematic contributions" (1989-2000). He sums up his theology "in a few key phrases…a biblical foundation… an eschatological orientation…a political responsibility" (1991a:182). I suggest that human rights do not stand alone in his opus but form the concrete outworking of his theological themes. Therefore, his themes of hope, Christology, social trinitarianism, relational ecclesiology, and political theology are explored before turning to his liberating anthropology which undergirds them and in Chapter 6, to their outworking in a theology of human rights.

Bauckham shows that eschatological hope[419] drives Moltmann's work as he imbues Christianity as a whole with a sense of eschatological messianic hope (1995:8-9, 2005b). "From first to last and not merely in the epilogue, Christianity is eschatology, is hope" (1967:16).[420] For him, the modern experience of history as a changing process orientated to the future requires the church to engage change pro-actively. This positions the church dialectically in front of society, anticipating and modelling desired social changes and collaborating with reforming and revolutionary elements rather than behind, conservatively pulling it back (1967:312). His "transformative eschatology"[421] (Moltmann 2012a:35-44) calls Christians into critical responsibility for society and one another but also refuses a reduction of hope into merely the immanent, "purged of all transcendence" (Jeroncic 2009:39). As a result the dynamics of hope undermine the politics of the status quo outworking "into a praxis of hope that refuses to remain indifferent to concrete exploitation, poverty and human suffering" (Greene 2004:212). Jeroncic notes this is not an excuse for passivity but a "mobilising power leading to action" (2009:37). I suggest this shapes both Moltmann's eschatological re-orientation of the human, and the imperative of the human rights vision as a concrete utopia that destabilises injustices and orients to the future.[422]

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[419] He is credited (with Pannenberg) with reclaiming the practical relevance of eschatology for the 20th century. (Greene 2005:30).

[420] This orientation of Christianity to the future offers a hope for liberation and enables a liberating hope in the present that draws on Scriptures of remembered hope. (1974:413-429). Moltmann's eschatological hope moves between the dialectic of 'now' and 'not yet' as a reminder that what humans believe about 'the end' influences how they behave in the present. . (2004b:37-43). He suggests that beliefs about torture in the Last Judgement often provide an implicit justification of torture in the present and need to be challenged as it denies the reality of the person of Christ, 'the tortured one' as Judge. See Ansell (2014). I suggest Moltmann places emphasis on the theological dimension of human rights abuse, challenging ways in which religion can offer fuel to human rights abusers through some God-images.

[421] Over separatist, Christological and apocalyptic eschatologies, Moltmann instead points to a "transformative eschatology" (2012a:35-44). See Althouse (2006:21-32) for an exploration of Moltmann's transformational eschatology and its implications for Pentecostalism.

[422] See Jeroncic (2014:249) who explores how Moltmann's 'promissory' and penultimate understanding of the human person is also tied to hope. He suggests this connects into post-modern conceptions of the self as fragmented and notes that Moltmann's anthropology offers us a 'weak' identity with a view of self "marked by the dialectic of fragility and resiliency, determination and freedom, brokenness and renewal.

The second theme at the heart of Moltmann's oeuvre is Christology. Suffering has arguably been at the heart of his work (Bauckham 2005:152; Conradie 2008:79). In his image of the Crucified God, Jesus's identification with both godless and godforsaken is foregrounded, in an identification of God-self in a solidarity Christology (2012b:15).[423] Moltmann rejects an impassive God who cannot suffer and turns to the passionate God of love whose vulnerability to suffering forms a central part of the divine identity[424]. For him, the journey to liberation is found in the solidarity of the divine presence with all who feel godforsaken in their circumstances, challenging theological attempts to position God as above suffering. He is concerned that otherwise salvation becomes disconnected from social ties and "the economic, social and political sins of human beings which have led to this personal isolation and spiritual loneliness are left without liberating criticism and without the saving hope of the gospel" (1990b:54).[425] His theology thinks in terms of Christian discipleship and identity defined by relationship to the Crucified God, using the symbol of the 'way' to offer a narrative approach that takes the life of Jesus seriously (Greene 2004, Lorenzen 2004) and develops a holistic Spirit Christology (1992, 1997b)[426] He seeks a "contextualised Christopraxis… eschatologically determined where the ongoing mission to reconcile, restore and redeem is still underway"[427](Grenz 2004:22). Jeroncic notes that this has implications for anthropology and human rights, for "if the sufferer can see God present with him he can recover a sense of human worth" (2009:43). This maintains a protest against suffering to resist its dehumanising power from below (Bauckham 1995:89-90). This develops later into a social Trinitarianism sitting at the heart of his human rights anthropology.[428]

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sin and grace. It is this dialectical reality of self-identity that accounts for an integration that is fluctuating and polymorphic, in other words weak while at the same time bursting forth with hints of regathering situated within the unfolding of God's Trinitarian history'. (2014:252).

[423] Moltmann brings suffering, through God's act of loving solidarity, within the divine experience and explicitly moves away from 'penal substitutionary' models that separate father and son. While Latin American theologians have been critical of the suffering sorrowful Christ who baptises the rich/poor division, the Christ from above who supposedly sits above politics but actually wields power, (Assmann 1975), Moltmann does not intend to baptise this image but to challenge and subvert it. Moltmann has been challenged by scholars from both the left and the right, for creating a "sadistic God" but also for allowing God to suffer in God's being as a very problematic image Cf. Jowers 2001.

[424] Moltmann (1974) inverts the question of the cross away from soteriology, what does the cross mean for humans and their salvation, to ask, what does it mean for God? He also applies this question to creation (1981:99) pointing to the radical kenosis/self-dispossession of God.

[425] Greene suggests Moltmann's Christology owes a significant debt to Barth. Both their convictions emerged out of war and the forces shaking Europe. He notes that Moltmann retains the political and ethical dimensions of Barth but places it in conversation with Biblical apocalyptic and Marxian futurist utopianism to develop an eschatological Christianity that is arguably underdeveloped in Barth (2004:200).

[426] Moltmann reclaims Jesus's life by reembracing it as a herald of the Kingdom and representing the 'penultimate presence of the kingdom' (Harvie 2009). Greene suggests that a break between European and Latin American Christologies can be the resurrection where a focus on the risen Christ can mean he becomes associated with expression of religious and political power that are oppressive and totalitarian (2004:204). He shows that liberational Christologies make an critique of 'anthropological Christologies' that reduce the significance of Jesus to the merely personal or interpersonal realms of life and see salvation as embracing the political, economic and social realities of power, particularly power structures that oppress and exploit the poor. He notes that Moltmann takes this structural approach.

[427] Green notes Moltmann looks for a paradigm beyond an anthropological Christology (2004:176) from which "few explicitly social or political questions can be developed, to…the material and liberating implications of this understanding of the Christ event" (Cf., 1990)

[428] According to McDougal "no contemporary theologian has played a more decisive role in retrieving the practical significance of Trinitarian theology" (2003:178, cf Bingaman 2014). Bauckham suggests his dialectical interpretation of cross and resurrection becomes subsumed but not lost into his Trinitarianism (1995:4). His Christological centre from Barth joins a Blochian horizon of messianic hope.

Moltmann's third theme develops out of his Christology as a "social trinitarianism" sitting at the heart of his doctrine of God (1981:98-128). I suggest that this forms the cornerstone of his liberating anthropology and his human rights theology and it will be unpacked in detail later in this chapter. Here I merely note that this is how he understands the reciprocal relationship between God and the world which "hinges on a concept of dynamic relationality" (Bauckham 2005:155), where God-self is affected by the world rather than merely being a benevolent dictator. He refuses subordination within the Trinity and opposes "monarchical monotheism," offering the Trinity as a radical corrective to rule with the notion of fellowship which he suggests theologically underpins democratic freedom (Bauckham 1995:172, Moltmann 1981:129-150). Grenz argues that the "open trinity" invites human participation (2004:82). Bauckham notes that Moltmann does not just replace a single monarch with a "divine oligarchy of three" but that he re-defines God away from Lordship to love (1995:175). This sits at the heart of his disagreement with Barth for whom the claim that "God is Lord" forms the heart of the Trinity (1995:173, Cf. Moltmann 1981:139-141, 1985:252-5).

Müller-Fahrenholz sees Moltmann as concerned predominantly not with pure theory but with the new practical outlook on society that this leads to by "thinking in terms of relationships of equal importance and equal value" (2000:84)[429]. Moltmann's kingdom is not a universal monarchy[430] but a 'harmonious fellowship', a Sabbath place where God does not dominate the world but feels it in friendship and is affected by each of his creatures (1995:151-171) He draws on "cosmic perichoresis" to connect indwelling and liberation, liberated earth and humans as the place where God comes to dwell (MacDougall 2003, Bingaman 2015). Grenz suggests that the idea that the Trinity offers a critical principle for theology in its mission of transforming the world has had "phenomenal" impact and offered a way to bring Trinitarian theology and social anthropology together, a trail which others have then developed.[431] He notes that by the 21st century, the idea of "relationality has moved to centre stage" (2004:32).

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[429] Moltmann (1981:2-5) is convinced that human societies reflect their fundamental theoretical outlook in terms of their basic understanding of God or 'the gods' in the way that they organise themselves. When the Trinity dissolves into an abstract monotheism, this supports ecclesiastical and national totalitarianism, 'the notion of a monarchy in heaven and on earth, for its part generally provides the justification for earthly domination – religious, moral, patriarchal or political domination – and makes it a hierarchy, a holy role. Some query whether a 'Trinity model' can be implemented in society but its provocative, revolutionary challenge has undoubtedly resonated with many.

[430] I find it surprising that Moltmann still uses a monarchical metaphor, the Kingdom of God when the thrust of his theology is in such a different direction. I have no doubt that this "Biblical" term is used by him to highlight its liberating content but I suggest that King's motif of the 'beloved community' (Baldwin:2008:26-41) might be more appropriate and prevent this term being appropriated in rule-based and hierarchical ways. Friendship is the metaphor consistently used by Moltmann to represent a non-coerced relationship of different equals.

[431] I note that Moltmann's approach to the Trinity has been strongly contested by many. See Jowers, 2001, Kilby 2000, Cunningham 1998, Burns 2012. Critiques of this approach lie outside the scope of my thesis which focuses solely on the implications of this line of argument for human rights. See Bauckham (1995:171-182) for a brief overview of some potential challenges of linking Trinity and human freedom.

Fourthly and developed later in this thesis in specific relation to human rights, this doctrine of God shapes his messianic or relational ecclesiology, which "situates the church within God's Trinitarian history with the world on the way to the kingdom" (Bauckham: 2005:153-4).[432] Bauckham notes his call for 'radical reform and renewal of the church' that leads him to a sustained critique of the pastoral church *for* the people as passive consumers, as opposed to the prophetic church *of* the people as committed participants (1995:14). Moltmann sees this Trinitarian history of God not as a justification for clerical rule but as vulnerable, liberating love which makes possible open fellowship in freedom and responsibility. He insists that, "in this Trinitarian context ecclesiology cannot be reduced to hierology, preoccupied with the authority of the ministry, but must begin with the fact that every believer is a responsible member of the messianic fellowship." (1978:289; Bauckham 1995:139) Moltmann's pneumatology develops over time though it can be discerned early on (1978:197-226) and offers a "socially critical church" (Bauckham 2005:154) which I suggest has significant implications for his human rights ecclesiology, explored in Chapter 6.[433]

Finally Bauckham suggests that Moltmann's most lasting theological contribution may be his political hermeneutic for relating word and world, (2005:161) which Van Proojen terms "a form of public theology seeking to do justice to concrete forms of oppression and alienation in the world" (2004:122). It countered the authoritarian models of his day by calling churches to publicly challenge the often corrupt political powers of the day rather than accede to or tacitly legitimate the status quos of their times under "a misguided theology of two kingdoms"[434] (Moltmann 1984:61). At the same time, it refused to accept the increasing privatisation of religious belief common in the secularising liberal West and defended the inherently public nature of faith.[435] He sought, not to politicise the churches,[436] but to find a

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[432] Moltmann interconnects ecclesiology and pneumatology from early on where 'messianic' denotes the orientation of the church, by the Spirit in the history of God towards wider eschatological goals. 'Relational' indicates that, the church does not exist in, of or for itself, but only in relationship and can only be understood in its relationships…a provisional reality for the sake of the kingdom….the mission of the Spirit includes but is not confined to the church, the church cannot absolutise itself, but must fulfil its own messianic role in open and critical relationship with other realities' which for Moltmann includes other religions as well as secular movements. (Bauckham 1987:10-20)

[433] Black theology's early critique (Erskine 1979:122-127), suggests that Moltmann can locate hope essentially in the future, while black theology, in its deeper appropriation of the Spirit, embodies and witnesses to a hope in 'real anticipations' in the present. This is taken up in Moltmann's later work where he seeks more balance in his Trinitarian reflection and has engaged in constructive dialogue with Pentecostal movements (Green 2010). Moltmann's reflections become more holistic as he breaks out of a more narrow Barthian association of the Spirit with revelation and he increasingly uses the phrase, the Source of all Life. He adds to his liberational emphasis on the historical God of promise moving through "kairotic time", a notion of the importance of space and the decentring of 'man' as the dominator of earth, to a model of humankind in solidarity with the community of creation and the Sabbath as the crown of all creation (Moltmann 1985:145)

[434] This is found in the work of German jurist Schmitt where churches had become enmeshed in legitimating the powers of the existing status quo. The use of the same term in diametric ways by both Schmitt and Moltmann/Metz can lead to confusion. Schmitt's concept comes closer to 'civic religion', a form of mutual legitimation between church and state. This new idea subverted this notion in Germany.

[435] Moltmann states that political theology aimed to 'to break out of the narrows of middle class 'theology as a private affair' and to escape from the confines of the transcendental, existential and personalistic theologies of the times…but also to formulate prophetically

theology critical of society, "with its face turned towards the world" as a way of talking about God that could bind churches together in 'critical responsibility for society. (Moltmann 2004:37). His "political hermeneutics of the gospel", countered a triad of 'monotheism, monarchy, monogamy", with a Trinity of God's love, open to the world in its suffering and calling for human participation. It saw modernity dialectically, liberating from the ancient worldview but with a dark side requiring transformation.[437] This political theology can be seen as both the pre-cursor to and the soil from which many diverse theologies of liberation emerged.[438] According to Bauckham, Moltmann's political theology offers "liberating hermeneutical structures by which to relate biblical Christian faith to political attitudes, goals and issues". He notes the direction to a new future anticipated in hope, the praxis of loving solidarity with victims and the implementation of humanity's created dignity and destiny in human rights offering "theological guidelines", which can guide both the concrete analysis of particular societies and the specification of goals and strategies for the recognition of human dignity and destiny as both gift and task[439]. (1995:117). He shows a three-fold move by Moltmann from hope to solidarity with victims and out to a new way of being human in community as the theological journey which leads to concrete human rights engagement.

Bauckham insists that Moltmann does not reduce the Gospel to its political aspect but that he does consistently emphasise it with a "praxis-orientated dialectical eschatology" intended to be "translated into an imperative for radical political change" (2005:157). He notes that Moltmann also avoids the tendency in the 1960s towards a rather generalised and romantic rhetoric of revolution as well as from "the ideological optimism of the affluent" by his "requirement that desire for radical change must result from real solidarity with the victims of society and be rooted in their actual interests" (Bauckham 2005:157).[440] Like Gutiérrez,

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Christianity's eschatological message in the conditions of modern society…every eschatological theology has to become a political theology, a theology critical of society"(2004:37).

[436] Van Proojen highlights that his political theology was not advocating theological support for a political party but rethinking "the relation between the transcendent reality of God's future and the immanent godless reality of oppression, suffering and alienation" (2004:123)

[437] Political theology was later linked to the negative dialectic of the Frankfurt school. Van Proojen suggests there is a shift in Moltmann's anthropology from Promethean man to the dehumanisation and alienation of one-dimensional man in capitalist society. Moltmann grappled with the alienation of the human in a modern techno and bureaucratic society. He concluded that "the freedom of the subject does not guarantee a humanisation and that it can create structures that enslave people and deprive them of their creativity" (2004:124).

[438] Moltmann suggests that political theology became the starting point for a series of mediating theologies…the theology of revolution, liberation, feminist and other regionally conditioned contextual theologies in Africa and Asia' (2004:39-40). He has recognised the gradual evolution of political theology into what has been termed 'public theology' where while politics remains important, it is often a subset of greater systems e.g. economics (2004:41). However he cautions that this new public theology needs to retain its critical, prophetic, resistance edge. This point was made by him in January 2012 in a personal interview with me and I suggest it aligns with the forms of public theology emerging from South Africa and Brazil as distinctive prophetic trajectories. (Cf Cochrane:2011:44-62, Maluleke 2011:79-89)

[439] Moltmann (1976c:5, 2011:612) has throughout his life termed "being human" as both a gift and a task that is shared with others.

[440] Moltmann (2012) links political theology with theologies of liberation as 'sharing an eschatological horizon and its critical responsibility towards society'. But what was different was the context that each responded to. He speaks of the 'breach' between Latin American liberation theologies and 'progressive theologies' of the West which enacted itself within divided Germany and, one of the personal lessons

Moltmann grounds liberation theology in a wider theology of life and political theology into a wider Kingdom of God theology' (2012).[441] He has argued consistently for a corresponding theology of the liberation of the oppressors. (1974:345, 1978:36, 2000:183-5)[442].

Bauckham's ongoing suggestion that the most important development in Moltmann's political theology has been the prominence of human rights as a way in which his political theology formulates specific political goals is important for my thesis (1987:20, 1995:113, 2005:157). [443] He suggests that this concept fulfils a number of important roles in his theology and that his core themes of revolutionary hope and solidarity with victims both gain their concreteness in this specific form where eschatological hope has an immediate application in striving for the realisation of evolving and dynamic human rights tied to the fulfilment of human destiny in the Kingdom of God. Cruciformed solidarity with victims takes political effect in the concrete attempt to secure their rights and dignity as full members of the human community" (1995:113-117). He suggests that human rights come to play the kind of role in Moltmann's political theology as Marxism played (initially) in Latin America where "the concept of human rights is a way of specifying the concrete implications of political theology…which makes contact with non-Christian political goals and activity, thus enabling Christians to join with others in a common struggle for liberation" (1995:19). Moltmann's concept of 'anticipations' focuses on radical structural change and the importance of not suppressing the negativities of the status quo, but bringing them to light so they can be transformed[444]. Moltmann's call for a constructive theological engagement with human rights continues to this day (2012a:217-225). I will suggest strongly in this thesis that he ties this irretrievably into the wider humanisation of all persons. I also propose that Moltmann's concern for human rights is always held with and for "the poor".[445]

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painful for him in the late 1970s was the realisation that some other theologies had to cut free from all European theology in order to find their own non-dominated identity and freedom. He insists that this must be followed by new 'non-dominating' ways of working together

[441] Moltmann quotes Gutiérrez (1992) saying "every healthy, fruitful liberation theology is embedded in the theology of the Kingdom of God …already thrusting into history, it still does not find its full development in history….they are anticipatory fragments – with all their ambiguities – of a fullness which will only come about beyond history". This reflects his awareness of political theology's critique

[442] He highlights that liberation from historical suffering has to go hand in hand with liberation from historical guilt and that unless it does, there can be no genuine reconciliation and new community. This may be especially pertinent for post-apartheid South Africa to this day..

[443] He attributes this partly to Moltmann's involvement in WCC discussions rights but "also as a coherent development of his own thought". Bauckham points out that Moltmann's sympathies lay with the waves of social and political protest of his day, the civil rights movement, anti-colonial struggles and other movements that were offering radical alternatives to the status quos of his times.(1995:113)

[444] He stresses that human rights cannot be viewed as abstract ideals but must be looked at against the background of the suffering and of the present struggles of individuals, nations and states. This applies to South Africa where the understanding of the humanity of persons in the 20th Century was increasingly tied to the concrete rise of rights and duties and cannot be detached from the struggles of oppressed people

[445] According to Harvie, Moltmann defines the poor broadly as "the hungry, the unemployed, the sick, the discouraged, the sad and the suffering. They are also the subjected, oppressed and humiliated people. Their counterpart is the man of violence…who enriches himself at their expense through systems of oppression". (2009:42 Cf Moltmann 1990b:99) For him, the opposite of 'poor' is not 'rich' but 'the" man of violence" who makes someone else poor and enriches himself at another's expense (2009:152) and 'rich' means 'those who are in the

5.3   Moltmann's hermeneutical key: a liberating anthropology[446]

Moltmann takes a concrete starting point for his human rights commitment and in this he arguably distinguishes himself from dominant Calvinist orthodoxy (Newlands 2006:129). While this human rights commitment forms the subject of Chapter 6, I note here only instead of offering ahistorical absolute faithfulness as a divine quality, he points instead to God's dynamic fidelity within concrete history, refuting an "idealistic anthropology, where there is an essential core of the human immune to the horrors of history". He insists that it is from liberation theology that we learn to begin where we really exist in our own people and that experience in the praxis of liberation from inhumanity must be for Christians and churches the concrete starting point for human rights commitment (1984:15).

Van Proojen insists that as a result, Moltmann locates his quest for a liberating anthropology, unlike much systematic Christian anthropology, not in the "idealistic" Garden of Eden of the past but the actual human being within existing history today, trapped in present day inhuman and dehumanising circumstances and in need of concrete liberation (2004:51).[447] In this starting point from 'below' where his own experiences and liberation theologies clearly play a role,[448] his desire to maintain a vigilance towards suffering, injustice and human dignity violations shines and pushes the question of what is humane into the centre of church questions about identity and relevance. (Van Proojen 2004:133). His located anthropological reflection offers resources grounded in the particular for church engagement with human rights today. It offers a liberating hermeneutical lens from below on core Biblical events that refuses to ignore the terrors of concrete human history and according to McCoy, he shows that "biblical faith means liberation and only through faith in the crucified and risen Christ can we distinguish the true meaning of freedom" (1983a:xi-ii). I will suggest that this

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position of oppressors. The Kingdom calls these rich to total conversion, they are meant to change and seek liberating community with the poor if they are to be included as citizens. Moltmann insists on the diverse subjecthood of this group, stating, "the poor have no wish to be approached from the angle of what they are lacking, they want to be seen first and foremost from the angle of what they are. If we speak to them merely as 'the poor' then they are merely the victims of the rich and powerful. But if they are men or women, whites, blacks, or Indio's, they have families, language, understanding and faith. It is only when they become aware of who they are that they can become the determining subjects of their own biographies" In this respect he seeks to take them seriously as subjects in his engagement. (2007:232). While his early human rights theology was critiqued by some for "appropriation of the poor."(Van Proojen 2004:188) he has also criticised some early liberation theologies for seeing the poor romantically and taking an option for rather than with the poor (1991b:205-217).

[446] For this particular section, I draw significantly on the published PhD research of Dutch scholar Van Proojen (2004) undertaken as part of a multi-faith research project in Amsterdam to explore the question Why are human beings on earth?

[447] Müller-Fahrenholz notes that "Moltmann is wary of abstract talk of 'human beings in themselves', as we always encounter concrete persons in their social relationships and their social involvement, people with their responsibilities as father, mother, child, worker, superior, subordinate" (2000:34). I suggest his anthropology begins in the particular with the socially situated self and not the atomised individual

[448] Regan shows that this is also a concern of many Latin American liberation theologians who also influenced Moltmann significantly. She notes that both Sobrino and Gutiérrez focus on the primacy of victims by saying that human rights discourse needs to begin with victims and not with abstract human beings and starting with the reality of human rights violations as an initiation into the life of God (2010:164-5).

biblically contoured concern with concrete, relational freedom and its manifold distortions sits at the heart of his anthropology and shapes his commitment to human rights.

Moltmann's Christocentric anthropological reflection begins with the identity /involvement dilemma of the Christian churches in his own German context (1974:1-20).[449] He seeks to bring the world and human history into theology without going back to 19th century approaches.[450] He is concerned that stressing total dependence on a controlling and all-powerful Sovereign God in whose hands alone the world and its destiny rested can lead to an inability for Christians to take active practical responsibility together. Van Proojen shows that he seeks to relate the revelation of God in Christ to the eschatological horizon of history including the lives of people in their concrete historical, social and political situation "in order to enable liberation towards true humanity" (2004:5). This points to a participatory relationship between God and humans, avoiding a 'uni-polar' relation as potentially disempowering in practice and even leading to formal church passivity in the face of evil and injustice where God does everything and "totally depraved" humans can do nothing[451]. As a result, Moltmann connects theology and anthropology as two sides of one coin (2002 [1967]:272, 2001 [1974]: 327, 1983:90)[452] to creatively rethink the relationship between God and humans in reciprocal ways.(Chapman 2000:70) He uses the heuristic device of the Trinity to stress the relational nature of God and then to reconnect the human relationship with God to wider relationships with self, others and the earth.(1971:108, 1981:3-5) As he does this, I suggest he offers a way (of the cross) into concrete engagement by Christians with the praxis of human rights and an active resistance to their abuse which puts human rights, understood through a liberating anthropological key, at the heart of Christian identity, and not at the fringe as an optional 'extra'. This located search for a liberating anthropology where "only the liberated can liberate" (1976c:14) forms the last part of this chapter and offers a relational setting for Chapter 6's focus on his Trinitarian human rights theology.

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[449] Moltmann suggests that churches face a seeming dilemma between 'identity' and 'relevance' (1974:1-5). According to Van Proojen, he identifies the anthropological roots of this dilemma, then offers a theological diagnosis and cure in "a social doctrine of justification". This enables a critical attitude to the dehumanising realities of the present then integrated into a pneumatological doctrine of God's presence to offer a relevant embodied Christian witness today. Moltmann suggests this is often mistakenly presented as a divide between progressives (relevance) and conservatives (identity). Van Proojen suggests he embraces and go beyond this tension (2004:315).

[450] For Moltmann, Barth's important focus on the Christological centre could lead to a loss of the horizon (world and history) and a blanket rejection of natural theology. Faced with the rise of National Socialism, with its distorted form of natural theology to justify the domination of some over others, Barth stressed the revelatory emphasis of the Christian tradition and was wary of accepting experience as a revelatory source. Moltmann is more positive about the role of experience and seeks re-engagement with the possibilities of the natural, seeking to "overcome the false alternative between an unreal god and a godless reality" (Moltmann 1970:290).

[451] Moltmann calls for a voluntary fellowship of committed disciples, a church of the people and not a passive one for the people that capitulates to dehumanising ideologies. He decries a Constantinian model with no critical effect on society (1978).

[452] Moltmann situates himself within a Calvinist/Barthian trajectory where knowledge of God and of human beings form two sides of the same coin and saying "the correlation of theology and anthropology is indissoluble is a universal Christian conviction" (1983: 90).

According to Van Proojen (2004:4), Moltmann has two pre-conceptions for his anthropology; the "way" (contextually from below and not abstractly from above), requiring that it does not claim its own perceptive to be universal dogmas, moral codes or rituals but that it registers the sufferings and hopes of its concrete particular historical context[453] and the "why," shaped by a conviction that God sees humans as worthy, loved and has good intentions for us all. This makes explicit that it is his faith convictions that drive him to anthropological questions not just a desire to fit the self-orientated search profiles of today's society."[454] Van Proojen suggests that his reflection on the human can offer a relevant, public and liberating Christian anthropology that can speak into the 21st century(2004, 1-7. cf. Bingaman 2014).[455]

Van Proojen shows that Moltmann holds together two basic insights about human beings; humans are historical and homeless beings set in time by a focus on the future reign of God and humans belong to this world and have to accept the rule of God in all facets of their worldly life (2004:62).[456] He suggests that the urgent anthropological question for his time was not how to save the individual soul but the humanization of a pragmatic, technological society' (Van Proojen 2004:130). For Moltmann, God must remain the radical opposite who can only be known through his revelation (in Jesus).[457] He wants to hold immanence and transcendence together and seeks an "eschatological Christianity that can reconnect humans, God and the world into authentic relationship" (2012a:37). In this way the human condition and his exploration of the doctrine of God form two sides of the same coin. He resists abstract anthropologies that fix an unchangeable human essence and seeks a historical-eschatological

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[453] Van Proojen suggests that Moltmann rejects any theological anthropology that treats the problem of humankind in the "form of pure theology that speaks only of the eternal situation of man before God" (2004:4).

[454] Moltmann is clear that his engagement with human rights is not out of a desire to be relevant in a superficial sense, but that our faith journey demands and contains reflection on human identity itself. 'The only reason why a theologian should risk writing a book on anthropology is because he sees in God the worth of the question-able being which we all are and therefore sees theology as providing the theme for anthropology' (Preface to Man 1971: x) He suggests the question 'what is the human' to have fascinated humankind since the start of time., saying '(Hu) Man is not at home anywhere….s/he is insecure, unstable fragile and open ended…suffering from a lack of identity…a questioning and questionable being…hidden from self and others…a mystery of hope and evil' (1976c:1).

[455] Van Proojen problematizes this, asking "What after all is liberating today? Who or what determines what is liberating and for whom? Is Christianity liberating only because it says something from its own biblical perspective about and to our historical situation or only in so far as it responds to our historical situation?" (2004:4). I suggest that Moltmann's open methodology of dialogue keeps this question alive.

[456] This preoccupation with both time and space characterises Moltmann's concern with a God present in human history. He remains aware of the danger of locating God merely in the person's own quest for transcendence as a form of anthropological reduction but suggests that theological reflection must take up the 'modern' problem through which the human is radically altered if not crushed by the power of their own works Moltmann seeks to integrate the public theologies of faith in history and habitation in the cosmos in a future oriented and holistic way (Van Proojen). He suggests for both "an ecological concept of space and a kairotic concept of time" (1985:145) as well as a messianic understanding of humans (1976c:6) to point to the hope for becoming human that reaches back into our present to transform this historical 'struggle for power'(1979:27). In this respect his insistence that God is present in history encourages a critical look at how God is related to power. Moltmann suggests that the power of God is always a 'liberating power'. Holding together the two paradigms of Exodus (liberated time) with Sabbath (liberated space) is a concern that occupies much of Moltmann's later work (Van Proojen 2004:321).

[457] Moltmann's emphasis on the Incarnation and Crucifixion is for him, a "revelatory" starting point from which the human idea of God is thus radically reframed and in this way he retains the Barthian focus on "revelation" and does not fall back into 19th century social gospel..

mode of inquiry.[458] Moltmann argues that actual humans offer a case in open court between what is human and what is inhumane and says it is more appropriate to "practice theology-in-action", related to the experiences and life of humans in contemporary industrial society and to explore ways for this human to become human"(1971:xiv). Moltmann's anthropology from the start identifies humans both eschatologically and imaginatively as "creatures of hope" (2001 [1974]:6-7), and he terms his wider approach, imagination for the Kingdom of God'[459]. Van Proojen lays out three principles of this anthropology, under a Trinitarian rubric of creation, redemption and sanctification. I suggest they can be seen as vision-virtue-practice.

1) Creation. For Moltmann, the 'telos' of all humans is Gloria Dei, a destiny which is future-centred and 'still becoming'. He holds up human creation with its 'still to be realised' possibilities, where "being human is a gift…humans are intended for something by God and this precedes everything that they themselves make with their lives…Humans are not truly human, or theologically speaking, the Imago Dei because of what they do and achieve but because of what they are" (Van Proojen 2004:290). Instead Moltmann celebrates freedom as such. He points to a dynamic human 'becoming' over a static essentialised 'being' and in creation sees the presence of seeds of possibility, gifted to humans as shared hope.[460] He avoids a collapse into ideologies of progress through his concern with the 'victims' of that so-called progress, drawing attention to narratives of mastery and progress that so often characterise history's struggles for power. His eschatological vision of possibility begins with humans as formed together for a freedom-in-community.[461]

2) Redemption. For Moltmann, the human destiny of true freedom is obscured by sinfulness and hostile behaviour. His understanding of the doctrine of sin is also deeply eschatological, where sin is that humans do not live the life for which they were intended (by God) and become both inhumane and dehumanised (1974/2001:343-346).[462] As a result there is a need

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[458] He states "theological anthropology should not take its cue from a supra-natural notion of the unchangeable essence of human beings but speak about human beings in a historical-eschatological way" (in Van Proojen :2004:51.

[459] Moltmann consistently resists forms of systematic theology that by fitting everything neatly into a box, close ambiguities and questions down. He uses an open systems approach, (2000:8) recognising integration and interconnection in space and time but insisting that these are held open, recognised as 'fragments' or contributions to an ongoing conversation about what it means to be human. This dynamic approach to both the question of humans and the question of God is also at the heart of his methodology. He calls for an anthropology on the way, in partnership and participation with a God that is also on the way. This 'holding open' characterises his eschatological thrust.

[460] We recall the young prisoner-of-war saying, "I was able to feel like a human being again". For Moltmann, it is in relation that we encounter the Crucified God, enabling us to die to dehumanised selves and enter into new ways of being, the social aspects of justification

[461] Moltmann draws on Irenaeus, where humans are on a journey towards imago dei as something that Christ as the second person of the Trinity comes to complete. The incarnation is not God's emergency measure for sin but an unfolding of God's own history with the world

[462] The cycle of blame, violence, patriarchy, scapegoating and sacrifice depicted in the stories of Adam, Eve, Cain and Abel and resonating down through history show a 'sinful fall' into distorted relationships, a 'desire to be gods', an insecure 'intoxication with power'. But we also have a 'tendency towards humaneness' that needs realisation and are 'on the way' towards becoming true humans. (1976c:2-4)

to break through interrelated "vicious circles of death" which trap oppressors and oppressed and to shift from Constantinian patterns to the prophetic (Moltmann 1974:427)[463]. This shared "re-humanisation" project has to go beyond a master/slave dialectic in which inhumane behaviour in some leads to dehumanisation of others to find liberating ways of "being human in new community" where Christ reorients our doctrine of God in humanizing ways. This reshapes sin away from something private between an individual and God towards a relational understanding. It re-embeds sin as deformed relationships (with self, others and nature) in history, and re-thinks virtuous living as embodied, liberated relationality that recognises the "Other". (1976c:25)

3) Sanctification. Moltmann suggests that true freedom is only possible in so far as humans and wider creation are liberated from these sinful 'alienating structures'. But this approach tends to utopia and he poses the question, can humans still have joy within a world of pain, un-freedom and suffering, where children starve, or do they just become weighed down by despair or seek to forget, turning into apathetic humans? (1972:2-3) This is a core question for Moltmann's anthropology and takes him on a dialectical and Trinitarian journey from the imaginative possibilities of hope through the harsh realities of a suffering world under the cross into a sacramental, spirit-filled understanding of new ways of being human together (Van Proojen 2004:318).[464] As a result, Moltmann stresses the importance of concrete utopias of justice over and above abstract utopias (2009 [1971]:42).[465] I suggest that his eschatological vision for human possibility embedded at creation, and his embodied understanding of the relational distortions of sin, refuses to allow Christians to remain abstract, hovering above lived realities, passive, waiting for God to accomplish things, or repressive, denying the realities of present suffering, but calls Christians to practice 'pathic' hope-in-action imbued with the Source of all Life. It is in this third movement forwards that the 'church' practices public, participatory witness-in-action.

5.3.1 Created for freedom - reforming our understanding.

Moltmann demonstrates a consistent concern with freedom. He points specifically to the need for "freedom from: systems of oppression but he is also concerned about "freedoms for" as

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[463] He suggests that oppressors are also trapped in these deformed relations as inhumane oppressors, exploiters, alienators, apathetic and godless alongside the oppressed, exploited, alienated, godforsaken and dehumanised.(1974/2001:343-344, 1979b:24).

[464] Moltmann has engaged with Pentecostal movements, seeing their openness to the Spirit as a place for church renewal as well as being critical of the ways in which many strands promote individualised understandings of the person and distorted utopias of affluence.

[465] Moltmann contrasts the 'utopias of the status quo' of success, power and happiness that can lead to forms of apathy in relation to change, with 'utopias of justice' with its 'Sitz im Leben' in the suffering of the present and which hopes instead for change. (1976c:24).

well as the value of freedom in its own right for humans to genuinely participate in diverse ways of being and becoming. (1983b:65). He sought to challenge the apathy that could result from the loss of traditional frameworks in his society as well as forms of theologising that legitimated socio-political passivity, to seek out a relational understanding of the person. This person created in the image of a relational God drives his vision of the human, undergirds human dignity and outworks in his practical call to the church to witness to human rights.

Moltmann (1979b:36, 2012b:7-17) argues that the underlying idea of "freedom as mastery, lordship and conquest" is a fundamental misunderstanding from which both oppressors and oppressed need to be liberated. He characterises this as a situation where one's freedom is at the cost of another's and where self-determination in its own right is seen as a supreme good. He suggests that this feudal understanding is still prevalent in many forms of modern liberalism, where "to be one's own king" is desired where all are free but no one takes an interest in the other, who is often merely seen as a competitor in life. For him, this is an untruth based on the anthropological fallacy that humans are isolated individuals. In this model of freedom, the master is free while the oppressed is unfree (1983b:65). He suggests that this is often reinforced by core religious symbols and narratives[466] and that it condemns humans to an ongoing battle for power where we can be free only at the expense of others.[467] As a result the world becomes divided into those who have and those who do not have and forms of "possessive individualism" are reproduced. He argues that understanding freedom as 'lordship' or power-over is sinful as it destroys community and sees "freedom as a formula for ruling the world"[468] (1974:11, 1981:214, 1983b:62-64, Cf. Van Proojen 2004: 256-9).

Against this, he posits freedom as friendship and communion (Gemeinschaft). 'I am free when I am loved, accepted and acknowledged by others and vice versa enabling reciprocal participation in life....Then the other person is no longer a limitation on my own freedom but the completion of it…we receive a communal and mutual freedom where we are freed from the limitations of our own individuality" (1979b:36). He sees this as the social side of freedom, a form of love or solidarity where in mutuality we open ourselves up for one

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[466] It is here that Moltmann in my view, makes s significant theological contribution to challenge and critique 'power laden' doctrines of God and ways which explicitly and implicitly they can reinforce understandings of freedom that are repressive and alienating

[467] He notes one person's riches make another poor, one person's power oppresses others, one person's security excludes others (1983b:63).

[468] Van Proojen points out that this approach to freedom derives from political history and its keyword is' domination' seeing history as a permanent struggle for more power where the winner rules and is free, while the loser is unfree. This model originated in a slave owning society and requires an 'Other' over which mastery is exerted. Increased opportunities for choice are offered for those who have means but this is paralleled by the growing powerlessness of the people who look at world events but can do nothing to change them. (2004:236)

another.[469] (1983b:64) He ties this "freedom-as-communion" to bodies, others, nature and God as an enabling 'power-with (1979b:37). Under this model, he notes, both oppressor and oppressed are unfree in alienated and distorted communion, a lack of "right relationship".

Moltmann remains aware however that both of the above approaches could lead to a static interpretation of freedom and wants to avoid a dualism between individual liberty and social responsibility. He points to a 'messianic'[470] orientation of all subjects in shared hope towards a common project (1983b:66). This eschatological orientation towards the Kingdom of God emphasises a third dimension of 'freedom as becoming' and offers the critical horizon of a shared project for both oppressors and oppressed where freedom is the *goal* of all liberation and not its abstract presupposition and this enables solidarity with those who are currently unfree.[471] He insists that "whoever wishes to speak of freedom must begin with liberation, but whoever wants liberation must first hear the cry from the depths to our ears and our hearts. The key to 'our own' freedom lies with the enslaved. As long as we do not live in open community with them, we are captives ourselves" (1983b:69). He thus makes a shift from ideas of "having" which can often be tied to capitalism, to those of "being" , which can often tie to communism, and then he suggests a third way beyond these two onto "becoming" as the Trinitarian journey that is required of human beings to fully discover their identity. The particular attention to the 'still unfree' in our world that he notes this requires, grounds his reflections in a Trinitarian theology of the cross as the starting point for a liberating anthropology for all and not just for some (Paeth 2007:189).[472]

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[469] Moltmann points to community as the etymological root of the word freedom, found in the concept of hospitality as being free for all guests, not ruled over but capable of community with strangers and participating in their life. In this model, the handicapped, women and children will be taken seriously in their human dignity, their human rights will be restored and, if needed fought for. Nature will no longer be subjected to blind exploitation. It will be respected as the home of humankind. (1983a:65). He stressed that here, respect and recognition by others is key and valued over and against the desolateness of middle class liberalism. Liberation leads to open community not individual privilege. Moltmann suggests that both approaches have a place but can be emphasised one-sidedly as 'a total abolition of having in being is not possible or desirable and tends to lead to social regression.' (Van Proojen 2004:238). His eschatology holds both open.

[470] Moltmann provocatively suggests that 'all definitions in our world are acts of domination. A definition of man then is also an act of domination. The messianic element is human liberation from those determining definitions which make an object out of him." (1976c:6)

[471] This can be particularly relevant in reflecting on human rights, where a presupposition of static or 'already achieved' freedom in Declarations, such as 'all humans are created equal' can unwittingly act repressively by failing to acknowledge the concrete reality of the ongoing 'unfreedoms' and inequalities for many in our current world. This often privileges those who already have freedoms over those who do not. This same theme is explored by English anthropologist Englund (2006) which suggests that freedom itself can be conceptualised in categories that repress actual experienced abuses. We will see that this 'misuse' of human rights is an ongoing concern for Moltmann.

[472] Paeth points out that predicated precisely on the human dignity that presumes our capacity to come to God through an act of grace and the assent of the human will'. (2007:189) Moltmann's concept of human dignity will be explored further in Chapter 6.

5.3.2 Understanding sin – a deformed relation in five vicious circles

For Moltmann, sin is the word used to describe people's inhumanity as it manifested (for example) in continued violations and abuse of human rights where "we have failed to live up to our destiny as God's image, wanted to be like God and in this way have lost our true humanity" (1984:30). I agree with Odin who points to this as self-justification for world mastery (2013:6) noting that Moltmann sees sin as an issue of "misplaced identity" that can involve forms of both dominance and hiding (2013:1-2). Moltmann is clear early on that,

> The oppression of human beings by human beings is sin. It is a crime against life, (for life means love your neighbour as yourself). It is a destruction of the love of God (for he who does not love his brother whom he has seen, cannot love God whom he has not). The oppression of other human beings is a perversion of love because it wounds, offends and destroys the image of God on earth" (1979b:24).

Fig 1; Five interlocking vicious circles[473]
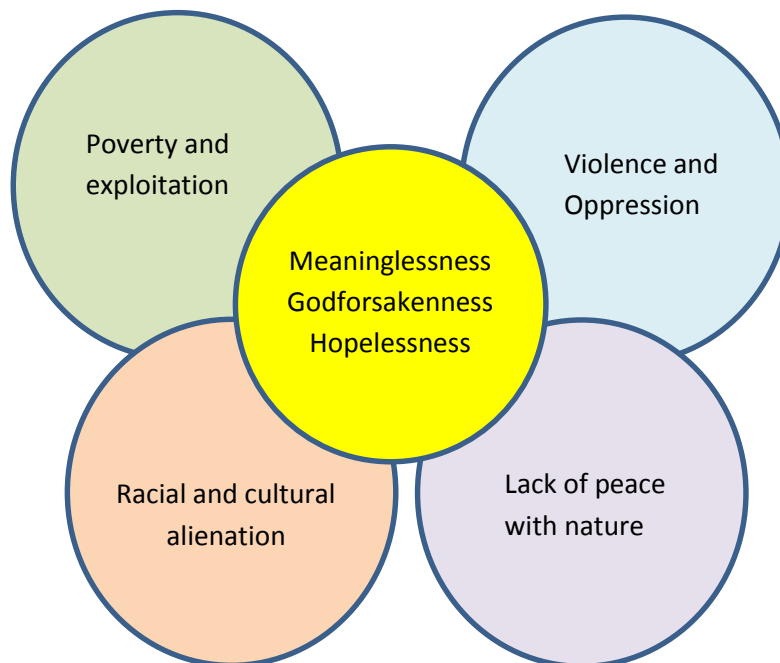
Moltmann terms these patterns 'vicious circles of death" (1974:343-346) and suggests that they are inescapable without a vision of a new humanity. For Moltmann, because these vicious circles work together to reinforce their destructiveness, an alternative liberating praxis

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[473].This is the researcher's own design and is based on Moltmann's own work (1974b:343-352) It provides the framework of sin as structures of inhumanity, See also Müller-Fahrenholz (2000:76-77) who points out that Moltmann emphasises early on that these circles have both psychological and socio-political dimensions and that liberation from both is needed for human life not to be wasted or destroyed

must also seek to consolidate its constructive force by coalition building to catalyse its impact and this takes Christians into wider ecumenical and ecclesiological dimensions (Moltmann 1974:346-357; Muller Fahrenholz 2000:77).[474] This interrelatedness from multiple dimensions of the same "unfree situation of humans" where people holding to things they have (that others do not) remain reliant on an ego identity. In this way 'dignity' becomes a status tool held or wielded over and against others. Ideological mechanisms (including the religious) develop to reinforce and justify this behaviour (Van Proojen 2004:318). Moltmann suggests that human identity must be grounded in a way of understanding human dignity that can liberate others rather than trap them.[475] He sets out five "liberations" to shift the paradigm of freedom from power-over to power-with and within (1974b:346-352. Cf. 1976c:16-18),

- Economic liberation – the satisfaction of basic material needs.

- Political liberation from violence – with democracy as a framework.

- Cultural Emancipation – from ways in which one group is lifted up over others.

- Peace with nature – seeking non-exploitative ways to connect to the earth.[476]

- Existential 'courage to be' – a basic sense of intrinsic and unique self-worth.

Moltmann is wary of Christian tendencies to conceptualise sin and salvation in 'abstract' ways that do not acknowledge the concrete differences between victims and perpetrators in different contexts.[477] He insists that the inhumanity of sin can only be concretised within history and that academic debates about the bondage of humans or abstract structures can

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[474] I suggest that in this approach Moltmann prefigures the later work of feminist political scholar Iris Marion Young (1990:35-40) who articulates injustice as domination and points to what she terms "the five faces of oppression… Exploitation, marginalisation, powerlessness, violence, cultural imperialism that can help us decide if groups are oppressed or not". She notes the need to look beyond "dyadic relations" of ruler and subject and a mode of "power as sovereignty" into power as the effect of wider systems involving many individuals who do not see themselves as 'agents of oppression' – but says there is a group privileged in relation to each oppressed group. She suggests that while domination is often poverty-related in pre-capitalist societies it also takes on new hidden forms within capitalist societies, often in terms of exclusion and marginalisation from life, She suggests this is "perhaps the most dangerous form of oppression" where people become expelled from useful participation in social life and are subject to severe material deprivation as well as lack of self-respect, often becoming useless and bored and fuelling other forms of abusive behaviour where powerlessness in one arena is overcome by exerting power over in another. While this connection was only made towards the end of my thesis, I suggest it could form a research topic for me in the future.

[475] Van Proojen points to this question of how the human person can become humane and his theological framing of this as exploring how we can know God, the ground of our being and how is this can be liberating? (2004:141). Moltmann's development of 'mirror images' of liberation theologies for the rich, black theology for whites, feminist theology for men, minjung theology for the class privileged was critical for his concretised theology of liberation for oppressors that requires an ongoing seeing and hearing the concrete other (2000:185-302).

[476] This connecting of ecological issues theologically to his understanding of human rights states "the exploitative relationship of the human being to nature will stop only if the exploitative relationship of people to one another stops too". 2012: 221-222 He points out that while the oppressed usually wish to be liberated and therefore their desires and interests coincide with the thrust of the gospel, the oppressors for the most part are blind and do not see the suffering of their victims or may justify it on many grounds. As a result, the liberation of oppressors contradicts the interest and desire of the 'master' and may therefore be a much longer road to travel. For more on Moltmann's insistence that the justification of victims and perpetrators must look different and that the God who justifies is also the God who exercises justice for the victims, leading him to a concrete definition of sin, see 1991:43-55.

[477] Muller Fahrenholz points out that Moltmann is concerned that a universal conception of sin can veil the grave differences between those without rights and the unjust. He notes that God helps those without rights to secure them and the unjust to their conversion (2000:190). See Moltmann 1991a and 2012b for more on this important distinction between the justification of perpetrators and that of victims He ties together the Protestant doctrine about the justification of sinners and liberation theology's emphasis on the liberation of the oppressed.

often be far from helpful (2012b:13). The "humanisation of the human" (1976c:20) needs to take place from all these socially embedded circles and Moltmann sees a need for a solidarity Christology for the victims. This forms the reverse side of the reconciliation Christology for the oppressors, and one that he says has often been a "great gap" in theology (2012b:15).[478]

One of Moltmann's stated goals post 1978 has been the development of a concrete and contextual theology of liberation for oppressors within his own Western context (Van Proojen 2004:202-212,320). He suggests that oppressors suffer from a "domination syndrome"[479] which isolates them from God, their own bodies, others and the earth (2004:354).

> Oppression has two sides. On the one side is the tyrant, on the other the slave, here the dominating man, there the serving woman. The oppressed person is robbed of humanity and the oppressor becomes an inhuman monster. Both suffer alienation from their true nature, with the difference of course that one of them suffers in consequence, while the other appears to feel fine. On both sides however liberation from oppression is needed (Moltmann 1983b:113).

This ruins the communion of humans with one another by creating a 'deadly hostility' and requires work by all towards the 'goal' of a new communion of humankind in which there are no longer either oppressed or oppressors. He notes that the theologies of liberation of his day tended to focus on the liberation of the oppressed, a deliberately one-sided and critical task. However he also calls theologians to a 'second' task, the liberation of the oppressor as a "religious task that transcends all moral power where the inhuman must die in order that

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[478] Moltmann uses racism as a concrete example (2000:211-214). Black Theology made him particularly aware of the definition of humanity in white terms and the expression of this in all sorts of power structures, relationships and attitudes which confirm the inferiority complex of black people and the superiority of white people. He hones in on the anthropological distortion at the heart of racism,' where to be human is to be white and as a result 'non-whites' become 'non-persons'. He calls for both a change of heart and a structural redistribution of power (Van Proojen 2004:135). He points to the desires of humans for 'self-definition' and the important role which 'culture' often plays in this, to justify their life, to legitimise its form and to seek the recognition of others. Racism emerges out of the defining of 'others' as a threat to one's own way of life and identity and this creates insecurity because their identity which is unconsciously legitimated in their group and race is called into question and he points out that this is where their dignity is based. This emotional mechanism for self-justification filters down into ideological mechanisms for the subjection of others. He argues that 'this human emancipation of men from self- alienation and alienating dealings with one another would free humans from the compulsion to affirm themselves at the cost of others and enable them to recognise others as persons in their dignity and rights. To arrive at such a liberated, non-aggressive identity as humans, they should break through the vicious circle in which superiority and inferiority complexes confirm each other (Van Proojen: 2004:133-6). See Sporre 2012:109-115 for a philosophical exploration of the tendency to regard self and other with contempt when weakness is shown.

[479] This creates a sense of superior identity and relegates others to a sub-human category (engendering feelings of inferiority). He points out that there is a psychic (inner) dimension of self-justification and an outer ideological mechanism (for the subjugation of the other person) He details this two sided nature of oppression in numerous places with its master/slave aspects, suggesting that systems of oppression destroy humanity on both sides but in different ways; that oppressors become inhumane while their victims become dehumanised and humans become caught up together in this destructive dialectic where the evil of one causes the suffering of the other and from which liberation for both is needed (1979b:21-37, 2000:183-188).

humanity might be reborn."[480] He does not want a return to a balanced heavenly abstract theology of sin that treats oppressed and oppressor the same, for theology must be prophetic i.e. it must be one sided, critical and liberating if it is to save all together. But he suggests "there is a gap in liberation theology that requires a concrete liberating theology for oppressors" (1979b:25). He is aware that the good intentions that white, middle class, male members like him may have towards the liberation of the oppressed, do not always recognise themselves as 'oppressors'.[481] A liberal approach can lead people to "neglect their own liberation" requiring a liberating conversion for the oppressor.[482] Moltmann argues that we must explore the roots of oppressive ways of behaving and not just morally condemn them. An insatiable passion for power and possession is a form of original sin, a deforming of human need for the Divine. Inhumanity is at root a 'religious' perversion, a distorted lack of trust leading to a form of compulsive self-justification that ends in death (1979:32). As a way beyond these vicious circles, Moltmann points not to the sovereignty, but to the humanity of God in Christ who takes on this deadly aggression as a victim to liberate oppressors from the compulsion of degradation. This "history-determining event" opens up the possibility of a new community in which there are no masters and slaves (Gal 3:28).[483] The 'humanization of the inhumane' made possible through the cross of Christ is the true meaning of grace, a justification of faith with social implications. Moltmann sees the history of the struggle of humanity over power as also the history of the passion of God. The despairing struggle over power ends to the extent that humanity recognises the infinite suffering of God present in the victims of power and breaks the spell of power conflicts. Christians are called to explicit non-identity with dehumanising identifications, where solidarity with victims of racism, sexism or

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[480] Symbols such as the Exodus and the Resurrection give hope to the oppressed but he suggests that the symbol required for oppressors is the Cross, requiring and enabling a rebirth to new life. Moltmann calls 'oppressors' to undergo their own 'exodus' journey into freedom, in the cross of Christ where these 'ism' identities die away and they are offered a new 'open' identity as a humane 'human being.'

[481] Theologies of liberation can be seen patronisingly as special interest groups. Moltmann reclaims these voices from the margins as directly addressed to the blindness of the mainstream. He explores racism, capitalism and sexism as 'phenomena of aggression' to show the importance of redirecting attention not only to the oppressed but to the oppressor. He notes the words of an Australian aboriginal activist "If you have come here to help me, you are wasting our time. But if you have come because your liberation is bound up with mine, then let us work together". Moltmann concurs with this, saying "I want to be liberated from those labels which oppress me" (1976c:20; Muller Fahernholz 2000:126-136 details out the three steps that may be required for this process to take place.

[482] This offers a 'counter-image' to liberation theology, where the question for many is not to say, in what respects are we also oppressed? Rather it is to ask "how, why and in what respects have we shared in their oppression?" Moltmann is aware many are both oppressed and sharing in the oppression of others (oppressed oppressors). The need for liberation needs recognition on both sides and also within people.

[483] Müller-Fahrenholz says that for Moltmann, "Jesus' rule is a radical alternative to all human forms of sovereignty because it promises deliverance from all human systems of sovereignty. When it is said that Christ has power in heaven and on earth, this is not a triumphalistic arrogance but the devaluation of unjust conditions in which the rich remain rich but the poor, poor, the masters remain masters and the slaves, slaves. If the crucified Christ is the Lord of the world then notions of sovereignty are turned upside down and dominion-free brother and sisterhood is the last goal of the history of Jesus. This calls for radical democratisation in church and society" (2000:104).

capitalism requires the betrayal of their betrayers, becoming a stranger among one's 'group' as a costly life-praxis of liberating faith[484] (1979). He states,

> "Those of us who have to live on the side of the perpetrators not on the side of the victims, perceive another dimension of the history of freedom. In this dimension, freedom is not liberation from poverty, suffering and death; it is liberation from historical guilt and its consequences... the urge for justification and the compulsion towards repetition" (Moltmann, 2000:241).

I suggest that one of Moltmann's most challenging theological insights is that oppression must be abolished *simultaneously* for liberated oppressors and the liberated oppressed to work together in a passionate participation with God. While this has a utopian tinge to it, he avoids abstract utopianism,[485] stating that "one actual step forward on the path of liberation towards communion is better than the entire dream of a classless society" (1979b:36). He encourages an ongoing journey towards improved communion and reduced oppression and he points to solidarity and mutual recognition of the "Other" as tools for this task (1976c:17).

5.3.3   Towards a transformational Christo-Trinitarian praxis

Moltmann's emphasis on the indissoluble link between knowledge of God and knowledge of the human person enables his critique and negation of ongoing imperial political theologies who by "praising the one imperial ruler as the exalted image of the one God, legitimised God's dominion" (1983b:92). He sees this as a Byzantium model used by other dictators and decries this "monarchical model" as pre-Christian, forming "a dominating Trinity of one-ness; monotheism, monarchy, and monogamy." He notes that here the body gets repressed, the soul dominates the body as God dominates the world and man dominates woman in patriarchal structures (Moltmann 1983b:93-4).[486] His theology re-envisions a Christian doctrine of God that resists this deformation and its legitimated domination. For Van Proojen

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[484] For Moltmann & Moltmann-Wendel, the liberation of the oppressor requires that they surrender the superior identity of their humanity and find a 'non-aggressive identity 'as human' and redistribute power from the powerful to the powerless and the dominators to the oppressed to give equal economic, political, and legal opportunities for the realisation of their human being (1983:111).

[485] Moltmann also eschews the 'revolutionary purism' of Marxist ideology which reifies power conflicts as both inevitable and even required. He points instead to a possible solidarity between liberated oppressor and liberated oppressed on which new ways of being human together can be forged whilst also remaining aware that "progress, to be effective, may be slow and halting" (1979b:24).

[486] Versions of this same ideology were present in the political theology of Carl Schmitt legitimating the need for an authoritarian ruler to command absolute power and influential in the rise of Hitler, formative for Moltmann's resistance to ideologies of dominating rule.

this mage of God as triumphant ruler is in whose image, 'man' has defined himself and "to tackle this God complex is the critical…prophetic function of public theology" (2004:241).

Many scholars (Van Proojen 2004, McDougall 2005, Bingamen 2014) have shown how Moltmann turns back to the ancient doctrine of the Trinity as the specifically Christian dimension to the concept of God in order to subvert present practices of oppression. He argues that its original "radical subversion" of existing dominant and dominating God-images of its day has in fact been mainly historically suppressed into a monarchical image of the Trinity in both Eastern and Western churches.(1983b:94)[487] This reflects a pre-Christian monarchical model designed to legitimate multiple abuses of power to serve an imperial Constantinian agenda[488]. Moltmann asks who are the victims of this model? He suggests that the first victim is God. If God is understood mainly as "one who dominates," Godself is cut off and isolated from the fullness of life. "The 'Almighty' can do all things but may not display any weakness. God may rule but cannot suffer. God must direct but cannot be directed. God must always speak but cannot listen…this God has become an idol of power and domination….and condemns all others to passivity and utter dependence" (1983b:95). The second set of victims are humans who "image" God in ways that reiterate power, mastery, success and repress the human vulnerability, suffering and failure, fragile dimensions that may, in fact, be the very qualities that make us truly human (1983b:95).[489]

He instead offers "a social doctrine of the Trinity and with it an anthropology of the image of God that expresses solidarity, wholeness and mutuality"[490] (1983b:96). This requires a fundamental change in the concept of God for many with Trinitarian theology reclaimed as a doctrine of freedom. This liberating "Trinitarian hermeneutics" (1981:61-64) shapes a new way of thinking about God and people to challenge the isolated individual who dominates others and yet embraces the illusion that they are free. Moltmann emphasises that the three divine persons are not there for themselves, but for one another as persons-in-social-relationship where being a person means 'being-in-relationship and individuality and

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[487] Moltmann points to God the Father as a King with two hands, Son and Spirit in Eastern Christianity. He notes that in the West, there is a strong emphasis on the Trinity inwardly but in church doctrine, the one Lordship of God triumphs over the three and God is sovereign over humans in a theology of rule. He suggests most Christians are monotheistic with the Trinity as "speculative decoration" (1983b:94).

[488] Moltmann insists in his day that this mainstream model of the Trinity continues to be used in imperialist ways, to religiously justify and legitimate ideologies of rule over others in the name of Christ, not least in the violent colonisations of Africa and Latin America.

[489] He gives a personal example, saying boys are often socialised to suppress a feminine 'weak' side in order to become a man and 'lord' it over woman as an appropriate and theologically legitimatised way of becoming fully human. (1983:95). He suggests we need to reclaim the medieval idea of *humanitas,* an insecure, fragile image of the human condition rather than the Renaissance *humanist* ideal (1976c:5).

[490] For more on the social Trinity, Cf. Moltmann (1981, 1983b, 1991). Moltmann argues that the transformation of the person-concept from within the Christian tradition has had wide ranging anthropological consequences leading to an understanding of the human personality with inalienable human rights and overcoming anthropological modalism which dissolves the person into their social functions (1983b:97).

sociality are intrinsically entwined. [491](1983b). Moltmann contrasts "dominating lordship" with that of "liberating community" seeking integrationist ways of seeing instead of isolationist ones. This marks a change from lordship to fellowship, conquest to participation, producing to receiving [492](1981:9). In this way, Moltmann uses a Trinitarian doctrine of freedom to challenge the assumptions of much of the modern project rather than reinforce it.[493] For him, humans are "*imago trinitatis*," a perichotic[494] community in which a non-hierarchical community of equals leads to new thinking about all human relationships and can critique the glorification of mere individual autonomy where concepts of God and of anthropology act reciprocally on one another.(Moltmann, 1981:212-222; Van Proojen 2004:335; Cf., Bingamen 2015)

Moltmann 's dynamic view of being created in the image of God forms starting point for the potential of human development (Van Proojen 2004), by suggesting that humans always had a comparative imperfection that required 'becoming' through time. In this respect Christ did not become human simply to atone for human sin but also in line with the Eastern tradition to complete the *imago dei* of human beings. For Moltmann, it is therefore Jesus Christ who is the true *imago dei* (2004:53) and this reflects his conviction that Christian anthropology is an anthropology of the crucified and risen Christ, a "messianic anthropology" in which opening to the negative side of life does not lead only to despair but also beyond and through into new hope (2004:337).[495] Van Proojen suggests this dynamic approach has crucial anthropological consequences where the image of God does not involve the nature of human beings, but their destination (are created for hope). This moves Moltmann away from static 'ideal essences' of the human and towards an open future of diverse possibilities in which all human beings are

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[491] Moltmann says this relational understanding of the person was elaborated initially by Augustine as ec-sisting (in the other). But he shows that Augustine opposed the social analogy of the Trinity and saw woman as helper rather than equal. For Moltmann this community is a tri-unity that humans work towards .The human community as a whole is called to be the image of the Triune God on earth. He is aware that this 'being-for-others' could be abused as a form of love that conceals domination and challenges this with his wife (1983b:109-125).

[492] For more on the kenotic "Jesuological subversion" of the meaning of the terms 'lordship' and 'sovereignty' that Moltmann consistently presents, see Law (2013:100-105) who suggests that a 'Christomorphic' approach is the only way that the corruption of sovereignty can be avoided. For Moltmann this weakness actually reflects God's "omnipotence", interpreted not metaphysically but biblically and Christologically in a Trinitarian way. In contrast to autocratic modes of human power which limit the freedom of those affected by it, God's power liberates and empowers humans making his power fundamentally non-abusive.

[493] Moltmann views Scripture as 'the testimony to the history of the Trinity's relations of fellowship open to humans and the world where there are three actors who form oneness in community in ways that have soteriological significance' (1981:19). His god-in-community is rich in inner and outward relationships, not a solitary lord of heaven who subjugates everything.. The critical function of this image is that it undermines the religious legitimation of submitting the many to oneness (which he sees as the root of oppression) and offers the basis for thinking in relationships. Mono stands for subjection, power and isolation, trinity involves relation community and embodiment. This epistemological starting point can avoid both othering and its follower, oppression (Van Proojen 2004:254).

[494] The complex notion of "perichosis" becomes increasingly important in Moltmann's later work. It seeks to reflect an idea of co-habitation, that humans are both inhabitants and inhabited (by God, by each other and the world) and that the individual–in-community is held here. See Van Proojen 2004:264-268) for a more detailed unpacking of this idea beyond my scope in this thesis (Cf. Moltmann 1997a).

[495] With this concrete starting point in history, the kenosis of God seen in Christ is then extended by Moltmann to the whole of history.

called to participate (2012:54).[496] Bingaman sees Moltmann's vision of the Triune God as laying a Trinitarian matrix for his "communally aligned theological anthropology" (2015:94)

In reframing the *Imago Dei* through a Christological lens, Moltmann's most famous image emerges as the Crucified God. For him, the God of liberation is not only known in hope and promise (1967) but is visible in the face of the Crucified. The future is grasped, not only in the negation of oppressive power structures but through the wider contours of a Trinitarian theology. This offers a counter-history through the liberating power of the Spirit in which we can participate and to which Jesus's life pointed (1974b:329). This reflects on the unfree dimensions of the human condition previously explored as five vicious cycles that do not allow "humans to be human"[497] Geiser (2013:155) suggests that this image of the Crucified God remains a fertile and relevant one for the current day, where it requires us to be in close touch with "the omnipresent possibilities of the perversion of power that we can see, smell, taste and hear whenever we dare to look. He notes "broken people, abused souls, violated nations, destroyed habitats, endangered species, plundered resources."(Farley 2004 cited in Geiser 2013:155). This approach to God through the Crucifixion is what can enable the Christian to challenge every political and religious abuse of power in God's name. For Moltmann, this concept is liberating only if it goes beyond pure theory and interconnects with praxis. His hermeneutical concern is "what imitation of the Crucified means for the social and economic problems of today" and he calls for revolutionary praxis (Van Proojen 2004:126,162). Jeroncic also reinforces this cruciform relationality as at the heart of Moltmann's "radical deconstruction of God as on the side of the victims in history" in an "iconoclastic deconstruction of God's apatheia" (2009:41). It places God as an ally alongside liberating praxis that exposes and challenges all conditions of suffering. He suggests that in the cross, "God takes sides against God and yet in a voluntary "uniting of wills…the Crucified God becomes God's eternal signature" (ibid: 41-3).

> In a culture that glorifies success and happiness and is blind to the suffering of others, remembering that at the centre of Christianity there stands an unsuccessful, suffering and shamefully dying Christ can open man's eyes to the truth, can shatter the tyranny

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[496.]Here his response to the question 'how do I become human' draws on Bonhoeffer to insist that 'Christians stand with God in God's suffering, and that it is not the religious act that makes a Christian but their participation in God's suffering in the worldly life'(1976c:22) Robinson (2011) suggests that Moltmann's unique contribution to understanding the Imago Dei is his resetting of the human person into the wider creation reconnecting our vertical relationship with God clearly to our horizontal relationships with self, others and the earth.

[497] Moltmann's anthropology takes up Marxist ideas and critiques them as well as the anthropology of modernity. He stresses "the tragic element of the human situation in the interweaving of human lives in a web they cannot completely survey let alone weave all by themselves and warns that liberation from this is not simply a mere matter of resistance, education or emancipation" (Van Proojen 2004:133).

of pride and awaken solidarity with those hurt and humiliated by our culture. Remembering that God raised up a crucified one and made him the hope of the world can help the churches to break off their alliances with the powerful and enter into the brotherhood of the lowly" (Moltmann, 1970:291).

Moltmann's Christ-centred imagery calls all people to find true humanity in solidarity with the marginalised in non-identity with the power structures of the world. He calls Christians to choose between "a human person who idolizes self, strives only upwards for success and seeks invulnerability and the powerless, suffering human God who loves his people as they are, vulnerable, mortal and open for others" (1976c:13). In the dialectical tension between the promise of what humans can become and their deforming, mirrored in a cruciform world, he argues the church is called to live eschatologically in the 'between times,' modelling a "sacramental theology of empowering relations that anticipates the future and makes it real in the feast of the Spirit." (1976c:13) Authentic Christian identity can become a

"way of existence, characterised by love and solidarity, hope and anticipation, participation and play, praise and thanksgiving...a way of life which restores the humanity of dehumanized human beings by destroying their inhuman concern for self-deification through knowledge and works and setting free from their inhuman hubris" (Van Proojen 2004:215).

This liberating, relevant presence of Christian faith in society is linked by a theology of the cross to all who remain unfree and through a holistic Spirit-theology to diverse allies in hope.

5.3.4   A vulnerable methodology of relation

To draw this section on liberating anthropology to a close I conclude that Van Proojen identifies Moltmann as a proponent of a liberating anthropology partly because of his "way of doing theology" (2004:1). Moltmann suggests that every theology remains fragmentary and unfinished "because it is the thinking about God of men and women who are on the way and being still travellers have not yet arrived home" (2000:xvi). He writes from below as a fellow traveller, "a contemporary of the sufferings and of the hopes which today torment and move humankind" (2009:xiv). His anthropology holds open the case between the human and the inhumane, calling Christians to "practice theology-in-action," related to the contemporary experiences and life of humans in industrial society (Moltmann 2009:xiv). As the human journey remains an exploratory one of becoming so does all theologising "on the way". Moltmann places theology into public marketplaces where Christian anthropology must

embody truths that lead to real humanity in the conflicts of life (2009:ix). His conviction that theology is a communal enterprise enacts his theological conviction that we are human-in-relation and that to discover our contribution, we must be in community with others in ways that are non-dominating. Moltmann's theology has been described as "experimental and risky, willing to use daring and vulnerable theses as a starting point" (Bauckham 1995:50). Van Proojen notes that for Moltmann, Jacob is the model of a true theologian, a journey of wrestling with God and ended up "limping but blessed" (2004:313). For Moltmann, our methods also reflect our understanding of being human together and he seeks to bring the virtue of vulnerability into the academy. He suggests that being open to be challenged by another human's experience, reflects the inherent provisionality of the journey we are on together. (2000:10-22).[498] As a result, his theology is structurally open to dialogue with and input from other disciplines resulting from his eschatological hope-based perspective,

> His theology is always in the service of the church's mission as, from its starting point in the historical cross and resurrection of Jesus, it relates to the world for the sake of the future of that world. The genuine openness of that future ensures that theology does not already know all the answers, but can learn from others and from other approaches to reality (Bauckham 1995:7).

This openness is reinforced by the "principle of relationality" where seeing that one's own standpoint is relative to others can lead not to relativism but to productive relationship. (Bauckham 1995:8). Moltmann's emphasis on the non-dominating relationships of the Trinity as a model for social praxis grounds his relational methodology. While the church is important, he radically 'decentres' it by relativizing it in relation to the Kingdom and then calls it to be located where Christ is if it is to be the discipleship of the Crucified. [499] I suggest that Moltmann's method of doing theology-in-relation shows his commitment to a relational liberating theology on the way that breaks with much systematic theological convention[500] by pointing to charismatic theology, as "theology in an action-reflection model; a style of doing theology within the context of the liberation of humankind, a theology for the whole community of believers" (Moltmann & Moltmann-Wendel 1967). This open methodology is a contribution to my thesis by doing theology in ways that nurture the virtue of vulnerability.

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[498] Moltmann diverges strongly from Barth's suspicion of 'experience' as an authoritative source. He takes his own experiences seriously in his theological journey and seeks to do likewise for others, especially, he suggests, those whose experienced reality may challenge ours.

[499] For him, the church serves God when it is where Christ is within the world. God's hope can be been found outside the church, calling the church back to a more faithful form of public witness (1979a).

[500] This may resonate with a post-modern suspicion of grand narratives and closed systems that survey reality from a bird's eye view.

5.4   Chapter 5 Conclusion

In the light of the theological call in Chapter 4 to reclaim prophetic and liberating hermeneutics for human rights within religious traditions, this chapter focused on Jürgen Moltmann whose liberating concern with the dignity and rights of the human person runs through his life-work. His own experiences as prisoner, pastor and professor shape his concern with all who suffer, a focus on reconciliation with the 'Other', a need to speak practically into concrete church communities and an insistence on addressing 'the issues of the day'. His rejection of a church theologically complicit and socially passive when faced with great evils inspired his radical Trinitarian reimagining of God-images. This can offer tools to enable the theological contestation of distorted doctrines and church tendencies throughout history to legitimate authoritarian political systems and remain socially passive and as a result, often complicit in existing structural and interpersonal injustice. His work is deeply concerned with the ongoing abuse of power and its theological implications for human freedom, understood relationally. It points to a 'way of doing theology' that refuses to stand above or outside the historical human condition but journeys from within concrete human experiences, in conversation with the questions of the day and in solidarity with those who suffer. It's a starting point in the particular, as a theological imperative for Christians, is shaped by the concrete Incarnation of the divine in Jesus within historical human experience. He is concerned with the practical implications of God-images and language and to reimagine these in a boldly constructive way in the light of a hope for a more human(e) future.

I suggest that Moltmann's concern with a 'liberating theological anthropology' ties his relational understanding of God to an understanding of the human person, created for community with others. His story of human beings as formed, deformed, cruciformed, reformed and ultimately transformed can act as a hermeneutical key to radically re-interpret Christian symbols like imago dei, sin, freedom and justification forming a container for active human rights engagement as a theological imperative. Van Proojen (2004:330) concludes that the intention of Moltmann's anthropology is "the liberation of isolated, alienated, self-immunized individuals and a sacramental anthropology that can re-embed them in time and space".[501] Moltmann's anthropological perspective on Christian identity can

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[501] Van Proojen traces Moltmann's theological life-quest for a liberating anthropology in his 2004 work in far more detail. He concludes that despite 'ongoing revisiting and readjusting', Moltmann 'demonstrates remarkable continuity in his fundamental anthropological perspectives which reflect a search for true humanity in the face of suffering and hope, vulnerability and the power of resurrection, cross experiences and the laughter of Easter' and that his approach remains open, unfinished and 'on the way' for continued conversation. He

offer a basis for a liberating Christian presence in this world by suggesting it is false to polarize questions of identity and world involvement (2004:5). The kenotic humanising of God in the incarnation and crucifixion models a wholehearted theological involvement in the suffering world, reshapes human identity and opens a 'troubling' and crossing of established boundaries to participate in the task of 'becoming human' together, In this way Moltmann arguably offers a hermeneutical key for theological resistance to all ideologies and practices that fail to nurture a "culture of life" (Moltmann 2011:607-613).[502] Moltmann's insistence that this has social-political implications for the church in the world and its radical reform calls Christians beyond visions to subversive Trinitarian praxis for social transformation. McDougall (2003) suggests that this leads to a pneumatology that "destabilises" all unjust and violent socio-political and economic structures'. By locating humans from below and giving an open-ended direction to the quest for humanization, Van Proojen argues that this search for the implementation of his liberating theological view of humanity reaches at its climax in his theological perspective on human rights (2004:319). This forms the concrete outworking of his subversive relational anthropology in a Trinitarian praxis for human rights.

Moltmann's 'relational understanding of the human person' tied to Trinitarian relationality offers an alternative to the 'atomised individual' of some human rights theory and may help mediate tensions between its social and individual aspects. To practice theology in action as churches starts within messy concrete lived experience, rejecting all idealist anthropology for a historical 'fluid identity' on the way. As a public theologian concerned with how life-enhancing theology is enacted in the social and political performance of the church, he responds in power-nuanced ways[503] to the changing problems of his day as the artery of his theology where the socio-political directions of the churches gain their universal significance in relation to human rights (1992:26) to which the following chapter will turn.

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suggests eight aspects characterise Moltmann's multi-faceted image of the human in relation to God: Alienated, Sacramental, Christological, Pneumatological, Eschatological, Apostolic, Eucharistic, Ecological enabling a liberating re-embeddedness of the human in relation to God, self, others and the community of creation (2004: 308-11). I suggest Van Proojen traces Moltmann through an *imaginative anthropology* in the 1960s drawing on themes of eschatological promise and hope, (1967) through a more *critical anthropology* in the 1970s when confronted with an awareness of the ongoing negative structures that trapped so many where the 'world was enclosed by dehumanising structures, patterns and habits' (1974) to a later *relational* and *sacramental anthropology* using a Trinitarian lens, (1978) which anticipates the coming future and sees humans as Eucharistic beings called into a way of being giving glory to God alongside God's wider creation.

[502] Moltmann is concerned that theology be liberating for all human beings in the concrete and structural circumstances of historical life but also that human anthropology is understood within the community of creation and not over it. (1985, 2008a) His theology takes place "at the intersection of personal experiences, historical challenges, biblical testimonies and the fundamentals of the Christian tradition" (2004).

[503] In the light of the relationship between human rights and power noted by scholars, Moltmann's engagement with power and powerlessness is noted. His most enduring contribution to human rights may be his Christological insight noted by various scholars such as Van Proojen, Jeroncic (2009) and Geiser (2013) as a central insight that God's self-emptying actions in Christ unmasks all ambitions for power in the light of his vicarious suffering in solidarity with marginalised others" (Van Proojen 2004:36).

Chapter 6 - Moltmann's theology of human rights: a Christo-Trinitarian praxis

Newlands highlights Moltmann's contribution to one of the earliest theological discussions of human rights (2004a:129). He notes that Moltmann details early denominational slants; a Reformed emphasis on *Imago Dei*, a Lutheran emphasis on correspondence between the sphere of faith and the sphere of the world and a Catholic focus on the analogy between grace and nature (Moltmann 1984:12-15, Cf., Falconer 1980:1-6). Moltmann however identifies another concrete starting point for the commitment to human rights in the experience of inhumanity by drawing on liberation theology (Moltmann 1977a:31). This unique early contribution to human rights theology sets rights within the wider question of the liberation of the human person tied in irrevocable relationship to others, creation[504] and the search for greater justice[505] (Moltmann 1977a:25-29, Lochman 1977:19). "We have learned from liberation theology to begin where we ourselves really exist in our own people. Experience in the praxis of liberation from inhumanity is, for Christians and churches, the concrete starting point for the commitment to human rights" (Moltmann, 1984:15).

Regan notes that emphasising the rights of the poor unveils "the paradoxical question of partiality in human rights, a partiality that does not negate the universality but rather points towards authentic universality in the form of historical and concrete realisation" (2010:4).[506] Moltmann's starting point for human rights in the praxis of liberation from the experiences of concrete inhumanity supports this "ethic of indignation" over current wrongs and a the need for a liberating praxis for realisation and Regan explicitly notes his "constructive theological engagement with rights" (2010:64-8).[507] He claims that, "the practical fulfilment of human rights is humanity for the oppressed. The practical realisation of freedom is the liberation of the enslaved, the practical function of the UDHR therefore can only be revolutionary" (1977a:30).

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[504] Due to my focus on his human rights engagement, I have taken note of but not explored his reframing of humans within wider creation, developed in his 1984 Gifford Lectures. (Cf., Moltmann 1985:215-234, 1999: 117-143, 2008a; Robinson 2011; Dare, 2012.)

[505] Regan argues that a "liberational" approach to human rights is needed more than ever today where an ethic of indignation in the face of poverty and oppression can reflect God's own ethic of indignation. She claims that its key theological principles, "the preferential option for the poor and the primacy of praxis remain as a persistent challenge to theology in the church and the academy" (2010:4-5).

[506] A focus on the rights of the poor in human rights discourse is seen more widely today in secular discourse. For example, Pogge holds that "the great human rights deficits persisting today are heavily concentrated" among the global poor (2002:1). Recent UN discussions (Goldewijk 1999, 2004) have also centered around the need to classify poverty as a massive and systematic human rights violation.

[507] Regan is sceptical about the "God's right" argument in the WARC document (1977:144). She suggests, and I concur, that Moltmann does not use this in his other writings on human rights, e.g. Moltmann and Küng 1990, Moltmann 2012a:217-228). His insistence that the concrete starting point needs to be the suffering other is in line with her call to move from an 'interruptive realism' from above, to a place where the reality of the poor is central. A 'God's right' Reformed argument is developed by Stackhouse (1999:12-28, 2007b: 41-54) and has been recently critiqued by Brazilian theologian Oliveira (2012:79-98).

6.1   His historical role on human rights theology

According to Meeks, Moltmann stood at the forefront of ecumenical church work in the 1970s as they shifted their focus towards justice and peace in terms of rights (1984:ix).[508] At the 1970 meeting of the World Alliance of Reformed Churches (WARC),[509] he was invited to draft an initial discussion paper on human rights (1975:147-157) for presentation at the 1974 St Polten ecumenical conference of the WCC's Council body. He redrafted this paper in 1976 after engagement from Reformed theologians across multiple continents (Cf., Miller 1977, Moltmann 1984). The WARC study focused on "the theological basis of human rights and of the liberation of the human person and was considered to be timely in the light of the concrete contexts of the times".[510] It offers practical implications to the churches in the light of the "rising crescendo of concern about human rights" in the world (Miller 1977:152).

Moltmann's initial paper of 1971 highlights the specific context of "resistance and confusion" by many churches to the 1970 decision of the WCC to publicly and financially support the Program to Combat Racism (PCR) and to the basis of this decision in a theology of human rights. He suggests that this showed that "many churches had neglected to study human rights and considered these concerns alien to their task as the church. They did not recognise, or did not want to recognise, the Christian character of the declarations of human rights" (1977a:26)[511]. The aim of the structured and ecumenical 1970s study program was therefore to probe two questions. "What theological relevance do declarations of human rights have for the political and social practice of Christianity in the world? What relevance does the political and social existence of the church have for the spreading and realisation of human rights?" Its stated intent was not merely to reinforce a human rights vision, but to mobilise local churches to embodied practice within their concrete times and places. (1977a:26).

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[508] See "Human Rights, Rights of Humanity, and Rights of Nature" (Moltmann 1999: 117-143). Moltmann notes that "in 1990, WARC expanded their theological declaration of 1976 on human rights with a section on the rights of nature" also drafted by him (2012:223).

[509] This 1970 meeting signalled a merger of the International Congregational Council of 1891 with the Alliance of the Reformed Churches throughout the World Holding the Presbyterian System of 1875 to form the World Alliance of Reformed Churches (WARC). In 2006, this merged with the Reformed Ecumenical Council to become the World Communion of Reformed Churches.

[510] While the WCC had been a promoter of the post 1948 human rights system and an active contributor to the UDHR, scholars note that wider church involvement prior to the 1970s had focused mainly on its religious rights dimensions. (Villa-Vicencio 1992; Nurser 2005, 2003, 2005; Witte and Alexander 2010). The 1970s has been considered a watershed period regarding church attitudes to human rights as a whole, stimulated by the 1968 WCC meeting, where Luther King Jnr had been expected to speak and deeply affected by his assassination just before. This led to Third World voices in particular raising the issue of human rights strongly onto the agenda of the churches as an essential task. See Pradervand and Kaan (1970:226-234); WCC Report (1975). Moltmann (1984:3-17) charts emerging Third World voices.

[511] This comprehensive reflection on the theology of human rights through WARC and its over 50 million members from 250 churches in 76 countries in the 1970s bore practical fruit in 1982 at the next WARC conference in Ottawa, Canada where South African Reformed minister Allan Boesak called for apartheid to be declared a heresy and for the suspension of South Africa's white DRC. This was adopted and Boesak was elected President of the WARC until 1989. It would be hard to overestimate the impact of this decision on South Africa and the subsequent church-based struggle by a vocal effective minority of religious voices against apartheid. See Henriksson, 2013:360-620 for a recent South African reflection on this WARC process and the ways in which this decision played out in South Africa churches.

Moltmann emphasises that this drive to take action for human rights in 1970 came from "Third World voices" as a challenge to the First and Second and not the other way round. The subsequent 1974 ecumenical conference at St Polten was described as a "milestone" and a "watershed moment" in changing formal attitudes of many churches around the world in relation to human rights engagement (Villa-Vicencio 1992:147-150; Moltmann 2012:219). Moltmann was a leader in both WARC and WCC processes on human rights. In 1975 the Fifth WCC Conference in Nairobi adopted a "Biblical basis for Christian involvement in human rights" that drew on these processes and affirmed principles embodied in the UDHR and other international covenants on human rights. It called on the churches to move from making statements and declarations to work for concrete implementation of these rights.[512] Chapter 2 has already noted the key historical implications for South Africa of this decision.

Moltmann's particular contribution highlighted the disagreements over rights categories existing at the time[513] and flags the danger that "as a result each approach identifies dignity narrowly with just a few aspects of life in a way that is damagingly ideological"[514] (Meeks 1984: ix-xiii). He shows that these distortions entail a counter-definition of others as inhuman' noting that "the deep conflict between claims about rights is itself a source of the possible destruction of humanity" (1984:x). Against this tendency he calls for Christian theology to maintain a holistic understanding of rights that 'refuses to be co-opted to particularistic interests'. He argues that the church is well placed to do this as it has an existing footprint in each of the "three worlds".(1984:9) Moltmann explicitly avoids repeating what he says other disciplines have accomplished regarding rights, but explores what theology has to offer in the light of this pre-existing work. (1977b:130) He is therefore less concerned with specific lists than "the thread that holds them inwardly together", grasping human rights as a unity from somewhere.[515]The explicit motivation for the WARC study[516] was "to encourage a united and theologically responsible engagement on the part of member churches" (Miller 1977:152) and not to create a new declaration. From the start therefore, the question of human rights was linked explicitly to the question of liberation and

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[512] See the WCC Human Rights and Christian Responsibility Conference Report. 1975.

[513] What are commonly termed first, second and third generation rights were the subject of much discussion in the 1970s with the Cold War and de-colonisation processes underway in the two-thirds world. See WCC Report 1978 and Will (1978) This can be seen as a concern, still debated, as to 'which rights count', closely tied to the related question of 'whose rights count' made by third world voices at these meetings

[514] The language of rights was often 'taken over' by an ideology of private rights in a market society, or were assumed by the state to guarantee social rights or a sole emphasis on a people's right to self-determination. Moltmann notes this ideological misuse (1977:30)

[515] Moltmann situates this decision in his anthropological understanding explored in Chapter 5, stating 'Because the concern is with the one human being with the one human race and with a shared humanity, one must ask about the thread which holds them inwardly together (1984:70). He draws on human dignity as the connecting concept that can enable this, a theme picked up later in this chapter.

[516] Moltmann notes sadly and recently that "up till this point there has been no joint Christian Declaration on Human Rights" (2012:219).

this was a particular emphasis of the Reformed tradition" (Lochman 1979:18; Van Proojen 2004:171). Van Proojen notes on his reflection on Moltmann's human rights theology (2004:170-190) that the project was not aimed at merely "establishing traditional values that glorify the status quo ideologically or entertaining the dominant natural law approach within theology by seeking the basis for human rights in a common human nature". (2004:171)In contrast it sought to start with the experience of and the possibilities for liberation in concrete situations of oppression. The quest for human rights shaped by Moltmann within a Reformed lens was concretely situated within the changing context of the search for wider justice.[517]

6.2 His theological approach to human rights

Moltmann frames his 1971 initial theological exploration as a concrete problem of ecclesial identity and relevance for the church in relation to human rights (1977a:26-34. Cf., Van Proojen 2004:170-186). He notes two threads influential in developing an idea of 'the human'[518] especially in the West. Firstly the idea of a common human nature[519] and secondly the Biblical tradition of all humans (not just the King) as created in the Image of God.[520] He suggests that there are unmistakable similarities rather than an unbridgeable gulf between them and that the 1948 UDHR is influenced by both.[521] He points to the "clearly utopian tone" of the UHDR as pointing to a future common ideal that goes beyond mere individual rights and which can find genuine resonance in many religious traditions. But he notes that in Western Europe, earlier human rights discourse often came into existence in revolutionary protest against churchly heteronomy, and not as an evolution congruent with either Christian thought or mainstream church practice.[522]

Moltmann sees the historical development of human rights discourse as entwined with the wider processes of the Christianisation of societies and states (1977a:26). He remains to this

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[517] Moltmann is aware that human rights have a 'tendency in practice' to support the middle classes. However he notes that this tendency can be challenged if the middle and bottom can find ways to join together in solidarity rather than accepting the "inevitable conflict" lens of much Marxian analysis. See Van Proojen 2004: 188-199 for more on his debate with Latin American liberation theologians on this topic.

[518] Moltmann draws on cultural anthropology here to reflect on humanity, pointing out that the idea of 'man' is a relatively new idea which tended to be reserved for people of one's own 'tribe'. He notes that people often define the concept 'human' with the positives they already feel they have (or want) and then project the inhuman on that which they want to repress in themselves as the 'Other' (1977:26).

[519] Humanitas is found in both Stoics and Greek thought often tied to notions of reason and equality and popularised by Cicero who spoke of the *homo humanus* over and above the *homo romanus* and was one of the earliest thinkers to introduce a dignity beyond mere status.

[520] Van Proojen suggests that Moltmann emphasises Jesus as the new human being pointing to a future orientated humanity where their common definition in terms of similitude to God and a common future in the kingdom can bind humans together to overcome their historical differences rather than an essentialised and homogenous human nature. (2004:173) This is key in the light of the anthropology of Chapter 4.

[521] Moltmann focuses on the UDHR as the core globally accepted document which he suggests Christians need to engage rather than formulating new or alternative Christian Declarations that might distract from the urgent task of implementation, although in recent years he has also worked to connect these Human Rights Declarations to animal rights and ecological documents (cf., Moltmann 1999, 2012a).

[522] This highlights the need to acknowledge both continuities and discontinuities between Christian tradition and human rights and therefore stands in the third approach presented in Chapter 1 which goes beyond the tendency of many to argue for either continuity or discontinuity.

day, aware of the need to explicitly acknowledge the "ambiguous relationship which Christian churches have had to the discovery and development of human rights." (2012a:225). Nevertheless he insists that current day struggles for a better humanity and more radical liberation must find their bearings in relation to the processes in order to concretise and relate the two (1977a:29).[523] I suggest this still resonates with recent scholarship to this day.[524] Moltmann is concerned to question how far present day Christianity actualises an emancipatory reality which can fill these human rights with social and political life (1975:152) and that this is why human rights requires theological engagement[525]. He provocatively suggests that the weakness of human rights in his day lies in the two facts that there are too few powers for realising them against exiting injustice and oppression and that they can also be misused as the intellectual façade of evil, where "Declarations function as mere 'decoration' that in actuality serve the concealment of the opposite" (1977:30).[526]

Moltmann is concerned both with the practical implications of the UDHR and the critical question of "whose rights it actually serves" (cf. Van Proojen 2004: 170-2; Cf., Bonino 1977, 220-224). He highlights the ongoing possibility of the misuse of rights talk and asks of the UDHR, "Is it more than an ideal suspended above an inhuman world" (1977a:31). Van Proojen notes that Moltmann is concerned that human rights declarations often promote equality as "self-evident axioms" but may lack a declaration of intention with regard to the overcoming of concrete inequality and could end up as an idealistic manifesto without revolutionary significance and even hide injustice instead of eradicating it[527] (2004:173). Moltmann points out that while the UDHR sets a clear vision and intent, it lacks the power for realisation and that it is this urgent radical task to which the church can and should

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[523] Moltmann reinforces more recent scholarship explored in Chapter 3 who show the influence that Christians played publicly and privately in the development of human rights and the UDHR in particular. This is not intended to co-opt human rights to a Christian agenda but to show that to view human rights as a 'secular ideology' with which Christian doctrine must only newly begin to engage is to ignore the significant overlaps between religious and secular frames of reference within its own historical development.

[524] See Marthos and Saunders (2005) for a detailed Human Rights Watch report on the ongoing importance of this relationship.

[525] I suggest that Moltmann does not put human rights on the 'secular' side of a secular/sacred binary divide in history. Instead he sees the human rights movement as an authentic Spirit filled protest against concrete dehumanisations which offers a Christ centred challenge to the complicity of the churches with abusive and dominating practices in both the church and wider society. He saw Christian involvement in the document and process as a sign of this with inherent synergies that can therefore be made as a result. (1977a:33).

[526] Moltmann charges, "how much freedom is there is the 'free world' how much unbrotherliness is there in the 'socialist' world". He call for the need to situate the UDHR in a "revolutionary" trajectory rather than merely as idealistic one if it is to be able to realise rights in concrete practice, rather than to remain a abstractly utopian vision sitting above an inhuman world (1977a:30).

[527] Moltmann argues that an early theological emphasis on freedom remained entwined with ongoing social and political unfreedoms through the Christianization of many European states but that it also encouraged a gradual realisation that the power of the state had to be justified. He suggests that this awareness tended to only grant privileges to some (increasingly the middle classes) who by the 19th Century "more and more renounced the intention of the emancipation of humans from rule and inequality and increasingly stressed the protective side of the state for guaranteeing of stability to human rights and individual freedoms" (1977a:28).

contribute[528]. For him, "only with this concrete starting point in the theology of liberation can universal theories and declarations about the freedom of man be protected from their misuse" (1977a:32). This concern with the concrete realisation of rights takes him into the realm of social obligations on others to realise the rights of their neighbours, by stating,

> For me, the decisive issue is the transformation of rights which secure the freedom of individuals into obligations to liberate those whose rights are withheld by others. If the UDHR is not to be only an ideal suspended above an inhuman world, but desires the realisation of these rights, then rights must be articulated in terms of their realisation. Up to the present time, there is nothing expressed in the UDHR about suffering within the world which is necessarily entailed in the struggle for liberation. (Moltmann 1977a:31)

Van Proojen notes that Moltmann therefore concentrates his theological basis for human rights on the "methodological and hermeneutical question concerning the character and locus of a possible alliance between Christian faith and the human rights tradition" (2004:173) His concern for liberation from concrete suffering and oppression leads him to the constructive task, to find theological links between Christian faith and the tradition of human rights that can bear weight and be fruitful in standing between concrete Christian practice and universal humanity as political and legal forms of life. (Moltmann 1977a:31). As a result he avoids the mainstream road of theological tradition on human rights with its Christian doctrine of natural law and creation as adding little practical value beyond explaining human rights in terms of fostering their implementation in the practice of liberation "because it starts with a universal declaration in order to arrive at a concrete situation of injustice". He suggests this can tend to maintain things as they are. (Moltmann 1977a: 31, Van Proojen 2004:173) In contrast, Moltmann begins with the concrete practice of the liberation of the unfree human through faith, hope and love and only then sketches the Trinitarian theory which grounds this cross centred Biblical event of liberation and makes it universally binding[529] (1977a:31). I suggest his dynamic approach calls all Christians into a three-step journey of reflection

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[528] He suggests that "ideals, if one takes them seriously, can change reality, But they can also become the mere justification of good intentions, without a corresponding will for realisation" and that clarifying the theory/ practice relation can prevent misuse (1977a:30).

[529] For Moltmann, Old Testament theology begins concretely with the God of liberation in the Exodus and only later confesses that this same God is creator and redeemer. New Testament theology begins by confessing Christ as liberator and only later comes to doctrines of creation and eschatology. Here we see one of the ways in which his wider liberating anthropology acts as an interpretive key for human rights (Cf, Van Proojen 2004:176-185). He starts with the concrete history of the Crucified in order to arrive at the universal future of resurrection. This Christ-centred starting point into human rights from concrete vicious circles of oppression as manifested in God's action on the Cross, then leads out to a 'universal' meaning of this freedom in human rights and a common future of this freedom as new humanity.

around human rights (Christ – Creation - Consummation) that starts with the concrete practice of liberation and only then moves back and forwards to the universal. This process frames his theological approach to human rights within a clearly Trinitarian praxis (McDougall 2003, Van Proojen 2004). His Christian theology of liberation understands Christ as liberator who points to the Divine through a cruciform image of the human within the world. This requires attention to hermeneutical tools used to read the Bible. Only then does he move 'backwards' to the similitude of all humans to this relational God who is divested of all power-over laden projections of "him"and expressed in the Creation motif Imago Dei. Finally, he moves to the eschatological dimension, pointing to a liberating future expressed in an active transforming hope for the Kingdom. (cf, Van Proojen 2004: 174-176).

Step 1: Solidarity Christology. Moltmann interprets Christ as a comprehensive liberator from concrete situations of oppression. For him, Jesus embodies and enacts the "dangerous power of liberation" that the powers of the world will always want to crucify or take away(1977:32). In the light of this, he pays critical attention to the hermeneutical tools we use to read the Bible,[530] asking how does the Bible look if we read it with the eyes of the poor, hungry, oppressed and outcasts. He asks the provocative question, "On whose side does the church stand in one's own country? Has it become the political religion of the powerful in order to win goodwill and money?" (1977a:32, Van Proojen 2004:174). He highlights the ecclesiological imperative to locate the church with the crucified Christ in solidarity with those treated inhumanely in the world to ask where and how liberation for the oppressed can proceed from church action (1977a:33) I frame this step as the Christ-centred task.

Step 2: Image of God. Moltmann then steps back to the doctrine of the creation of all human persons in the relational *Imago Dei*, arguing that a theology of liberation is also a theology of the human person. For him this broadens Christianity into the wider circle of humanity and also requires Christians "to overcome our caste-spirit and mistrust of others"(1975:156). He suggests that a church cannot simply exist for all humans but particularly for those robbed of human rights and freedoms. This early, radical particularity counters any false universality and resonates with Regan's recent suggestions (2010:4). As a result, he foregrounds the ecclesiological question, "How can the church become the community of the poor and the oppressed and dissolve its ties with others who make them poor and oppress them"

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[530] He warns strongly in relation to human rights issues against reading the Bible as a book of law, dogma or religion without solidarity with the oppressed, "who experienced Jesus as a concrete liberator from their concrete misery" (1977a:32).

(1977a:33).[531] He notes many ways in which institutionalised tyranny is still made manifest in the world despite existing Human Rights Declarations[532] and highlights the responsibility of Christians to hold to the right for revolution and reform when confronted with forms of structural tyranny. I frame this as the Creational Commission of all children of the 'Father'.

Step 3 – Looking Ahead. Moltmann then takes a third step forwards into the imagined future. He asks, "What do the ideal of the future of the UDHR and that of the 'hope for the human kingdom of the son of man' have in common. To what degree do they support and/or criticise each other?" (1975:156). Moltmann's deep concern for the messianic (hope-filled) eschatological dimension of Christian faith is brought to bear specifically on the human rights project here and the importance of its implementation for those currently suffering. He calls on Christians to explore this common future in action with diverse others as a shared task.[533] Moltmann points to the need for 'concrete utopias' (1975:156) that can relate the intended future of humans to the structural injustices of the present in order to overcome opposition and resistance to this future. He asks, 'how can the conscience of the world be sharpened?' as well as 'how do we assist the struggle of Christians in other countries?' as critical questions for the ecumenical church that require Christians to be prepared to challenge their own national and social order'. I frame this as a pneumatologically-inspired eschatological task.

This three step process, rather than giving answers from 'above', offers a theologically embedded set of questions to help local churches to reframe their human rights engagement through the Trinitarian lens of the Crucified God in solidarity with the excluded, the relational *Imago Dei* motif and a Spirit-filled messianic hope for a better world in which Christians are invited to actively participate.[534] I suggest this 1971 paper demonstrates Moltmann's clearly Trinitarian approach and his starting point for human rights engagement in the concrete experiences of inhumanity.[535] As a result of consultation, it is noted that the

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[531] Moltmann (1977a:33) raises the question of appropriate means of engagement, pointing beyond traditional missionary action to wider possibilities of humanitarian and even revolutionary action in certain contexts. He asks whether Christians as individuals in society have different responsibilities than that of the wider institutional churches. This remains relevant today where military intervention is justified.

[532] He gives specific examples of this institutionalised tyranny as "politically in the rule of military cliques, racially through white minorities and socially by the predominance of an exploiting class". (1977a:;33) Later in life, he is also explicit about gender oppression.

[533] Van Proojen asks 'What is specifically Christian in attempts to humanize the world? Should churches associate with 'secular' liberation movements and how can it do so without losing its Christian identity and avoiding syncretism' as questions Moltmann raises to churches.

[534] Van Proojen concludes that Moltmann offers a different track in his theological reflections on human rights to the mainstream, one grounded in liberation theology. He asks, 'Does he end up bypassing the God's Image aspect? Does a Christian perspective on human rights need a more profound theological analysis of sin/oppression and liberation than the well-intentioned partiality of a Western theologian with the poor and oppressed (2004:176). He shows he encounters these questions from liberation theologians in the 1970s.(2004:188-190)

[535] I draw this conclusion from a reading of Moltmann's 1971 paper in the light of his wider theology. I suggest his approach is influential on, but distinguishable from the consensus Reformed approach with its strong focus on the Imago Dei that defined the final paper.

1976 paper has a stronger emphasis on the Image of God motif and Covenant.[536] According to Lochmann (1977:21-23) however,[537] Moltmann's tri-fold grounding remains and although the motifs of liberation theology recede explicitly, they "still operate clearly in relation to how the rights of humanity and the tasks of the churches are understood."[538] He highlights three themes of Moltmann's final paper (1977:133),

- Human rights are grounded in a Covenant where God's right to humans is anchored not abstractly but in concrete, binding ways in the biblical history of liberation.
- Human rights must be holistically interconnected to avoid their ideological misuse.[539]
- Human rights have duties regarding the rights of the neighbour as their "other side" leading to questions of responsibility, including the need for liberatory resistance against illegal, illegitimate and inhuman regimes in solidarity with others.

Moltmann (1977b: 140) calls all Christians to proclaim the gospel of justification, to live the liberating faith, to exercise the ministry of reconciliation and model reconciled humanity in their congregations, "by proclaiming God's justifying justice, they proclaim the dignity of humans, by practicing the right of grace, they practice basic human rights." Here the specifically Christian is tied into the wider realisation of humanity of all as a demonstration of and embodied witness to a reconciled humanity.[540] As a result, church identity and world involvement co-inhere as a "justifying justice" for right relations where the justification of unjust humans renews them to true humanness (1977b:139-140). He can thus insist that,

> The Christian faith therefore does not excuse us from the struggle for the recognition and realisation of human rights but leads us into this very struggle. The community

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[536] See Miller for a number of the responses to the initial paper beyond the scope of this thesis. Van Proojen (2004:170-187) also gives a detailed comparison between the two papers. See Hall (1977:107-128) who notes the need to carefully contextualise Moltmann's valuable insight on human rights into varied settings so as not to remain abstract and I will seek to take this seriously in Chapter 7 of my thesis.

[537] Lochman (1977:21-23) points to three specific changes in the final paper as a result of learnings: 1. Non-European aspects are now more strongly incorporated, 2. The idea of 'God's right' or claim upon humans is more strongly emphasised (theme of Covenant/Promise, not grounded in either natural law or an idealistic view) 3. Liberation motifs recede explicitly but remain clear in practical tasks of the church.

[538] The specific task of Christian theology is named as 'grounding human rights on God's right to/or claim on and the inalienable dignity that emerges from every human being out of this liberating covenant by God. The Christological and eschatological emphasis, while still present, has become overshadowed by an emphasis on the Imago Dei may need re-emphasising for our times. See Newlands (2006).

[539] Moltmann was aware of the ideological use of rights and warned of the danger of disconnecting one right from another leading to the playing off of one right against another and emphasising holism instead. He warns of the misuse and abuse of rights for example to justify private interests over others basic rights and suggests that the increasing ideological use of human rights shows that 'declarations and ratifications alone do not create true humanity among human beings'. For him this points to the sin of people's inhumanity, made manifest in continued violations and abuse of human rights as a tendency to want to be 'like god', which leads to the history of a humanity that does not want to be its brother's keeper. Our relationships with god (judge), other humans (enemies), and creation (object to exploit) become distorted, requiring "the justification of unjust human beings and the renewal of their humanness to take place" (1977b:138-9).

[540] Lochman highlights that for Moltmann, "a distinctive Christian perspective is not intended to defend Christian privileges or to chart a solitary path for Christians away from others but that it compels, in the sense of Jesus, unconditional openness and commitment to others. It implies rights for Christians only in the wider context of human rights as 'fellow human' rights". Lochman suggests this ongoing dialectic between the specifically Christian and the inclusively human is an essential insight emerging from the WARC process. (1977:23). For more on Moltmann's development of the wider theme of "embodiment" as critical to Christian discipleship in God's world see 1985:244-270.

which calls Jesus son of man suffers under the ongoing inhumanity and dehumanisation of humans and in its prayers turns this suffering into a painful awareness (Moltmann 1977b:140).

Miller's rendition of the full WARC process (1977:144-150) ends with four guidelines.[541]

- The grounding of human rights in God's claim on all humans giving inalienable dignity. This solidarity requires a standing up for others, especially the excluded

- The Image of God motif offering an inter-related notion of human beings in their individual and social rights, duties and responsibilities, human and wider creation

- The need to see the universal violation of rights as an extreme distortion of the Image of God where some achieve self-confirmation based on the dehumanisation of others and that the exercise of human rights itself can be misused and distorted in this way.

- The liberating power of Jesus Christ enabling a church ministry of public witness to reconciliation and grace. While conflicts between different social groups are inevitable, a vision of reconciled community within one human family can be made real in and by churches modelling costly grace and costly reconciliation

6.2.1 A Trinitarian model for human rights

Arguably, Moltmann's tri-form theological grounding for human rights goes beyond and even reverses either a sole reliance on the *imago dei* or the traditional creation approach of natural law that can often reinforce hierarchical models of authority and dignity (Kraynek 2003:81-116). I suggest his concrete starting point in the Crucified God within history, whilst toned down in the final WARC report still offers valuable resources for human rights today in the light of a renewed interest in a Christology for human rights (Newlands 2006, 2008). Chapter 5 has already showed that Moltmann's social trinitarianism insists that humans, through creation in God's image exist in relationship to one another, and to the earth.[542]

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[541] These tasks were agreed jointly by those present. See Van Proojen 2004: 177-186 which makes a detailed comparison between the two position papers in a way that is beyond the scope of this thesis as well as Miller (1977) who documents the wider WARC process.
[542] Moltmann's insistence on the equality and inter-relationality of the persons of the Trinity understand human relationships in society as designed to be rooted in democratic and equitable relationships of love and mutual respect. Müller-Fahrenholz points out that for Moltmann, 'Trinity' is not a topic but a 'particular way of thinking…thinking in a Trinitarian way means putting all relationships on an equal footing' giving a critical & practical aspect to theology. It is a needed device, not merely a 'meaningless appendage' (2000:147). McDougall (2003:177) suggests he plays a decisive role in reclaiming the importance of Trinitarian praxis by offering a "relational ontology of love". However Moltmann also has strong critics here. Kilby (2000:956) is highly critical of what she terms Moltmann's "vicious hermeneutical circles" that push preferred values onto the divine life as a "thinly veiled projection". See Bauckham (2005:160) for more on his critics.

Fig 1: Moltmann's Trinitarian approach to Human Rights[543]

Starting point
God is located
from below in
Jesus Christ

The Crucified God – a solidarity
Christology from below

Freedom from.

Can tie to 1st generation civil and
political rights

Subversive Image of God seen
in relation to all other humans

Freedom to

Just and equal access to basic
needs of life. Can tie to 2nd
generation economic, social
and cultural rights

Human
Dignity

The eschatological spirit of the
Kingdom of God

Freedom for

Can tie to community and the
right to participation and self
determination

Orientation to the Kingdom of God

[543] This diagram is my own design, based on the summary of Moltmann's holistic approach by Meeks (1977:xi) and his explicit linking of the Trinity to the three "generations" of rights (Vasak 1982) that were developing at the time but often unhelpfully polarized over and against each other. Moltmann seeks to reconnect these three worlds with a Trinitarian lens by using the core connecting concept of human dignity to ground a "unity in diversity" and also to counter what he felt was a Western reductionist focus on only 1st generation rights.

6.2.2 Human dignity as the source of human rights

I suggest that it is clear that human dignity forms both a singular grounding and a connecting concept for Moltmann's holistic approach to human rights. This stands in contrast to Lutheran theologians engaged in similar reflections who instead grounded human rights in a triad of freedom, equality and participation.[544] For Moltmann, "the dignity of humanity is the one indivisible, inalienable and shared quality of the human being…human rights portray a wholeness because the human in his or her dignity is a totality"(1984:9), creating a fundamental anthropological distinction between human dignity and human rights.

Moltmann's use of human dignity as the source and ground for all human rights gives all humans singular worth (1984:9, cf. Forrester 2001)[545] and offers a common and unifying thread amidst clear human differences.[546] His approach is in this broad way similar to the Catholic tradition which also grounds human rights in the singular concept of human dignity (Hollenbach 2002, Cahill 1999 Grasso 2003). Unlike this trajectory however, which can tend to emphasise natural rights and focus on a doctrine of creation, Moltmann foregrounds an ontological difference between existence and essence where "humans ought to be human (e)" with humanity on the way as a grace-full possibility that can be actualised but also blocked. (1976c:2, 1984:9-10) It ties to his understanding of sin as inhumanity where self-actualisation forms the reverse of actualisation of humanity for others.[547] He suggests that the distinguishable contribution of Christian theology is the linking of dignity and the essence of

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[544] See Lorenz (1981) and Moltmann (1984:8). The differences between Lutheran, Reformed and Catholic approach to rights are also explored by Moltmann (1984:3-17). While he uses the concepts of equality, freedom and participation in relation to different types of rights, he suggests the three notions often conflict and that different 'generations' of rights tend to emphasise one strand only. He argues for a singular concept (dignity) within which equality, freedom and participation can all find their unity. Regan concurs, suggesting that human rights is "one way of articulating the protection of the dignity of the person not simply with regard to the minimal conditions necessary for that dignity but as part of an overall concern for whatever potentially distorts or thwarts the capacity for giving and receiving that marks the generosity of existence which is the human vocation" (2010:70).

[545] Here Moltmann reinforces an understanding on human dignity as the source of all human rights that informs the drafting of the UDHR (Morsinck 1999, 2009). Sharma points to three ways in which dignity can be understood in relation to it, as the product of successful human rights claims, as a partner concept i.e. dignity is a human right itself or as the source of human rights and the place from which they flow (2014:70-1) Like Moltmann, Sharma reinforces the latter approach. However in his eschatological emphasis, Moltmann also points us forwards to a 'yet unrealised' future, into a search for human dignity as a paradox both already present (gift) and a goal still to be accomplished (task). This can be seen as the surplus of dignity the 'more than' nature of its various expressions (1984:10).

[546] Meeks (1984:i) highlights two contrasting ways of understanding dignity, one tied to honor and rank, a privilege or a sense of decorum gained by action or status only for the few. Against this he depicts the Enlightenment driven view of dignity as 'the worth of being human' as a synonym for "humanitas" as the one Moltmann draws on 1976c:1). He suggests that it is in this sense that dignity has become the key concept in the worldwide struggle for human rights, but that as a concept, due to this plurality of meaning' it remains elusive (1984:ix).

[547] Moltmann seeks here not to baptise the 'fashionable' principle of 'self-love' but to avoid the 'defamation of self' common in much Christianity and reflected in comments such as 'Christians not being selfish' or 'not deserving anything' or 'having grace not rights. See Wolterstorff (2011a) for a critique of this tendency within Protestantism. Moltmann increasingly moves away from such beliefs as potentially 'dangerous'. (1983b:122). Instead he endorses an understanding of true self-love as the reverse of love of the neighbour with both held in the wider love of God. Self-relation and social relation come into existence together. Insights from feminist theology were a personal influence for Moltmann, where the Christian exhortation of women to 'be selfless' can easily reinforce and legitimate damaging dominating patterns. (2000:268-289). In this respect his anthropology offers resources to those seeking a liberating feminist anthropology, for example, Bringle 1980:152-162. Russell 1976. It also connects to post-structural feminist scholars such as Judith Butler who similarly decentre the individual self by stressing the urgent need for intersubjective recognition, the reality of the interdependence of persons and the vulnerable precariousness of life as a whole, all themes used by Moltmann. Cf. McNeilly (2013:97-99) for the use of Butler in rights talk.

the person, a topic receiving recent critical attention from scholars.[548] North American theologian Paeth suggests that for Moltmann, "Human dignity lies in the fact that each particular human being and all human beings are in common, human. Individual dignity cannot be separated from our essential interrelatedness with humanity as a whole, beyond race, clan or nation." (2008:9).

I suggest that Moltmann's critical theory of God[549] radicalises an understanding of dignity away from hierarchical and often exclusive notions of acquired "dignitas" as a pre-Christian notion resurfacing continually within Christian history, and towards an egalitarian and democratising form of dignity held by each human being as made in the image of a relational God.[550] Moltmann's Trinitarian image "democratises all claims to rule" by situating God's presence both in every human person and in the relationships between human beings (1977b:177). For him, the liberating acts of Christ reinstate dignity to all those who are seemingly excluded and godforsaken in society, with the cross is the sign of God's own commitment to human dignity.[551] As a result, "The Spirit of Life", Moltmann's preferred term for the Holy Spirit (1992), enables humans to participate in a common task towards a shared future where the dignity of all is fully socially enacted. Human dignity is based eschatologically in God's redeeming history with the whole world as '"God's claim on human beings…not something created by human declarations" (1984:xi).

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[548] See Ammicht-Quinn et al. 2003 Tinder and Kraynak 2003, Kretchmar & Klein, 2002, Waldron, 2013, Hughes, 2011, Goldewijk, 2004 and D Ackermann, 2012. Ackermann insists on the need for a proper understanding of human dignity to give it meaningful context and avoid it being shaped merely by the "whim of the interpreter" in the South African Constitutional context and explores Moltmann as an example of someone who does this. (2012:50). Moltmann also points out that only in 2008 has the Russian Orthodox Church published their standpoint regarding "human dignity, freedom and rights", and it requires "human rights to be subservient to Christian morality." Moltmann's counter stance has consistently been that "universal human rights cannot be made subject to Christian morality which (whilst remaining distinctive) must move within this universal context of human rights" (2012:227).

[549] God, for Moltmann is the subversive Incarnate and Crucified One found in the kenotic model of Jesus who is humiliated and godforsaken, standing alongside all those in our world who suffer humiliation and loss of dignity, in order to reaffirm their inherent dignity in the eyes of God. For more detailed exploration of humiliation in relation to human dignity and rights see Goldwijink 2004a.

[550] Moltmann takes seriously the counter-narrative of the Jewish creation story as a subversion of the hierarchical models of the Egyptian day where the Pharaoh alone with all his wealth and power reflected the Image of God. Many Christian theologians have explored this. See, for example, Waldron (2013), Moltmann's emphasis stresses covenant (a relation to god held by all) over natural law (innate capacities) in line with the 'conferred dignity' suggested by Stackhouse (2005). Rather than this being a concern i.e. what God gives, God can take away, this is intended as a reaffirmation from within the Christian tradition of the 'inalienable' and non-negotiable status of human dignity. Some theologians have tended to polarise secular and religious understandings of dignity a priori. (Kraynek 2003:81-116). In opposition to this view, Moltmann suggests it is a core 'connecting concept' relevant to both trajectories and given clear endorsement in the UDHR. Human dignity offered this as a possibility enabling traditions to fill this concept with added specific depth. The core requirement is that human dignity be defined by the various traditions only in ways that are congruent with the holistic set of rights it is then used to underpin.

[551] Moltmann makes an identification of the cross with the pain of the Father as well as the Son or else there is a danger that the Cross itself can be seen as a human rights abuse itself by God and has been criticised by feminist theologians here, notably Sölle . He has defended his argument that the cross is God's protest against suffering and torture and not a legitimation of it. See also Tamayo-Acosta who similarly sees the Exodus as recovering "denied dignity" and Jesus as "restoring the dignity of those excluded by religion" (2003:71).

Moltmann does not however make an "absolutisation of Christian faith" over all others[552], clearly recognising that egalitarian concepts of human dignity can find grounding in other traditions and worldviews. His point is however that 'all humans can expect that Christians both say and show what they think of the dignity of the human person and what they can contribute to the realisation of human rights' (1984:10). He is also aware of the ideological use to which narrow interpretations of human dignity can be put and the way which this often involves a counter-definition of others as inhuman and as a result not possessing dignity. Moltmann's approach concludes that Christians are called to:

1. Resist narrow ideological definitions of human dignity reduced to specific rights or certain political arrangements. "Dignity is not bestowed by institutions or persons but is a given, universally shared reality…not a moral principle but the source of all moral principles." (Meeks: 1984:x)

2. Go beyond abstract and formulistic definitions of dignity into concrete, embodied ways of understanding dignity as grounded three-fold in our creation as God's image, our freedom as a result of the Incarnation and Crucifixion and our participatory relatedness to the world. (Moltmann 1984:15-16)

According to Meeks, Moltmann's approach understands human dignity "on the basis of 'biblical testimonies"[553] (1984:xi) that point to God's claim to the creation, faithfulness to it and readiness for suffering for its sake. The plurality of human rights spring from this singular human dignity, where, "to be created human means to be commissioned to represent God's will to the creation and as a result, human responsibility then precedes and gives rise to human rights"(1984: 30)[554].He makes a clear link between human dignity and rights[555] suggesting that dignity requires human rights for "its embodiment, protection and full flowering" and that human rights historically realise a human dignity-in-action based on God's redeeming history with the world. (1984:xi). His Trinitarian perspective to human

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[552] It is important to recall that here Moltmann is speaking directly to the specific 'public' of the church and seeking to appeal to already authoritative religious concepts and images with which they are familiar. He is not trying to suggest that this argument would hold external appeal to non-Christians except to reflect an authentic witness by Christians congruent with the human person, way and life of Jesus.

[553] Moltmann was influenced by Biblical scholar Von Rad seeing the Bible as the overarching story of God's redeeming history with the world based on his covenantal promise, universalised to all in Jesus. Moltmann (2012:220) also critiques an Augustinian emphasis on the 'bodiless soul' as the seat of God-given dignity. He suggests instead that the biblical account of creation points to the 'human being together with other humans beings, male and female' as made in the image. For Moltmann this means that human solidarity has the same dignity as human personhood. See Sharma 2003, Gewirth 1996, 1998 and Hollenbach 2002 for a more on the communal dimensions of dignity.

[554] The idea that rights are only due (as benefits) to 'model citizens' who fulfil all their responsibilities leading to a loss of rights for any who do not must clearly be resisted. However the intrinsic linking of rights and responsibilities is made clear in the UDHR's Article 29. See Morsink (1999, 2009), Reinbold (2011) and Krug (2015) for more detail on this aspect of the Declaration and its drafting.

[555] This applies to the South African and German Constitutions as well as a number of prominent liberal human rights theorists such as Donnelly (1982, 2003, 2009). Its prominence continues today for example, Kateb, (2011), Rosen (2012), Ammicht-Quinn et al (2003).

rights is consistent with his wider reflections on God as social Trinity. For him, God meets basic human needs, frees humans from idolatry and brings humans into communal relationships, including past and future generations as well as the wider creation (1984: xii), and tying these acts into the classic categories of creation, redemption and sanctification. Moltmann connects this three-fold categorisation to types of rights, termed "generations" in the human rights discourse of his day, the right to a threshold level of the basics of life (Economic, social and cultural rights, ESCRs), the right to be free/liberated from tyrannous systems of oppression, (Civil and political rights, CPRs)[556] and the right to be free-for-community pointing to self-determination and participation[557] (Meeks 1984:x).

1) Our creation as humans in the image of God has implications for human rights emerging from human needs. Humans are called to represent God to creation and all need the basics of life to fulfil their role as God's steward (ESCRs). Here, human rights are grounded in responsibility, for without rights, humans cannot fulfil these responsibilities. Moltmann makes these, in an immediate sense, prior, as without the basics to sustain life, human ability to take responsibility is compromised.[558]

2) Our redemption into freedom through the person of Jesus Christ offers the contours of a Christology for human rights.[559] Human freedom, linked to liberation through the incarnation of the crucified and risen Christ, points to the right to be free of tyrannies of political, economic and religico-cultural systems that distort and dehumanise life (CPRs). This includes the liberation of the oppressor from their idolatry.[560]

Our sanctification as a new creation alongside others in the body of Christ anticipates the eschatological kingdom of God through the Spirit and seeks 'allies in hope'. This is where Moltmann's earlier vision of a freedom-for or a power-with as an alternative to power-over seeks concrete realisation. This form of human community is linked in anticipatory ways to

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[556] These emphasise questions of freedom and power especially in relation to the church and the state in the 1970s where he develops an eschatological political theology approach. (Meeks 1984: xiii; Moltmann 1984:97-112). Moltmann's more recent writings (2012a) stress the increasing role of other powerful economic actors and the equal need to be free of cultural, social and religious systems of coercion.

[557] Moltmann stresses the messianic open character of the promise, suggesting that all forms of messianism, in which he includes (Communism, the American Dream, capitalism and religion) can distort dignity by limiting the future to one vision and refusing to be self-critical. If messianism does not contain a principle of self-criticism, it becomes a tool that exchanges one form of slavery for another and leads the way to pragmatic definitions of human dignity determined by the strong and excluding the weak (Meeks 1984:xiv).

[558] This arguably counters ideological tendencies to create a hierarchy of rights. Moltmann highlights that the 1968 Uppsala meeting of the WCC recognized that "in the modern worldwide community the rights of the individual are unavoidably tied to the fight for a better living standard for the socially disadvantaged of many nations. Human rights cannot be secured in a world of gross inequality and social conflict" (1984:6). This wider conviction underpins Moltmann's commitment to a holistic and expansive approach to human rights.

[559] The need for a Christology for human rights has received renewed detailed attention by Newlands (2006, 2008). Moltmann's work clearly prefigures this call for Christological and eschatological engagement with human rights that I suggest remains important today.

[560] Ellacuria suggests that the only rights that oppressors have is the right to be liberated from their oppression (1982:52-68). This notion is reinforced by a recent scholar on human dignity (Kateb 2011). Moltmann is wary however as am I that this can become an ideology that dehumanises the 'enemy'. Nevertheless he centres urgent attention on the importance of a concrete theology of liberation for the oppressor.

the eschatological coming of God's "kingdom". Human rights are related to the wider world and God's promise to it calling all into responsible participation in the health of this world and generations to come, with rights to found, have access to and participate freely in family, communities and associations. If human rights discourse emerges from ideas of human dignity as Moltmann claims, then it is important to understand how its 'privileging' contributes to this discourse today. Sharma (2014:72) suggests it allows an intermeshing of rights and duties and connects different generations or families of rights. It can enable a bridge of understanding between secular and religious realms,[561] and helps clarify the concept of human rights, enabling an ontology of 'being human' to embrace similarities and differences, individual and group dimensions of rights and examine conflicts between interpretations of human dignity. I suggest that Moltmann's reflection draws attention to all these aspects in ways that connect with and complement recent reflections by South African theologians on the need for a "dignity-enriched human rights discourse" that emphasises not only freedom from responsibility but freedom for (Botman 2003:26-28)[562].

6.23   Created in the relational image of God

According to Regan, the most common theological justification for human rights is the doctrine of *Imago Dei* which has received renewed discussion in recent years in specific relation to human dignity and rights[563]. She suggests that it is "this doctrine which underpins discussion about the dignity of the human person and the role of human rights in the protection of that dignity'" (2010:3). It is therefore unsurprising to find a detailed exploration of the *Imago Dei* in Moltmann's early reflections on human rights (1977b:133-137).[564] Robinson (2011) suggests (critically) that Moltmann "moves away from traditional Christian anthropologies focused on an adequate account of the fall and sin, and instead seeks a deeply

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[561]Similar conclusions about rights can to be reached by different routes. Human rights scholar, Henkin calls human dignity an 'ur value', an idea picked up by legal scholar Witte (2003:119). Both suggest this as a way for religions to engage constructively with human rights

[562] Sharma (2014) stresses ongoing contestation today regarding how human dignity is made present. He points to the TRC in South Africa where some saw the human dignity of all as upheld and some that the human dignity of the victims was compromised. (Maluleke 1997). Theologians such as Bedford-Strohm (2010, 2012), Junker-Kelly (2003), Dussell (2003), Negt (2003) and Hogan (2015) have made this theological connection between dignity and human rights and Dussell stresses the importance of a liberatory lens on this connection.

[563] Regan points out that for the Judeo-Christian tradition the ultimate theological justification for inalienable human dignity is the Imago Dei doctrine, "based on the astonishing assertion that God created human beings in God's image'". She suggests that the history of theological anthropology is an attempt to come to terms with the meaning of this assertion and that it is evocative rather than strictly descriptive, upholding human dignity through the assertion of both likeness and unlikeness of the human person to God interpreted in diverse ways through the centuries (rationality, power, freedom, creativity, relationality) (2010:50). See Ruston 2004, Robinson 2011, Waldron 2010, 2012 for a more detailed analysis on this contested aspect beyond the scope of this thesis. Witte (2010:15) emphasises that Tutu, Waldron and Wolterstorff all underscore how the idea of humans created in the image of God forms the deep ontological foundation for a Christian theology of human dignity, worth and right. I suggest Moltmann takes this up and deepens this Christologically.

[564] It is necessary to bear in mind that for Moltmann, reflection on the Imago Dei is a second step in his Trinitarian process and that for him, Christology is the starting point through the Spirit-Gestalt of God in Jesus, the man who is crucified. (1985:263). It is only in the light of this "revelatory" cross and resurrection event that he then looks back to the Jewish doctrine of creation and its understanding of humans as created in the image of God. Obviously as a Jew himself, this creation story would have informed Jesus's own formation and ministry.

relational understanding of the *imago dei*" (2011:132)[565] noting that his understanding of human dignity is tied to this shift. As a result, Moltmann suggests that humans need to recover a belief in Gods power within creation (including in and between them) in new ways that don't collapse back into power-over ideologies which privilege some above others.

Moltmann (1974, 1978, 1981, 1991) consistently challenges what he sees as power-laden images of God as a single divine ruler to develop a more relational understanding of God's Trinitarian interaction with the world, replacing a Barthian emphasis on "lordship" with a more communal understanding of "friendship" (Cf. McDougall 2005). His starting point in Christ and the radical implications which the Crucifixion has for how humans understand the Divine presence as a whole shed light back on the democratisation of rule implied (but often forgotten) in the *Imago Dei* creation stories.[566] Rather than suggesting, like Barth and Niebuhr had, that God's sovereignty is what decentres all human claims to rule, Moltmann sees a hierarchical understanding of sovereignty and power itself as problematic and also radically challenged by the kenosis of the cross. For him, an assumption that God is always at the 'top' so to speak and that the Image of God 'status' that humans hold, legitimates humans to also be or aspire to be 'at the top' and dominant over (both others and nature) is in this way radically subverted in this reading where God is re-located to seemingly powerless places, on the underside of history, outside the gate, at the margins and at the bottom of society. This challenges our very category conceptualisations of sovereignty. Instead of calling humans to be slaves or servants for the (usually male) Master, Landowner and King, as an alternative to being slaves to the world's masters, I suggest that Moltmann's approach (1974a:13-14) sees the depiction of God as a slave-master, with the embedded assumptions of sovereignty as absolute power-over that those images reinforce is a damaging and potentially tyrannical image that Jesus's own relationship with God and the way in which he also relates to others fundamentally undermines.[567] Moltmann then applies this Christomorphic insight back into the primordial roots of human creation, suggesting that we are not created as individualistic rulers in the image of a solo dominating God, but for community, as fundamentally social

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[565] Robinson (2011) compares the thought of Barth, Balthasar and Moltmann in relation to the Imago Dei. Robinson uses Moltmann's approach primarily as a foil to Balthasar, who he favours and therefore develops Moltmann's specific model in less detail. However, he offers a (critical) analysis of the radical critique of sovereignty and rule model of the Imago Dei and the drive to a relational, participatory approach that he says characterises Moltmann's approach. Robinson suggests that Moltmann's approach radically revises monarchical images of the trinity which shape an understanding of the god/human relationship and make God "sovereign" and humans "abject subjects".

[566] Moltmann states (2012:219) that the freedom and equality of humans in the prophetic Judeo-Christian tradition is grounded in the concept of the human being created in the image of god (Gen 1:26), terming this 'an early universalisation and enduring democratisation of ancient oriental ruler ideology...with its rule of one person over other human beings. He suggests this leads in European political history to the 'sovereignty of the people' as a modern political means of giving this effect but that it also tended to a one-sided individualism

[567] A recent more post-modern exploration of this paradoxical notion of a weak God can be found in Caputo (2006).

beings in a relational ontology with the potential to connect through love in non-dominating ways that model the relational Triune God and whose fallenness consists in the distortion of these relationships.[568] He points to a human need for liberation into a new way-of-seeing that acknowledges and then acts to better realise this interrelated web-of-relations.

For Moltmann,

> Every kind of class domination, racial discrimination, repression of women, imperialism and dictatorship is a perversion of (hu) man's designation as God's image: and it is also a perversion of the common human mandate to 'rule over' the earth. It is only when every single person participates to the full in the living processes of society and its political decisions that this divine mandate will be carried out, whenever the rights and duties involved in this participation are denied to people of other nations, classes, races, religions and views, or to people of the other sex, we are called upon to resist, for God's sake (1983a:5).[569]

I agree with Paeth that Moltmann connects individuality into existence as members of a common human family and this 'life-in-relationship' is rooted in a specific conceptualisation of the *Imago Dei*. As a result, individual humanity cannot be abstracted from relatedness to God and other humans and only in human fellowship with other people is the human person fully an image of God'(2008:9). This critiques the one sidedness of liberal political theory in emphasising individual rights over economic, social and political organisations of rule.[570] I suggest that Moltmann's Christo-Trinitarian development of the *imago dei* is outworked practically in his relational approach to human rights, where we are created to live in "just community" with one another. He ties this both to God's covenant with God's people but also to the eschatological promise sealed in the life, death and resurrection of Jesus and through this to a Trinitarian understanding of human being (*imago trinitas*) and the social vision of humankind that develops from this. These together, he suggests, "can serve as a moral

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[568] Chapter 6 showed that he defines sin as inhumanity to one's fellow human being to whom we are called to exist in relationship as brothers and sisters of the human family His a priori emphasis on suffering is tied to his attention to those who concretely suffer the effects of sin in our world in the patterns of domination that create vicious circles perpetuated by human oppression, greed, alienation and godlessness. It is from this sin that he suggests both oppressor and oppressed need liberation to reclaim a freedom-in-community of responsibility to one another in which God's image is made manifest in all people and in their shared imaging of that responsibility.

[569] In collaboration with Metz, Moltmann's political theology decried a "bourgeois manifestation of Christianity which has negated the dangerous, prophetic dimensions, thus undermining the power of Christianity to confront injustice" (Regan 2010:122).

[570] Paeth suggests that for Moltmann "The ideology of the autonomy of the individual self allows modern society…particularly in its liberal Western development, to ignore those fundamental social obligations that human beings share with one another and to glorify the image of the individual maker of his or her own destiny" (2008:9-10). Paeth says that this "allows us to abandon a sense of the socially committed self and take refuge in the chaotic possibilities of an anchorless process of self-reinvention. Under these circumstances we cease to be related to others and to God and we cease to recognise our own bondedness to others". Moltmann seeks to avoid this anchorless process.

palliative against the degradation of human values in an instrumentalised society". An insistence that humans be recognised and honoured in their humanity can be formed within the church and tied to human rights. This radical democratisation of the image of God, as a story told by those oppressed as slaves within it, offered counter-narrative to the unjust and highly stratified societies of the day that denied the basic means of life to others. This sets limits to economic growth and critiques current realities which deny the core principle that the earth is given to all humans to nurture, not to some to 'lord it' over others[571] (1984:27).

> Each human has a 'basic right to a just share in life, nourishment, work, shelter and personal possessions. The concentration of the basic necessities of life and the means of production in the hands of a few should be seen as a distortion and perversion of the Image of God in human beings. It is unworthy of humans and contradicts God's claim on them. The widespread withholding of basic economic rights , the impoverishing of whole people and population groups and worldwide starvation caused by political and economic imperialism on our divided and strife torn world are a desecration of the *imago dei* in people and of God's claim upon each and every person" (Moltmann.1984:27, cf., 2012:221).

I suggest that it is important to note that the *imago dei* concept can however unwittingly "incorporate unconsciously or consciously careful categories of practical exclusion based on race, class or gender" (Regan 2010:70). Moltmann, in his attention to specific forms of cultural alienation, remains aware of this exclusionary danger, played out practically in Nazism where who was seen to be human was gradually redefined. His eschatological Christology points to the radical inclusion practiced by Jesus with those in his concrete society that were most dehumanised and which finds ultimate expression in his Crucifixion by religious and political establishments. Moltmann's affirmation of "interrelated plurality" in the Trinity as opposed to an assimilated oneness 'holds open' as provisional all ways of defining God, seeking to prevent any ways becoming fixed and exclusionary (1983b:93).

Regan sees the *imago dei* as both "imperative, indicative and implying an ethical ontology," as did Moltmann years earlier (1985:227). She warns against excessively static interpretations

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[571] This is an important point since so much of the rise of human rights has been tied to the middle classes, the right to (private) property has often been raised high and its original Lockean context in the idea that each person has property in his/her own person has often been lost (See Little 1990:59). Moltmann insets the rights of humans into the wider gift of creation and the life it enables. Creation is a gift of God to all, not for some to hold in ways that deprive others of the basic means of life. This is shown in the concepts of Jubilee and Sabbath and the Pentecostal call to 'share' as conforming to the Triune model to ensure that everybody has 'enough'. Moltmann suggests that "property belongs to the world of dead things while community is the life of God (1993b:100).

which "lose the dynamism of the Biblical God or the relatedness of the Trinitarian God" (2010:71). Chapter 5 showed that Moltmann (1979b:36) reshapes freedom not as possessive individualism but as a dynamic relation between persons emphasising not just freedom from but also a participatory freedom-for (God and others) in ways that expose human rule as an illusion. He helped to reclaim for the late 20th century, a renewed importance of this dynamic and related nature of God and applied it to constructive engagement on issues such as human rights. His 1976 paper called humans to co-respond to a relational and non-dominating God-image with a focus on right relationships, stressing four dimensions of the *Imago Dei,*

- In all their concrete relationships in all of life including their relationship to themselves where all have rights to a God-given freedom.
- Together with others, highlighting the social side of freedom and pointing to the universal human community and not just the particular interests of one group.
- In communion with and stewardship of the earth, not dominating over but a commissioned responsibility to the wider creation as loved and sustained by God.
- A right and responsibility to future citizenship in the Kingdom of God which requires self-determination and an awareness of the rights of the next generations.

Moltmann points to fundamental human rights, which belong essentially to what it means to be truly human, because without their being fully acknowledged and exercised humans cannot fulfil their original destiny. His *imago dei* is dynamic, non-essentialised, points forward to commissioned possibilities and insists that all have a right to a future. This theological justification can deepen an understanding as to why these ideals matter, motivate active participation in their realisation and stimulate a critical challenge of their misuse to justify practices of domination (e.g. imperialism, racism, sexism). For Moltmann, "recognition of the other" forms the sign of a truly human society. (1976c:25).

6.2.4 Solidarity Christology: a cruciform, kenotic language for rights

Moltmann's Christology is deeply indebted to Luther's theology of the cross.[572] This forms his starting point for a critical social theory which he develops further into a doctrine of social justification 1977b:138-140). God is found among those forsaken and abandoned in our

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[572] Moltmann's emphasis on the Crucified God reflects a Lutheran anthropology (1971:20) He develops the justification doctrine based on a theology of the cross further to suggest that this grace liberates one to both free self-acceptance of self and also of others who are genuinely different. He calls to a new mode of being, a process of being 'born anew' where the cross is the very condition for the laughter of Easter not as a flight from the world but as "the laughter of relief that resources in the midst of the suffering of the world" (1972:1-15).

world who fall out of the web of dehumanising structures as the ones who become the subject of revolution and the point of departure from vicious circles. (Van Proojen 2004:142-3). This concrete starting point for human rights engagement maintains a suspicion of Declarations or idealistic constructions of the human that start from above, which can reflect our prejudices and values, repressing that which is less socially valued in our contexts.[573] For him, our God-images need forming by the incarnate, Crucified kenosis of God, where,

> the God of Jesus Christ is also not the god of rulers and slaveholders…but is the God of the humiliated, abandoned battered Jesus, crucified by the Roman occupational forces in the name of the Roman empire and Roman gods. Whoever believes in Jesus and follows him abandons the gods of power and success, those demon idols of oppression and humiliation[574] (Moltmann 1983b:58).

Van Proojen argues that in our current world where so many suffer under dehumanising identifications, Moltmann insists that Christian identity is found only in the sphere of non-identity, of self-humiliation and solidarity with the dehumanised and the non-person trusting in the God of the future who can be found there. "It is an act of identification with Christ in solidarity with the poor and oppressed. Here lies the starting point for a relevant theology."[575] (2004:153) I suggest this has provided roots for theologies of liberation around the world.[576] Regan draws on Ellacuria's notion of a "cruciform" language for human rights, unmasking a "false universality in order to secure an authentic one concretised historically" (2010:166).

However Paeth highlights that for Moltmann, "authentic Christian identity has to be found in something more than simply social involvement and the activism or identification with particular social movements" (2008:27) and requires a refusal to empty itself totally in the social cause. The root of this identity is to follow in the way Christ has shown, stepping out of comfort and privilege into the world of oppression and disadvantage as a form of kenosis

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[573] Unsurprisingly, images of God within Western Christianity have tended to remain male, white, literate, abled, old, wealthy, successful and powerful both reflecting typical human aspirations and legitimating their pursuit or ongoing exaltation often to the exclusion of others.

[574] Newlands (2006:12) emphasises the need to reinterpret Christ as the "instantiation" of a vulnerable God leading to human right activism as a key part of discipleship. He suggests that many Christians have been blind to this call due to a fear of politicisation and liberalism and emphasises the need for a human rights culture and a reconfigured ethic of liberation based on a Christological boundary breaking narrative and hope for the possibility of a different future. He sees human rights not as a 'trump card' but as forming a web of connection. I suggest, as does Newlands, that Moltmann's contours of a solidarity Christology for human rights offer significant potential here.

[575] Van Proojen continues, "If Christian identity consists in the identification with the crucified in non-identity with the world then a relevant theology based on this identity would make the cry of the tormented creation its own cry to God" (2004:154).

[576] Regan critiques those who see early liberation theology as disengaged with human rights, She shows that Gutiérrez engages early with human rights, saying peace presupposes the rights of the poor, that part of knowing God is to be concerned with the establishment of just relationships among persons and recognising the rights of the poor, He argues that "that protest against trampled human rights is an active dimension of hope" and an eschatological task and challenges our passivity of indifference when basic human rights are at risk (1983).

into the world, not merely engaging with communities as 'like with like' but through a "specific identification with the different, the outcast and the dispossessed" (2008:28). Moltmann's Christological dimension of the Trinity ties into the principle of freedom as related to the liberating event of the incarnation of the crucified and risen Christ. (1984:xiii). As a result, he suggests that churches "must learn to reorder their thinking if they want to spread the spirit of freedom asking …how do we relate exodus and resurrection theology to each other?" (1983c:59)[577] He insists that the question of who pays the price of this so-called freedom must not be repressed. He suggests that there are two paradigms of power at work here, one where the Egyptians suffer (as the human victims of the freedom of others) and one where God suffers, and that it is the second which opens up another sort of power within wider history. "Only on the grounds of this experience of God is true liberation different from a struggle for existence in which it is the fittest that always survive" making a truly Christian liberation theology, at its heart for Moltmann also always a theology of the cross" (1983c:60). This centring of liberation in concrete solidarity decentres common understandings of power in our world.[578] Here Moltmann resonates with Regan's "paradox of grace and disgrace" at the place of "concrete wrongs" from which both argue all hopes for liberation must begin.

6.2.5   A 'hope-full' pneumatology - in search of concrete utopias

Eschatological hope forms an overarching thrust in all Moltmann's theological contributions, based on God's promise, embodied in the resurrection and directed in praxis towards the coming Kingdom, giving orienting direction, not mainly back to the traditions of the past, but towards the future-in-hope. The Holy Spirit opens that future as the source of all Life, calling humans into an active participatory praxis of "anticipating" rather than a passive waiting in expectation only.[579] His pneumatological eschatology is related to human rights by the church's task, "in the power of the Spirit" (1977:176-182)[580] to work for their realisation.

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[577] For Moltmann, (cf, 1967) resurrection theology must always include exodus theology and must again and again be embodied in acts that liberate the oppressed. Israel's freedom has its deepest roots in God's suffering, a Shekinah theme taken up by Jewish scholar Heschel.
[578] I suggest this resonates with Regan (2010:2) who takes an approach "by way of absence, negation, and darkness   a *via negativa* exposition of that which prevents, distorts and damages the capacity to flourish as individuals and communities". The place to start for human rights is the place of concrete wrongs, not ideals of what has or could be theologically desired. She suggests that Rahnerian theological anthropologies understand "rights not as a minimalist anthropology but as protective of the ultimate luminosity of the human" thus tending towards idealism, and failing to engage the "paradox of grace and dis-grace" that characterises the human condition (2010:3).
[579] This gives credibility to personal experience as a legitimate point of departure for theology, an important connecting point with the Pentecostal movement with whom Moltmann increasingly engaged in later life. (Cf Moltmann 2005, Green 2010 and Odin 2009).
[580] Green (2010:127-142) connects both the Crucified God and the Groaning Spirit in direct conversation with Moltmann's work to begin to develop a Pentecostal "theology of the cross" which he suggests is urgently needed in our times .See also Solivan (1998) for more on this.

Paeth points out that Moltmann sees the Holy Spirit as that which "reconstitutes social life in Christ, transcending questions of class, culture, time and gender" (2008:170). This holistic Source of all Life is not limited to the institution of the church or Christians, but potentially present in other movements who may anticipate in the present (often unwittingly) the values of the future Kingdom (1997a).[581] For Moltmann, Christian identity must be lived as a way of Christian existence. While the cross leads first to an identity crisis in exposing contradictions in our world, the resurrected Spirit offers a sacramental eschatological worldview enabling a re-embedding of dis-embedded humans into relational responsibilities (Van Proojen 2004:105).[582] This Spirit lends 'a creative, liberatory dynamic to the Christian life by knitting people into intimate fellowship' and generating fruits of liberating hope, faith and love that outwork in an empowering and "creative passion for the possible" (McDougall 2003:195).[583] There is a clear emphasis on vulnerability in his Spirit-Christology exploration (Moltmann 1976c:13, Van den Bosch 2012:846-7) which I suggest may offer new connections today for human rights engagement. Moltmann's messianic ethics challenge the "utopias of the status quo" (1976c:24) for the sake of concrete utopias of justice which open up a future where all conditions that destroy human dignity can themselves be negated. But he highlights a need for ongoing self-critique and provisionalisation of all future visions or human dignity can itself become deeply distorted by religion. He wants to avoid abstract utopias or models that enable definitions of human dignity determined by the strong and excluding the weak. For Moltmann, "only a messianism that has the suffering of God at its heart can remain one that can nurture human dignity for all" (Meeks 1984: xiv). Jeroncic notes that he connects the groaning Spirit to the crucified God in a kenosis of the spirit (2009:47) that models forms of mutual service rather than domination, and refutes spirits of optimism that repress current suffering. Spirit-filled eschatological anticipation nurtures historical resistance to negations in the present as "liberation can enter into a world of oppression no other way" (1984:103).

Moltmann focuses Christian hope on the "utopia of justice which exists to promote human rights and dignity, freedom and self-determination within society and the principle that

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[581] "Christians are set free from living as the world would have them live and are called to messianic ethical standards that are a reflection of the world that is coming to be. Hope alone is to be called realistic because it alone takes seriously the possibilities with which all reality is fraught. It does not take things as they happen to stand or lie but as progressing, moving things with possibilities of change" (1967:25).

[582] See 1971:42-43 and 1976c:24 for more on Moltmann's utopias. For him, Christian identity expresses itself in the negation of negative dehumanising structures, through following Jesus and sharing in his cross by standing in solidarity with those whom he identified with.

[583] McDougall terms this "the messianic praxis of Trinitarian fellowship... that unites personal flourishing and social transformation... the Spirit gather humans into the Trinitarian communion only to send them forth... to undertake a creative discipleship patterned after the Spirit's own life giving and liberating fellowship" (2003:195). She suggests Moltmann thus shapes Christian praxis indirectly.

human beings have an intrinsic incalculable value. Paeth suggests that for Moltmann, this social vision is what can motivate and empower the public theology of Christians to,

> fight against all social structures which degrade human worth, whether… found within a totalitarian government which pays no heed to the idea of human rights or within a society that gives lip service to human rights but is willing to trade away those rights for the sake of economic ideology or national interest (2008:15).

Regan insists that the "concrete language of human rights", its talk of food, shelter, education and voting, its prohibition of slavery and torture, arbitrary detention and unjust discrimination offers a reminder to all to go beyond simply a generosity of spirit and to engage the body-liness of Christianity (2010:70).[584] I argue that Moltmann's increasingly embodied understanding of the Spirit also emphasises the "body-soul totality of human beings" (2012:222, cf., 1985:244-270), as a transforming way to embody in concrete contexts, often from seemingly 'powerless' places, ways of being together in freedom-for-community[585]. This can also be tied to 'third generation rights' of self-determination, to enable genuinely communal participation in the open construction of a shared future.

6.3   A church for human rights - the call to open fellowship

Moltmann (1977, 1978, 1979b, 2000, 2008, 2012) has demonstrated a consistent concern with the concrete practice of the churches,[586] whilst refusing to compromise "the independence and critical role of theology" (1978:57. For Moltmann, good theology must be practical theology and its primary task is not to preserve nor defend but to be the way which the church "tests its present reality in the light of its vocation as the herald of God" (1979a, 10). From the start, he has provocatively insisted that churches need radical and ongoing reforming if they are to witness faithfully to the Kingdom of God but he has also been consistent in a commitment to "church-as-community" (1977:289-294).[587] For him, Christians voluntarily gathered and scattered in pastors and laity as a relational body inspired

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[584]See Jones, 2009, Odin, 2015, McDougall, 2005 and Bingaman 2015 for recent scholarship on Moltmann's ecclesiology and anthropology

[585] For Moltmann the Spirit of the Lord is the spirit of freedom, stating "where the Spirit is there is freedom" (II Cor 3: 17). Pentecostal experiences of the Spirit has to do with soul and body, salvation and healing, placing the experience of life at the heart of Christian mission. See also Moltmann (2005, 2008a)

[586] He emphasises that professional theologians need to feel part of the Christian community, not always identified with a narrow ecclesiastical hierarchy but with actual congregations, (Bauckham 1987:114, 1995:120). He also maintains a strong connection between church and academic theology, a gap often dangerously widening today. He points away from the pastoral church for the people to the people's own communal church. Moltmann lays out four different ways of understanding the 'Christ and church' relationship which he reviews before recommending "Christ as eschatological person "not just tied to the past but also pointing to the future. (1977:19-64)

[587] Müller-Fahrenholz points to "a homeless young man, alienated from his homeland and a stranger to himself who found a home in the ecumenical movement with Christ as community a liberating alternative to Nazism. Ecumenicity is the hallmark of his theology" (2000:21).

by the power of the Spirit can, and at their best, have envisioned, embodied and enacted alternative ways of being in history together and engaging wider challenges in society.[588]

Bauckham (2005) and Paeth (2008) both see ecclesiology as integral to Moltmann's theological project and points to his "exodus church" model of dialectical hope that offers a constructive yet critical engagement with modernity.[589] For Moltmann, "the church that lives in terms of the Kingdom is involved in social transformation and therefore is dedicated to change through an eschatological vision, rather than being tied to either 'what was' or 'what is" (1979a:10).[590] It is this understanding of his ecclesiology, tied to a pneumatology of 'the power of the Spirit', within which his specific contribution to human rights is best framed.

Moltmann's concern to think about the practical implications of human rights for concrete church action gives his reflections a clear transformative intention. This influences how he frames the challenge of human rights, as an identity/involvement question for the modern church, the questions they need to ask and the search for theological tools to equip Christians to engage constructively. He insists that "Christianity is not only externally and accidentally concerned with human rights, but internally, essentially and with the whole of its existence" (Moltmann cited in Lochmann 1977a:234)

Moltmann's ecclesiology of human rights is grounded on a confession of historical failure in the "unholy alliance" he saw made by many churches in Europe with reactionary ruling powers.[591] In response, movements for freedom often aligned themselves with atheism and. "Therefore we Christians must do everything we can to overcome this false alternative…to become radical again.…we must rediscover the long forgotten subversive tradition of freedom in the Bible" (1983c:57-8). Paeth (2008) notes that he calls the church into a missionary identity on the move. This is a clear re-orientation as much of society sees, and empirical evidence can often reinforce, churches as traditional, conservative institutions,

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[588] Moltmann's ability to hold opposing concepts in ongoing dialectical tension without premature resolution enables him to confess the church's failures at the same time as continuing to call it into an authentic public witness in word and deed to liberating ways of being

[589] Bauckham points out that as early as 1966 Moltmann was giving lectures on ecclesiology as a lead in to his later book on the church (1978) which presents a missionary church of dialectical hope termed 'exodus church'. His radical relational ecclesiology is receiving renewed attention recently (Paeth 2008, Jones 2009, Odin 2015). Moltmann suggests that the European church faced a problem of the growing irrelevance of their doctrines for modern life and had to reflect on its political existence and social function. He also rejected the liberalising privatisation of his day, urging movement from the orthodoxy of faith to the public orthopraxis of discipleship of Christ.

[590] See Odin (2015) for a detailed development of the idea of Moltmann's transformative church as applied to the current day North American emerging church context. Paeth points to the social responsibility of his church on the move, rooted in eschatological expectation, "called into solidarity with those kept on the outside of structures of power and authority in society…witnesses to… as yet unfulfilled promises that stand at the centre of its mission including the reality of the kingdom yet to come, declares the option for the poor, proclaims the continuing hopes of the poor for justice, the weak for a protector, the sick for healing and the victims of war for peace". (2008:54).

[591] He points out that this alliance has had ongoing implications for both Europe and 'former European colonies' in Latin America and Africa, where the "church has allied itself with the ruling powers and consequently with the oppressors:. He suggests that unfortunately conservative theologians only saw 'original sin in the liberation movements of the citizens and censured every rebellion'. (1983c:57).

concerned with a static past. Instead he argues that the church's gaze should be directed forwards to form a community of hope, thus operating as a critical force in society. Bauckham insists that this eschatological hope "creates an exodus church committed to liberating and even revolutionary praxis in society" (1995:120). This requires epistemological humility, where the church does not define unique ways of knowing but responds (with others) to a knowledge given to and for all in the resurrection of Jesus Christ. It offers a universal social horizon[592] that manifests the kingdom in history as transformative of social values, "marked by a "messianic ethic of acceptance of outcasts" (Moltmann 1990b:112).

6.3.1   A Christ-shaped church located on the suffering margins

Bauckham suggests that Moltmann's 1978 book on the church attracted far less attention than his other major works to that date pointing out "this can hardly be because its proposals are less controversial, but it may be because ….they are controversial in their practical thrust towards reforming the life and structure of the church, and as such they cross the growing gulf between systematic and practical theology" (1995:128). Bauckham points to grassroots communities of Christians which he notes are the real subjects of ecclesiology for Moltmann.[593] As a result, the true church is called to find and be where Christ is (Moltmann, 1978:122). This solidarity Christology with its roots in a liberational ecclesiology requires a '"taking sides" by churches in concrete contexts that may be unpopular with the powers of the day. Moltmann sees Christians as called to a ministry of reconciliation in the world where faith "does not excuse us from the struggle for the recognition and realisation of human rights but leads us into this very struggle" (1984:32). For him the church of the Crucified was at first and at heart remains the church of oppressed, insulted, poor and wretched people. While it is the church of liberation for all, it does not liberate all in the same way[594] (1972:50-58). Green points out that for Moltmann, it is because the church operates in the power of the Spirit that she often suffers with Christ in the world where "Spirit-empowerment finds its

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[592] This universality manifests pneumatologically in the action of the Holy Spirit in the world, eschatologically in the action of God within history in bringing about Kingdom and cosmologically in the birth of the new out of the old (Paeth 2008:170). It calls all humans to social forms of conversion. E.g. a 'culture of sharing' in contrast to the global marketing of everything and to a reclaiming of the Sabbath.

[593] He suggests that it is this emphasis on this church 'from below' which distanced his ecclesiology from the general run of ecclesiological discussions in mainstream Western denominations and in the ecumenical movement at the time, although not from ecclesiology inspired by Latin American liberation theology See, for example, Boff 1986, Bonino 1974. Jones (2009) charts how Moltmann's 'relational ecclesiology' and flat church structure has begun to be re-appropriated in the newly emerging church movement and suggests that his approach can both challenge and deepen the theological roots of this movement further.

[594] This has ecumenical dimensions, moving from 'comparative ecclesiology' to 'Christological ecclesiology', a dialogue under the cross asking, 'Where does the Crucified One meet us today?'(1978:102). The church which finds its identity in identification with the crucified Christ can be involved in the world …only by openness to those who are different, the vulnerability of love which identifies with others and solidarity with the vulnerable, wretched and hopeless" (Bauckham:1995:121).

epitome in Jesus's shameful death, and Spirit-led church life is necessarily cruciformed" (2010:134). Moltmann states instead that, "no-one is too great, no one is too small. No one has to look up to anyone…or look down on anyone, Great or small, man or woman, black or white handicapped or non-handicapped, where God is known, the differences disappear and the democracy of the Holy Spirit begins" (1983a:46). He clearly does not intend to extinguish difference itself, but the judgements of value that are so often made on its basis.

6.3.2 An exodus church orientated to the future by hope

Moltmann situates human rights within the "political worship" of churches where "the political and social directions of the churches gain their universal significance only in their relationship to human rights…with regard to human rights, the church necessarily becomes the church for others or 'the church for the world" (1977a:26). He notes that churches are expected to function as social institutions and while he does not renounce this role, he insists that the church is "more" and that its institutionalisation should not become a constraint to its critical and prophetic theological role in society.[595] This dual identity as civic institution and theological entity enables it to act in anticipation of the coming Kingdom in ways that make genuine political and social progress. Paeth shows how Moltmann ties together ecclesiology, eschatology, ethics and public responsibility in his "exodus church" of solidarity. He offers a dialectic of critique and transformation for the modern world where the church lives responsibly within the world but in anticipation of the world or in my language, the kin-dom "as it is coming to be" (2008:173-190).[596] McCoy (1983:xii) suggests it offers "a mini-blueprint for the kind of work the church must still do to become a viable expression of our humanity in God". A messianic journey-in-hope, inspired by an eschatological vision of the 'not-yet' keeps church participation in society as both affirmation and critique, resists the institutional stabilising of things and raises ongoing questions of meaning.[597]

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[595] Moltmann does not call the church to a separation from society's 'fallenness' but to a partnership in which the church calls society to a recognition of what it is destined to be in the fullness of time and points ahead to the possibilities of what could be as an 'indigestible lump' (Paeth) and a pilgrim church on the way. Moltmann points to the "prophetic office which makes it clear that the identity of the church lies in the manifest partiality of the gospel to the crucified of the world i.e. in the promise for the future which is heralded to the poor and which demands a radical turn to the future" (Van Proojen 2004:166) . Müller-Fahrenholz (2000:55) suggests Moltmann is concerned with the functions of church in modern society and its potential reduction to three 'cults': new subjectivity, co-humanity, and institution. These place the church within and at the periphery of modern society but can tend to merely assimilate society and do not also question it.

[596] Moltmann (2000) reflects that his church writings are ecumenical and were inspired by the actual churches he encountered in his travels outside Europe and his WCC involvement, especially the commitment to political liberation in churches of the Third World and the charismatic worship of the Pentecostal and Independent churches of Africa. Bauckham (2005) suggests his development of the Trinitarian history of God as an overarching theological context for the doctrine of the church offers a more comprehensive ecclesiology in later years

[597] This resonates with interest in a "postmodern ecclesi-odicy" (Boursier 2015:1) and a "postmodern hermeneutic" (Noble 2010:42-58).

6.3.3 A pneumatologically-broadened relationality

Moltmann (1977b:20) emphasises the living nature of the church as a movement within the dynamic relationships of the Trinitarian history of God with the world. He offers a "relational ecclesiology" where the church participates in Christ in the world, 'marked' by the presence of Christ and the Spirit.[598] It has an outward and a forward dimension, emphasising the need to renew communal life from below in "messianic fellowship" and avoiding monarchical models of clerical rule excessively concerned with the authority of the ministry. He suggests that a ministry of the laity and grassroots communities form the church's hope for a renewal coming from below, forming a responsible "congregation of friends" (1979a:21, Muller Fahrenholz 2000:116-7)[599] that points to God's Spirit as the radical "power of the powerless" (1983a:x). This makes the Spirit a "rectifying righteousness" that destabilises unjust and violent social structures and transforms them into new forms of mutual fellowship through liberating faith, liberating hope and liberating love (McDougall 2003:199-201)

Van Proojen suggests that Moltmann offers a "pneumatologically-broadened public theology"[600] (2004:301). Its "messianic intermezzo community" avoids the polarity of identity in faith or solidarity in action by holding them together. God's justification enables human beings to stop clinging to dehumanising, enslaving power structures as a form of self-justification. Instead they can become free in liberated love to participate in God's counter history with this world as a way of existence. I argue that Moltmann is clearly concerned with wider revolutionary praxis, but he also insists that the church itself is a message, and (when it witnesses rightly) it can even be an anticipatory sign of the Kingdom enabling sacramental thinking that is eschatological and dialectic, equipping its members for both resistance and hope.[601] For him, the church however always remains a provisional reality, a part of the coming whole but one that is ultimately superseded by the Kingdom.[602]

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[598] Moltmann speaks of the necessity 'to be relational' (1972:11), seeing current world history and its web of interdependence as a "kairotic moment" where "either the nations will run aground of their diversity or they will survive in new community". This enables him to affirm other diverse movements in history in which the Spirit can be present and to call churches into recognition and relationship with these.

[599] He offers open friendship as a motif for church (1978:59) and God/human relations, as a shift away from domination models to respect and affection without compulsion or constraint. Jesus the 'friend of sinners' enables humans to become 'friends of God'. For him, there is room in God's freedom for human freedom, enabling our impact and requiring our participation' McDougall (2003:181) develops this as a "model of Christian hospitality that transforms the notion of human freedom and invites passionate fellowship with those who are 'othered' in society". Cf. Gonzales (2012) for a development of this in a Latin American context and Carmichael (2004) on the virtue of friendship.

[600] This is concretized in a 'perichoretic' model that seeks to imperfectly reflect the unity-in-diversity of the Trinitarian fellowship.

[601] Moltmann-Wendel (1983:111) points to the church as called to be "a new community in which those with power begin to listen to those without power…where there are opportunities for the powerless to express themselves...in which power is redistributed and those in power learn to give up their power for the sake of justice'. She admits that the churches have often significantly failed to live up to this call.

[602] Paeth compares Moltmann's ecclesiology with a Hauerwasian narrative where the church's particular story is key (2007:170). Regan suggests that radical orthodoxy is unhelpful on human rights for three specific reasons: a disdain for the secular (including human rights), a

6.3.4   Moltmann's human rights tasks for the church

Moltmann's contribution concludes with four broad human rights tasks for the church also reflected in the final WARC guidelines (Moltmann 1977b:143, Miller 1977:144-150).

Firstly, churches are to represent and implement the dignity of all human beings and the unity of their rights and duties as grounded in the divine claim. This inalienable status requires them to challenge any manifestation of dignity based on the exclusion of some. It reconnects rights to responsibilities to others with *imago dei* seen as a democratising relational image.

Secondly, Churches are to pay particular attention to the holistic nature of rights and the 'restoration of specific human rights which may have become neglected, weakened or repressed' in our society. Moltmann is aware of the ideological misuse that promotes some rights and neglects others and calls churches to focus on unrealised rights in their contexts.

Thirdly, churches are to challenge and seek to overcome 'egoistic forms of power-over' within people and structures that sacrifice the weaker to the egoistic demands of the present. This offers a radical critique of all forms of domination and ways of defining freedom in terms of power-over that repress or show contempt for human frailty. Churches should witness to and embody a liberating freedom-in-relation to self, others, creation and God.

Finally, the church has an ongoing prophetic theological task to "sharpen the duties of individuals with regard to its inexorable connection to the rights of the neighbour." Public proclamation and education can help remind all of the responsibility to participate actively in the realisation of the rights of the suffering neighbour, to enable their own participation.

These tasks form a "witness to the three-in-one God who liberates humans from both inward and outward inhumanity...Christians therefore stand up for the dignity of human beings out of which emerge their rights and duties…with all means at their disposal, acting as well as suffering for the dignity of human beings and their rights as the Image of God." (1984:143).

The WARC 1976 guidelines connect these tasks to four audiences, churches themselves, wider civil society, the national state and the international community. The inside life of the

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preference for theological politics over political theology and an impatience with the provisional. She argues that this approach 'neglect the ethical possibilities within the overlapping space shared by the sacred and profane cities' (2010:5)and that it is precisely within *this overlap of the cities* that theological engagement with human rights discourse and the reality of human rights violations takes place. Moltmann (2012:30-32) critiques Hauerwas similarly and instead shows a commitment to this 'overlapping' founded in liberation from concrete unfreedoms and enabling a life-enhancing shared praxis. For him, "as the theology of God's kingdom, theology has to be public theology, public, critical and prophetic complaint to and hope in God…it is not bound to the church but operates through society enabling Christians to be agents of change within a complex civil society" (Bauckham 1999:5).

church is called to model processes of reconciliation and seek to embody an "alternative society" characterised by the non-dominating 'marks' of the kingdom of God. Churches should reflect interdependence, standing up for the rights and dignity of fellow members.[603] As the same time, the church is also called into "inescapable responsibilities" towards wider society,[604] to explore root causes of human rights abuse within their concrete contexts and remain suspicion regarding tendencies of one group to dominate another (1977:148). [605] Thirdly the Christian community must be willing to become an "offense to the powers in its support of the powerless and deprived" on human rights within concrete contexts.[606] Finally Christians are called to witness within the international community on emerging threats.[607]

Moltmann concludes with a strong ecclesiological bent that "The church, Christian congregations and ecumenical organisations have the clear task and duty of identifying, promoting and realising human rights". Churches are called to a self-critical approach in a witness to a human solidarity with all with a human face and to be ever willing to stand up for those specifically robbed of their fundamental rights and freedoms in line with the Biblical witness to liberation and covenant leading to a corresponding Christian practice (1977b:130). His call is to a liberating Trinitarian praxis for human rights in which the church itself finds life. He points to a God-given competence for each person in the paradoxical truth of the cross, "that weak things can confound the mighty" and this enables what Hogan (2015:208) insists today is the "radical hope" still needed for human rights. His Contribution enabled the final WARC Guidelines of 1976 to state strongly that "while the inclination on the part of many may be to shrink from this entire task due to its magnitude, it should be undertaken with hope as a responsibility given by God which is capable of fulfilment" (Miller 1977:150).

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[603] For Moltmann, this internal commitment to embody basic human rights is critical for the credible witness of the church to the world and requires a shift from dominating closed hierarchies or patterns of rule within churches to more open and empowering models in which people can freely participate. While Bauckham (1995:145) suggests Moltmann can too easily "equate domination with all forms of power by opposing love and freedom with power and authority" and that he thus neglects the inevitability of some kind of power and authority in society, I suggest Moltmann applies a corrective to the actual practice of many local churches.(Beaseley-Murray 1998; Pasewark, 1993).

[604] Paeth emphasises Moltmann's call to all Christians to be involved in the institutional life of civil society and not merely stand aloof. His focus on social transformation "requires a creative discipleship orientated toward the creation of community and restoring relations of justice within the world as well as a critical and transformative hope" (2008:66) .

[605] It calls churches to engage with active programs to investigate these issues and to be aware that those who suffer can often struggle to speak out, giving examples of women, cultural imperialism and/or the abuse of cultural traditions but also notes the danger that the church speaks for and not with the marginalised. Moltmann (Hennecke 2003:292-300) critiques Latin American liberation theology at times here.

[606] For him, Christian resistance against all oppressive powers is grounded in Christ's offering of his life for the redemption of the world.

[607] Moltmann also highlights global issues, such as expanding human rights in terms of the environment and future generations and issues of escalating violence and destructive weapons and emerging 'new threats (1999:117-133).

6.3.5 Being Trinitarian people - summarising church action

Moltmann's relational ecclesiology insists that Christians 'take people seriously in their social relations and responsibilities, which are not secondary to one's relationship to God…for him the church should function as the herald of the new humanity to which all mandates are directed" (Van Proojen 2004:38). As a public theologian,[608] he is 'concerned with a critical, prophetic yet constructive engagement with his socio-political context where the church "doesn't stand above secular arrangements but in their midst in partnership, prophetically and vicariously" (ibid: 38). Moltmann's exodus church and its members are Christologically located from below (in solidarity with victims and not beneficiaries), creationally grounded in a radically egalitarian understanding of human dignity marked by the relational symbol of the Imago Dei and pneumatologically facing forwards towards the possibilities of a different shared future for those currently suffering the consequences of distorted human relations. (Muller Fahrenholz 2000:84-87).[609] As a result, his liberating socio-political praxis calls Christians into responsible action in embodied solidarity to concretise this Cruciform theology which turns sovereignty "upside down" in their contexts

Moltmann is deeply critical with regard to the need for churches to reform, calling them to recover its bearings on its Christological origin (foundation), pneumatological commission (task) and eschatological goal (future) (Müller-Fahrenholz 2000:84).[610] As a result, churches can model a "messianic intermezzo community," inhabiting Easter Saturday in solidarity with all those undergoing crucifixion but also seeking to enact practices of resurrection hope. Commitment to the concrete human rights of the neighbour becomes a central and non-negotiable practice that Christians are to prophetically embody and enact, within the church and other social systems. His holding up of "friendship", with God, all others and the earth, offers an empowering alternative to the models of domination in our world, calls all into radical relational responsibility as a form of "becoming human."[611]

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[608] Paeth suggests that "public theology is an interpretive and constructive project that seeks commonalities with the larger social situation and strives to uncover the theological issues that underlie human culture, society and experience creating interaction between biblical insight, philosophical analysis, historical discernment and social formation" (2008:11). He points to a consistency in Moltmann's approach that brings together critical social theory and optimistic utopian hopes. While Paeth connects this with public theology in North America, I suggest instead that it has clearer resonances with the prophetic public theology emerging in South Africa and Brazil. (cf Oliviera:2012)

[609] Moltmann urges Christians to look in the same direction as the biblical text. He refuses an abstract existentialism for an identity tied to what people do and how they engage the world to tie an eschatological hermeneutic of mission to a praxis of mission. Kemper 2014:.

[610] Müller-Fahrenholz suggests that this 'liberation theological universalism' gives Moltmann's ecclesiology its 'distinctive verve' and brings together ethics and ecclesiology where if the church is not where Christ is, it loses its power within the stream of the Spirit and ceases to be 'infected by hope'. In this respect I suggest that we are not only becoming human but becoming church. (2000:111-112)

[611] Smit (2006:73-92) and Naude (2006:944-964) both point to the importance of Moltmann's early ecclesiological insights for South Africa under apartheid and suggest they have ongoing relevance today. Smit affirms its "Trinitarian logic" and suggests that while the

6.4 Chapter 6 Conclusion

Moltmann's Trinitarian human rights approach is held within the wider container of a relational anthropology in the dynamic hope-filled task of 'becoming human' together. His concrete starting point for engagement are historical sufferings in our world that trap both oppressed and oppressor in dehumanized vicious circles from which liberating praxis is required. This Christological location from below can lead to a relational and restorative understanding of human dignity as both gift and task. It forms a unifying thread from which the interconnected plurality of human rights can be grasped, situating human rights in a 'non-dominating' understanding of freedom-for-community.[612] This can give depth, orientation & motivation to a human rights praxis in solidarity with those at the margins.

Moltmann makes concrete theological connections between churches and human rights that have practical implications for implementation. He sees this as a central aspect of Christian participation in God's mission in the world, articulating this as a form of Christo-Trinitarian praxis (McDougall 2005). This three-fold cord to Christian engagement with human rights adds considerable weight to the important but excessive reliance by many theologies of human rights solely on the Image of God motif within a doctrine of creation. His Christological and eschatological dimensions[613] locate the starting point for human rights in the need for liberatory praxis from current wrongs embodied in concrete structures of inequality and oppression. This focuses attention on the virtue of relational embodiment in the way of Jesus and the practices of social enactment enabled through God's Spirit as an outworking of the subversive and relational vision of the *Imago Dei*. It reconnects identity to relevance for the local churches, where realisation of rights is central to their lived witness.[614]

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church can seem to be a missing part of Moltmann's later work this may be because he "uses other synonyms for the church" and can see much traditional church debate as part of the 'patriarchal monotheism' that needs to be overcome (2006:75), a suggestion that I endorse. He points out that Moltmann is open to the idea that the forms of community that the Triune God draws forth may fall outside the walls of the traditional church. Smit emphasises how solidarity and suffering are, for Moltmann, what binds congregations together and that he connects this to the sacraments. He suggests, as does Rasmusson (1994) and my thesis, that Moltmann offers a "radical reformation ecclesiology", requiring an internal liberation of the church itself and possibly envisaging a totally new form of church beyond where many scholars and leaders were ready to go. He is however critical of Moltmann's seeming lack of focus on the structures and visible forms of church, suggesting that it is important to work in with and through the real church and not forsake it for an entirely new social movement. Naude (2006) suggests that Moltmann has an "implicit concern for the church in all that he writes" pointing always away from the pastoral church for the people to the prophetic church of the people (a theme recently addressed in South Africa by West, 2015). Naude focuses on Moltmann's creative conceptualisation of the four marks of the church, and applies these into South Africa today by pointing to a 'church under the cross' that can liberate from the five vicious circles of death and in this way he appropriates aspects highlighted in Chapter 5.

[612] The need to embed human rights discourse into an exploration of the 'human' was noted in Chapter 4. I suggest Moltmann's theology of rights is best grasped within a web of interconnectedness where the liberation of both oppressor and oppressed are deeply intertwined.

[613] This fits in with his prophetic-messianic orientation drawing not only on a doctrine of creation, but also of redemption and sanctification. McDougall (2003:177-203) develops Moltmann's idea of Trinitarian praxis in more detail and explores ways in which it has been critiqued.

[614] For Moltmann the master/slave model always needs radical challenge, in both its socio-political and its religious dimensions, if we are to take the kenotic humanity of God and human creation together as imago trinitas to heart. Moltmann's liberating eschatological vision,

Moltmann's messianic ecclesiology calls the church into a publicly located solidarity-in-action as a concrete starting point for its very existence as a church under the cross. Only from here can an orientating direction to the future Kingdom articulate an "exodus church", on the move in hope, working for increased freedoms and emphasising the rights and responsibilities of all humans to be able to participate actively in our shared human future. Christians have real commonalities with human rights as one important movement of hope seeking towards a more just world. It is called to hold the dialectical tension between the suffering realities of the present and the hopeful possibilities of the future, shaped both by location and direction and outworked in a messianic relational ecclesiology. The church can contribute to the task of concretising these ideals in embodied and enacted life-giving ways characterised by Trinitarian non-coercive models of power-with symbolised by the 'power of the Spirit'. It lives as a community on the way journeying towards the promised future in ways that refuse to exclude or leave anyone behind[615] and remaining self-critical in its messianism, to prevent a collapse into totalising repressive ideologies that protect the strong at the expense of the weak. Its foundation is the Crucified God, its orientation to the future and its task is to participate in new ways of becoming human. Its concrete communities of identity and acceptance can point to God's liberating Trinitarian history with the world.

Moltmann makes a clear call to action for local churches to concretise at multiple levels how they can contribute responsibly to implementation in four broad human rights tasks. Firstly, to represent and implement the dignity of all and challenge all forms of dignity that rest on the exclusion of some. Secondly to pay particular attention to unrealised rights and to avoid an ideological use of rights co-opted to legitimate existing unjust patterns. Thirdly, to challenge egoistic forms of 'power over' and make a radical theological critique of all forms of domination that show contempt for human vulnerability to nurture relational forms of power-with self, God, others and wider creation. Finally a shared responsibility to stand up with and act for the rights of the suffering neighbour as a living witness to the triune God.

Moltmann has chosen consistently over his lifetime, and in the concrete social situations of his day to engage with human rights as a theologian, and to speak of rights not just

grounded in a theology of the cross, with its starting point in the concrete historical unfreedom of some, can inspire the church to a public concrete witness, embodying and enacting new ways of becoming human together as well as active resistance to ongoing dehumanisation

[615] Moltmann 's approach requires Christians to take up Witte's call to both confession and suspicion of our 'traditioning' process in a search for a liberating hermeneutic that remains open to the 'mirrors' that those on the margins of society may hold up and takes a place in equipping people to be prepared to hold up that mirror to others. This begins to 'negate the negations', to 'actively dis-identify with dehumanising ways of being' prevalent in so many taken-for-granted structures that privilege the few at the increasing expense of the many and to embody and enact new ways of becoming human in community that anticipate and witness to a hopeful eschatological vision.

responsibility, justice or virtue.[616] The conflicts of his time called for a public 'taking of sides' by the church if it was to resist deeply dehumanising practices and to anticipate the transformational possibilities of new ways of becoming together by embodying and enacting this humane vision as a liberating praxis. I suggest that his 'Crucified God' location offers a fundamental 'bottom up' theological challenge to all distorted, dominant and dominating ideologies of human rule and invites followers of Christ to take sides on new ways of sharing power together as 'right humans', tied to the frame of a 'right relationship' with a divine creator, but insisting we always meet the sacred presence of God in the face of our neighbour, globally understood, and our ongoing commission as caretakers within creation.

I conclude this chapter by suggesting that Moltmann can offer three "R's" for human rights, relationality, responsibility and radicality. At the heart of his anthropology is the ontological notion that to be human is already to be enmeshed in a web of interconnection to others. Holding human rights within this container avoids possessive individualism or repressive collectivism. When connected to his Trinitarian doctrine of God in whose image all humans are formed, it offers a critique of all power-laden religious images of God that reinforce and legitimate human models of domination, over self, others and creation. In the midst of a world within which deformed relations and structures persist as "ruptured relation", the Crucified one, God-in-Christ models alternative re-humanising ways of being together in reciprocity, radical equality and generosity offering a liberating power-with in which all are invited to participate (McDougall 2003). Human dignity gives an inclusive egalitarian foundation and a unifying thread for the plurality of human rights, a connecting concept to other approaches. This has ecclesiological implications for "becoming human together in new community", modelling non-dominating mutuality within the church and society, state and globe as witness to a pathic search for embodied, mutual, just relationship.

His dialectical approach holds together human rights and human responsibilities for a shared future. It calls Christians not to an egoistic sense of selfish entitlement over others (power-over) but to a justice-based responsibility to diverse neighbours (power-sharing) that draws attention concretely to those who suffer most. The reminder that we are responsible for one another, especially the most vulnerable comes not as a dominating shout of a dictator divinity

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[616] Regan suggests that an "extreme rights mentality" that seeks to trump all other discourses to suggest an inherently conflictual society can lead to a backlash by theological voices, and that a theologian may be more comfortable with a biblical vision of justice as right relationship with God, the neighbour and the land or a Thomistic discussion of the virtue of justice and the doctrine of the common good" (2010:63). However she warns an excessively "simple appeal to justice or virtues can blind us to the fact that seeking justice can be conflictual."

but as a whispered cry from below, the solidarity Christology of a Crucified God to whom all are response-able. This reinforces Regan's reminder that human rights "protect the very conditions that make the exercise of genuine human agency, and thus responsibility-for-action possible" (2010:4). Moltmann holds open the dialectical tensions of cross and resurrection, as a microcosm of creational promise and its eschatological fulfilment and the possibility of becoming "humane humans" in solidarity with those dehumanised today.

Finally, I suggest that Moltmann's socially radical and revolutionary re-imagining of the *imago dei* embraced Biblically 'from below' by a historically oppressed community offers a subversive de-legitimation of the religious structures that endorsed, in that time, the tyrannical rule of kings. He reiterates this Christo-morphically in the radical challenge of Jesus to the similarly dehumanising aspects of economic, social, political, cultural and religious bureaucracies in his day and the revolutionary claim of the early church that 'God had been Crucified' reshaping the messianic way around the cross. The Trinity becomes a way to reconfigure the shape of human personhood (McDougall 2005, Bingamen 2015). This theological decentring of all power-laden images of God through a kenotic notion of divine powerlessness has, I suggest, the potential to radically reorient all human understandings of power, a theme essential for human rights which is entwined at its heart with power-abusive practices. Moltmann insists that a truly Biblical concept of lordship has been and still is distorted by secular and legal notions of power transposed into the theological realm. The empowering prophetic Spirit that emerges for him as an alternative calls the church to challenge within its time and place all that perpetuates social injustice, speaking truth to power on behalf of the powerless whilst modelling and working for forms of power-sharing that note the danger of idolising forms of dominating Divinity and its sacralisation of superiority and subordination. I suggest that this transformational dynamic needs reclaiming if the liberating power of the human rights vision is to be incarnated in suffering places and not be a mere vision hovering over an inhumane world. The church is to be a reforming community with other allies, journeying in active hope towards a better justice for all. I suggest this Trinitarian anthropology offers a "hermeneutic" that holds together his diverse contributions in a social and embodied likeness to God where our relationships constitute our existence (McDougall 2005:150). It resists human collapse into either an atomised pre-social individualism or a cog in a collectivist system and delegitimises the desire for power for a status based dignity held over others (1985:16). This may resonate within the specific context of South Africa, to which I now return.

Chapter 7 - Appropriating Moltmann: In conversation with South African theologians

7.1 Germany and South Africa - making the connections

In the previous two chapters, I explored the theological human rights lens of Jürgen Moltmann with a focus on a liberating anthropology as an important hermeneutical key for his Trinitarian understanding of human rights. This forms a concrete outworking of his political theology in the light of the practical question for his context regarding the identity and relevance of churches. His starting point for theologising human rights was a liberatory praxis from situations of concrete inhumanity grounding his approach in the particular.

Moltmann's concern with a public, liberating practical theology of human rights for the churches arguably resonates with the call made by some South African theologians post-apartheid for churches to continue to play a public role within society and not merely retreat to a privatised and other-worldly spirituality. Chapter 3 detailed this call by Villa-Vicencio for an ongoing "revolutionary task" alongside others in building a human rights culture that places the excluded at its core, a task that Chapter 2 demonstrated remains unrealised to this day. Empirical research (Van der Ven, Dreyer and Pieterse 2004) note an ongoing "haze of ambivalence" (2004:xii) as characterising the relationship between churches and human rights attitudes at the start of the 21st century, grounded in a historical ambivalence explored further in Chapter 3. I suggest this militates against the effective institutional action critical for the incarnational task of en-fleshing universal ideals in the particular contexts of ordinary life. Chapter 4 turned to An-Na'im's ongoing hermeneutical task for theologians if grassroots internal religious legitimacy for human rights is to be better secured in South Africa today.

Chapters 5 and 6 have suggested that Moltmann offers a theologically 'thick' contribution to this hermeneutical task. This chapter will now offer some selected examples of how his specific trajectory of a theology-for-human rights has arguably been creatively appropriated, embodied and enacted within South African theological scholarship for the post-apartheid context.[617] It will focus on those emphasising the specific task of building a liberating human

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[617] It does not intend to make all South African theologians on human rights, 'anonymous Moltmannians' or force them into a Eurocentric frame of reference but to explore in what ways Moltmann's contribution resonates for creative appropriation within South Africa today.

rights culture and churches role in this. Moltmann's own context at the time may also resonate with some of the complex challenges faced by post-apartheid South Africa.[618]

Moltmann's approach can arguably remind public theologies in South Africa to retain a theologically radical, transformational and prophetic edge to their human rights engagement in solidarity with the excluded which requires an ongoing "taking sides" by the church with the victims of existing systems. This is in line with the recent call by Cochrane not to exclude "angry" theologies from a public theology approach (2011:44-62) Moltmann is one of the few theologians to strongly emphasise the need for concrete liberational theologies for oppressors as well as the oppressed within collapsing them into one category, a critical dimension in relation to human rights abuse in South African society.. His approach may help to reshape a united public witness by the South African church[619] to the challenges of new times, resisting a retreat into institutional myopia, privatised spiritualities or prosperity cults (De Gruchy 2013:36). Moltmann has always reflected theologically on the issues of his day and not merely politically and socially, convinced of the relevance of theology in the modern world. Calls for theological engagement with human rights remain by many South African scholars[620] where, "the task of the church in society is, after all, not to confirm the status quo, however good it may be, but to seek its ongoing transformation, however difficult, in both our vision and prophetic witness." (De Gruchy 2004c:59)[621] In the light of this, Moltmann's public, prophetic and critical theology for human rights responds to Villa-Vicencio's call and finds resonance in the approach of diverse denominational scholars within South Africa.[622]

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[618] Germany and South Africa, with concrete histories of oppression of a section of their population from within a "formally legitimate" and authoritarian state structure, that drew on theological legitimation from Christianity, have both developed strong Constitutions that put the protection of human dignity at the heart of their new political order .Chapter 5 showed that Moltmann's theological reflections on human rights emerged out of the failure of European churches to resist the abuses of the Holocaust as well as the post-war church space, the challenges of a modernizing era and an ideologically divided country. In this context, Moltmann sought to retain the liberating dimensions of confessing church theology in the decades to come where new human rights challenges quickly emerged. Much as Bonhoeffer offered resources for critical appropriation by South African theologians in the apartheid era, Moltmann may enable ongoing constructive engagement with the new 'rights based' era. As pastors, both maintained a critical concern for the practices of the church and role of the 'laity' reached beyond the academy to challenge churches to regain their prophetic voice. While many churches in Germany were unwilling to address their complicity and rethink identity, returning to a de-politicised evangelical piety, Moltmann sought a more radical approach.

[619] De Gruchy (2004c:45) points to two temptations for theologians seeking to engage the public sphere, the first to think that theology makes more of a contribution and difference than it does but the second is to underestimate the significance of its role. Moltmann faced a secularizing modern context in Germany in which a nominal established church presence was historically high and politically influential.

[620] De Gruchy points to a theological responsibility for "authentically public" discourse and the need to explore what this means in a newly-democratic country such as South Africa where public theologies are plural approaches united in commitment to a common good, points to the need to grapple with changing contexts in South Africa that require repositioning theology while remaining faithful to its inherently liberating and prophetic task. (2004c:59 2007:26-41) Chapter 3 has shown that human rights is seen by him as a key area of prophetic engagement in South Africa today.

[621] Cochrane (2009, 2011:59) is concerned that human rights language is also in danger of being co-opted by the market where the rights of virtual shareholders take precedence over real people and the need to resist this misuse with a social ethic of creative responsibility.

[622] This chapter focuses on selected examples only of those who have continued to reflect theologically on human rights in the post-apartheid era. This is not to deny influential human rights themes of the struggle but it is to focus on renewing that momentum today.

7.2   Responding to Villa-Vicencio's human rights call

Chapter 3 laid out the 1990s call for active church engagement in building a human rights culture that put the excluded at the centre as an ongoing task in post-apartheid South Africa. It unpacked Villa-Vicencio's argument that for the church to go beyond moral visions into the harder work of contributing towards implementation of human rights, a theological hermeneutical task remained for church engagement on human rights in the new dispensation to sensitise, motivate and equip churches to promote human rights as a core pastoral, prophetic and missional task, and to place it at the centre of their Christian identity as inherent to what it means to be human. He highlighted the need to develop a liberating and imaginative theological anthropology, to reclaim a Trinitarian understanding of God with clear socio-political implications, to nurture an eschatological orientation connected to the damaged realities of the present and finally, most crucially, a located approach in solidarity with all those who suffer. I took up the challenge to explore these dimensions in Chapters 5 and 6 through the theology of Jürgen Moltmann as an influential approach that may assist the prophetic trajectory of the South African church to go beyond the protest and resistance modes that often characterised the struggle years into a constructive task of building the new.

I suggest that Moltmann's anthropology goes beyond either rigid individualism or Marxist collectivism into a relational personalism. He ties this to a Christo-Trinitarian praxis with practical socio-political implications for churches adding significant Christological and eschatological depth to a theology for human rights that call churches to model alternative ways of being together that can also challenge from within its own still distorted practices. However Villa-Vicencio also emphasised the need to Africanise theologies of human rights, to go beyond vision into ecclesiological implications for practice and to remain aware of the tendency of South African churches to embrace theologies of conquest and domination in which the misuse of rights discourse itself can be complicit. This chapter will emphasise how Moltmann's conceptualisation of human rights as a revolutionary theological task for the churches has begun to be creatively contextualised by some theologians within post-apartheid South Africa who emphasise the unfinished task of building a human rights culture today.

7.3   Reformed engagement on human rights with Koos Vorster

Vorster seeks to apply Moltmann's eschatological theological ideas in socio-economic and political domains within South Africa's nation-building process with a focus on the "restoration of human dignity" (2011:5) and social reconciliation (2004:491).[623] He claims that this has ethical resonance for pursuing a better life for the poor and destitute in South Africa where a concept of hope "integrates God's promises into the modern politics of liberation" (2011:5). For Vorster, Moltmann's eschatological vision for the future of the poor promises a "new dignity", explored through Harvie's (2009) three themes of life, liberation and sanctification. (2011:5-8). Vorster suggests that a concern with life leads to a Christian responsibility to nurture a culture of respect for the dignity of people" (2011:7). He explicitly references Moltmann's public theology and Trinitarian formulation of the relational Imago Dei as having concrete socio-ethical implications connected to both Christological and eschatological dimensions.(2004:491, 2010:210, 2011:4-8) This entails an opposition to prevailing forms of "disturbed relations" such as ongoing racism, sexism and xenophobia and he asks the question, "is South African society a truly liberated society when so many are still victims of severe poverty and hopelessness?" emphasising the economy as an area where the poor 'need to experience a second wave of liberation" (2011:14-16).[624] Finally, he connects sanctification to spirituality as compassionate action leading to the relief of pain (2011:18).[625]

Vorster calls the church to live eschatologically inhabiting a Moltmannian "Zwischenraum" between the initial irruption of the Kingdom and its final fulfilment by proclaiming a message of hope inspired by the Spirit (2011:7). This requires prophetic speaking out on issues that violate dignity and "will require a change of heart in many Christian churches, particularly those churches with a strong 'we' feeling and a tendency to construct a theological foundation for the exclusion of women in the structures of the church" (Vorster, 2011:13). Instead of reinforcing social divisions, he insists that churches "need to manifest human dignity in their own midst" (2011:13) and nurture a culture of human rights (2004b:498).

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[623] He suggests that, if we cannot apply it, Christian hope is meaningless and calls for active engagement by Christians in the establishment of a "civilised society" and a "sustainable moral order" (2011:5). While supportive of the ethical dimensions of human rights, the uncritical use of these terms is a concern where 'civilisation' and 'morality' have often been used repressively by colonial Christianity within Africa.

[624] Vorster calls for an "economy of hope" with a primary focus on redistribution, suggesting that social democracy models as used in post-World War II Germany are also needed in post-apartheid South Africa as an economic alternative to neo-liberalism (2011:15).

[625] Whilst Vorster's emphasis on sanctification as a form of spirituality embodied in action is positive, his emphasis on compassion (mercy) rather than justice is potentially problematic and tends toward a collapse into benevolent charitable relief to victims (2011:18-19). This is out of line with Moltmann's emphasis on justification as intrinsically tied to "becoming just people" that challenge the structural roots of oppression and as a result Vorster may fail to reflect Moltmann's more radical implications for prophetic critique and not just pain relief.

Vorster explicitly appropriates Moltmann to emphasise relationality in the Imago Dei, social responsibility, social reconciliation and human dignity in South Africa today. I note however that he seems to avoid appropriating the more radical implications of Moltmann's theology of human rights in its direct influence by and on theologies of liberation (modelled in South Africa by the SACC and publicly contested at the time by Vorster). He tends towards a creation-based natural law focus in his approach to dignity (2010:203) and then a partial appropriation of an eschatological lens with a focus on church as humble servant rather than vocal prophet (2006:285). I suggest there is little development of the need to radically reshape churches' theological images of God and a clear reinforcement of the sovereignty of God. Vorster situates human rights in the context of pre-existing hierarchies and separate spheres such as responsibility to institutional authorities, the common good and the dignity of the community and family and marriage structures, which earlier chapters show can easily neuter their transformative power (2004a, 2004b, 2008:469). He ties human rights to a holy and dignified life, potentially making them subservient to pre-existing Christian tradition and Scriptural authority in a way that Moltmann explicitly contests and I suggest his work also tends to reinforce an overarching secular/Christian binary.[626] Moltmann is undoubtedly influential on Vorster's increasing theological commitment to human rights[627] and his role in equipping ministerial students to engage critically with the task of nurturing a human rights culture as a central part of "being church" in South Africa today.[628] However for a more authentic co-optation of Moltmann's more revolutionary, subversive and transformational understanding of both human dignity and rights, I turn to the prophetic wing of the Reformed church, in the public theology of Nico Koopman.

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[626] I suggest Vorster represents a trajectory on human rights common to many conservative evangelicals which perpetuates a binary between a secular liberal approach of the UDHR (and the Constitution) and a so-called alternative "Christian Reformed view" on human dignity and rights. This reflects a debate currently at the Council of European churches in relation to the 2008 Russian Orthodox church statement on human rights, dignity and freedom. Accessed at https://mospat.ru/en/documents/dignity-freedom-rights/introduction. Moltmann explicitly rejects this way of limiting human rights within existing Christian moral values See 2010:219-222 where he states, "universal human rights cannot be made subject to Christian morality, rather Christian morality moves within this universal context". I suggest that Vorster seeks out a Christian theory on human rights (2004) that stands over and against humanistic theories to view rights from an 'ethical Christian viewpoint'. His insistence that responsibilities precede rights and a focus on respect needs to be approached cautiously.

[627] From within a historically conservative and often universal human rights rejecting denomination, Vorster speaks strongly of the imago dei within all humans, the relational dimensions of human rights, the role of the church within society to promote the Kingdom with concrete social implications, and the need for social reconciliation. This includes (2011) the urgent need to critique and change deformed relations such as racism, sexism, xenophobia and neo-liberal economic policies both within and outside the church (2011:4-19).

[628] His son, Nico Vorster also draws on Moltmann in his theological work on human dignity (Cf. 2012:719-725) in ways beyond the scope of my thesis. I suggest Moltmann's ability to engage a diverse range of voices across liberal, radical and conservative wings can build helpful bridges for change but also needs to be interrogated carefully in the light of Moltmann's radical commitment to liberating voices.

7.4   The Trinitarian Reformed engagement of Nico Koopman

Koopman reflects a strand of Reformed thought that is situated within a "confessing" church trajectory.[629] His theological contributions consistently reflect a concern with human rights in the post-apartheid era and can offer significant resonances with and contextual developments of a Moltmannian theological trajectory on human rights. He insists that a faithful public theology has a liberational agenda that aims to transform reality (2007b, 2009a, 2009b).[630] Koopman calls churches to practice critical public theology as a redemptive, constructive, humanizing and dignifying presence of Christian faith in public life, not to replace theologies of liberation but to find new ways to 'drink from their wells' (2009b). His human rights reflection is situated within a dignifying theological anthropology (2007a:177-185).[631] While a detailed analysis of his work is beyond my scope, I focus on how his human rights reflection appropriates, develops and shows continuities with Moltmann's trajectory.

Koopman's theological reflections on human rights seek to respond to the current signs of the times in 21st century South Africa, pointing, as this thesis has done, to the ongoing gap between the ideals of the Constitution and lived realities for many (2003:204, 2007b:190-192, 2010a:242). His concern is with the embodiment of a human rights culture forming, "people who practice what they preach, whose proclaimed and practiced moralities are integrated, people who give content to the human rights that they in theory adhere to…a place where rights are fulfilled, not infringed, violated or overridden" (2003:202). Despite recognition of the progress made by South Africa in some areas, he points out that 13 years into the 'new' South Africa, millions of people experience ongoing violations of their dignity, and are still "living in sub-modernity"(2007a:180).[632] Like Moltmann, his starting point for human rights reflection is this paradoxical concrete reality.

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[629] This offered forthright public witness as to the sinful nature of apartheid and the need for active theological resistance by the churches from within (epitomised, for example, by Beyers Naude, the CI and the Belhar Confession). Koopman has been a pioneer of public theology within South Africa at the Beyers Naude Centre for Public Theology at Stellenbosch University as well as Dean of the theological faculty as it set up an interdisciplinary human dignity program in 2008. The Centre specifically emphasises the application of Trinitarian models of theological reflection to varied challenges in the world. Like Moltmann, Koopman writes from a Protestant ecumenical perspective.

[630] I suggest his approach can be situated in both the indigenous struggle trajectory of South Africa and in continuity with prophetic forms of European political theology. Koopman has situated his understanding of public theology in the trajectory of the political theology of Moltmann but has also been influenced by North American theologian Hauerwas who takes a more critical stance to human rights.

[631] Work in continuity with this perspective on human dignity and human rights has also been done by Dirk Smit and Russel Botman as Reformed colleagues of Koopman on whom he also draws but who are unfortunately mainly beyond the scope of this thesis.

[632] Koopman draws this phrase explicitly from Moltmann who uses it to denote the underbelly of the modern dream (1999b:11-17). See Thistlethwaite (2001:14-19) who stresses the same need to always view utopia from the underside of history and those sinned against.

The Triune God provides the framework for Koopman's reflections on being Christian as a way of being human.[633] It "offers a rationale, meaning-giving framework, motivation and telos for embarking on the journey of the restoration of dignity in the world" in ways that are hospitable and not imperial (2014a:630). Its three-fold emphasis on creation, salvation and renewal as how God works in our world emphasises human creation in the image of god, redemption through the human being Jesus and the ongoing work of God in the world through the Spirit. I suggest Koopman's Trinitarian contributions, like Moltmann, emphasise the flourishing, wellbeing, worth, value, honour and dignity of all humans and wider creation in the light of God's dignifying love (2003:194-206, 2007a:177-188, 2014b:986-998).

Koopman draws on Moltmann to emphasise the Christological foundation of this approach, where "the culmination of God's revelation in the crucified and risen Christ provides a solid rationale for this anthropology of vulnerability and relationality" (2007a:182). He stresses the need to interpret the Imago Dei Christologically to ensure that it is not used repressively to reflect only the perfect human being (2010a:241) and, like Moltmann, he applies this insight to issues of disability where relatedness, communicative action and interdependence become key (2008a).[634] He also views justification in deeply social terms, where justified people are to be "just people", who seek justice in the world and I suggest this has important potential for pneumatological and eschatological aspects of human rights engagement (2014a:631-632). It enables him to challenge Protestant Christians who oppose human rights with grace by suggesting that we "deserve nothing"[635] with a "re-evaluation of this central doctrine" to enhance the commitment to the creation of a human rights culture amongst Christians who take grace seriously (2003:204).

I suggest that Koopman's Trinitarian anthropology develops a Moltmannian theological container for human rights that can play an important role in the public, interdisciplinary debate on creating a human rights culture in South Africa. He reinforces the relevance in this

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[633] Koopman quotes Van Ruler 'I became a Christian so that I can be truly human' and in this respect, like De Gruchy, orientates salvation around the process of humanisation in ways similar to Moltmann who was also influenced by Van Ruler.

[634] Koopman draws on the disability theology of Reindeers who acknowledges the central role of Christ for a relational understanding of God and humans, suggesting the Trinity offers a normative framework for understanding our identity and purpose as human and to 'see' disability different and then take up responsibility rather than providing specific rules (2007a:181-182) This connection of a Trinitarian theology of human dignity with disability is also made by Moltmann and shows the practical trajectory of a theological anthropology of vulnerability. Van den Bosch (2012:835-857) notes both Koopman and Moltmann as exponents of an emerging theology of vulnerability.

[635] This tendency by Protestant Christians to polarize rights and grace is further picked up and critiqued by Wolterstorff (2010, 2012).

time and place of understanding humans in the Imago Dei as "deeply relational beings"[636] and develops a theological anthropology of dependence, interpathy[637] and vulnerability as a rationale for understanding human dignity, as opposed to one of autonomy and power (2012:128-130). Human rights then become an essential part of understanding human dignity, where "receiving my being, my personhood from the other implies that I am vulnerable and dependent, living ecstatically…not just losing oneself but finding myself" (2007a:183). He points to Moltmann as "re-describing God's power in terms of this vulnerability"[638] with clear implications for anthropology. Koopman's further development of an anthropology of vulnerability is a reminder that dignity "does not reside in human power, strength, performance, autonomy or merit of any kind, but that to be human is to be vulnerable, fragile, dependent, and to live by receiving" (2007a:184). As a result, he insists that people "need human rights to protect us and to provide a 'habitat'[639] where the dignity of all, especially the most vulnerable, can flourish" (2007a:185). It opens the door for responsible living in the world, requiring that Christians identify with the most vulnerable in the world and take up their cause. This gives them their deepest motivation for building a human rights culture.

Koopman further contextualises a Moltmannian approach to human rights and its relational anthropology for the task of building a human rights culture in South Africa by drawing on the African notion of "ubuntu" (2014b:987). He suggests that a relational understanding of humans as caring, interdependent and vulnerable coincides in important ways with the Ubuntu concept,[640] found within African philosophy, where 'to be human is to be fellow-human', emphasising values of reciprocity, communion, care, responsibility and hospitality. Koopman also warns against romanticising Ubuntu which can "easily become collectivist and not allow for difference of opinion or individuality" (2003:199).[641] However I concur with him that it can serve as a vehicle in Africa to embody and better understand a Trinitarian

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[636] Like Moltmann, Koopman sets his concern for a human rights culture into an anthropology of what it means to be human and 'ties relationality and interdependence in God to an understanding of humans as relational and interdependent creatures'. For him, the *Imago Dei* motif views relatedness, communicative activity and interdependence as its essence (and not individual capacities such as rationality).

[637] For Koopman, interpathy is described as an intentional, cognitive and affective envisioning if another's thoughts and feelings from another culture, worldview and epistemology which both goes beyond but builds on both sympathy and empathy. (2012:128).

[638] He suggest that a relational anthropology does not only pave the way for a social critique of structures and attitudes that foster distorted relations but that its emphasis on vulnerability and interdependence helps rediscover trust as a central aspect of moral life (2007a:18).

[639] I suggest that this idea of a habitat, or a safe, hospitable place or home is valuable and can be developed into notions of reimagining the world and countries as hospitable places in line with Moltmann's concept of 'Gast-frei' a space free for guests and a counter to xenophobia.

[640] For more scholarship on Ubuntu in relation to theology see Shute (2001) and Williams (2013). It is one of the ways in which South African theology has contributed to a global discourse but the term can also be in danger of being cheapened and overused. In n personal interview with Moltmann by the researcher in January 2013, he described Tutu as an influential contributor to the "ubuntu" concept.

[641] Koopman (2003:200) suggests we see Ubuntu as a part of a foreknowledge that can help us understand the Trinitarian doctrine but not to trump it, as the human concept of Ubuntu may itself need critique. In this sense it is not designed to act instead of human rights as is sometimes suggested, (e.g. in the West you have human rights, in Africa we have Ubuntu), but alongside and in reinforcement of it. See also Coundoriotis (2006:866) who terms Ubuntu "dignity realised in relation" but is also critical of ways in which it can be used in South Africa.

anthropology without removing the need for the Trinity itself. He emphasises both a God-human dynamic, dialogical relation and a sustainable model of personhood[642] as important resources for building a human rights culture from below in South Africa that resonate with ubuntu themes (2003:201). This contextualisation can help counter human rights as a secular, individualistic, colonial ideology imposed or imported from outside (Chase 2014:1).

Like Moltmann, Koopman places a radically egalitarian human dignity at the heart of a commitment to human rights. He frames the historical apartheid struggle, as did black consciousness activist Biko, as about the "restoration of dignity, where huminatas and dignitas are synonyms" (and to be human is to be fully a child of God). [643] He suggests that apartheid deeply distorted this picture,[644] "dehumanising white people by teaching them that they are superior and dehumanising black people by teaching them they were inferior" (2007a:177). As a result, a process of re-humanisation can lead to freedom for both. Koopman argues that churches are in the "human dignity business" (2007a:180) and that this still remains relevant today. His call for human rights is situated within and in continuity with the longer apartheid struggle trajectory. This dignity resides in the good purposes and flourishing life that God plans for us and can be realised by others when they "embody our dignity" by acting out of a perspective of who we are in front of God. He speaks of an "alien dignity," suggesting that "the pneumatological and eschatological dimension of dignity resides in the fact that we do not have 'ontological' but 'teleological' dignity" (2007a:184).

Like many other South African scholars discussed in Chapters 2 and 3, Koopman highlights that apartheid formed a particular instance of colonial power relations between Europe and Africa shaped and honed in slavery, empire and apartheid and that the end of these specific manifestations did not automatically signal an end to these wider power relations. I suggest that a "decolonising task" continues for all human rights theologies to take seriously as noted in earlier chapters. Like Moltmann, Koopman remains aware that the very conceptualisation of dignity itself needs to avoid perpetuating hierarchies of status and value that make some

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[642] From my travels and work with Sub-Saharan Africa grassroots communities over ten years, I have noticed that a religious narrative that sees persons as powerless and passive in the light of powerful divine forces is common in many African contexts of deep poverty and that this can in practical ways mitigate against a mobilisation of protest-action for change. At the same time the convening power that an alternative and more participatory understanding of the divine/human relation can maybe make was also at times in evidence.

[643] According to Koopman (2007a:178), Biko describes the anti-apartheid struggle as a quest for re-humanisation and appealed to churches to participate in the struggle to give South Africa a more human face as the greatest gift churches could give their society.

[644] Koopman and Smit point to Beyers Naude to indicate that all these systems of dehumanisation (such as apartheid) have theological roots "that are the basic roots of such an injustice, such inhumanity…this is wrong, this is inhuman and this is evil'" (2007:271). They suggest this analysis needs to be applied to new powerful systems of oppression within the economic sphere of life as Moltmann has also argued.

less human than others[645]. Koopman's concern with the inclusion of those who are most vulnerable in the world mirrors this and heightens awareness of the ways in which power can function repressively within anthropologies, by demonstrating a contempt for weakness.[646] In an exploration of the patriarchal concerns within South Africa, he suggests that wherever humanity is defined in terms of "power, domination and independence", then human rights are violated, even by those with long traditions of human rights bills. This makes finding a new anthropology a life and death issue in South Africa (2004:193-4). His gender-related analysis draws both explicitly and critically on Moltmann's reshaped anthropology and the urgent ongoing need for rehumanization of patriarchal oppressors. It both appropriates and further concretizes Moltmann's critique of power-laden vertical images of God into the South African horizontal setting by pointing towards the need for an eschatological vision of new ways of being together. He calls for "theological hermeneutists…to read the signs of our times theologically and participate in a variety of struggles" offering a public, inclusive and cosmopolitan hermeneutic (2012:132-8).

Like Moltmann, Koopman (2007:275-6) is concerned with the ecclesiological implications of a productive and practical application of a theological language of human rights and dignity to concrete socio-political issues. He suggests that in South Africa this language can:

1) Offer an eschatological/teleological perspective, giving a language of hope enabling struggle and resistance that both dreams big and takes concrete steps to better witness to this.

2) Strengthen self-critical thought by situating all work in the provisional rather than the absolute and holding all human scenarios open to continued critique and improvement.

3) Take seriously the perspective of those who suffer under existing injustices, as a material contribution of the Bible when it is tied to the theology of the Triune God.[647]

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[645] Coundoriotis (2006:866-868) suggests that in South Africa, "dignity can be a marker of the arrogance of colonial power, a way in which empire asserts superiority". She shows how this is picked up in the work of authors Gordimer and Coetzee where dignity functions as a marker of privilege and insists that two forms of dignity need to be carefully distinguished, dignity-over, tied to authority used in the sense of being a dignitary and inherent dignity understood in an equality sense. I note that Moltmann and Koopman both stress the second use.

[646] An important exploration of this 'contempt for weakness' is carried out by educationalist Spore who reflects on Swedish philosopher Ofstad and his examination of Nazi ideology with its doctrine that the strong shall rule over the weak who are contemptible precisely because they are weak. He suggests this doctrine remains alive today in our tendency to identify with power and Sporre uses it to reflect on gender hierarchies, within both Swedish and South African contexts (2015:110-113). I suggest this resonates with Moltmann's experiences.

[647] They claim that contemporary ecumenical theology strongly supports theoretical paradigms in which human rights, as the concrete embodiment of inalienable human dignity are central (2007:277). This does not make the claim that human rights can be 'deduced from Scripture or developed historically as a direct product of Christian tradition' …but the more modest claim that contemporary human rights provide "perspectives of a more human world" with "very strong analogies to central convictions of the Christian faith". They optimistically suggest that this is why churches in South Africa "enthusiastically support the Bill of Rights and eagerly monitor real or potential human rights violations".(2007:277) I suggest this analysis of church practice may not, in fact, be reflective of many wider empirical realities today.

Koopman concludes that, "to the extent that the church is not eagerly involved in supporting implementation and forming public opinion on human rights, it is inconsistent with the faith, confession and theology of the church" (2007:278).[648] While he acknowledges the potentially destructive role of religion with its absolutist tendencies from which dissent is often not allowed, he suggests there remains, in the South African context where churches are significant players, genuine potential for a constructive role. Like Moltmann, Koopman (2008a) insists this must be a church under the cross, where to be church is to stand where God stands which is, he notes, by way of priority, standing with the most vulnerable.

I suggest that Koopman's debt to Moltmann is most closely reflected in his Triune frame of reference, a relational anthropology that takes vulnerability seriously from the perspective of those who suffer, and a nuanced awareness of how power can function repressively in our anthropologies. These shape the contours of a Christology-from-below for human rights within the South African context where this discourse is already enriched by various traditions (2010b:46). It begins from the historically particular to inform all Divine imaginings. (2010b.54) and calls for active church engagement in the task of implementing a human rights culture rooted in a transformational, embodied understanding of human dignity.

Koopman concludes that "vulnerability is part of the essence of the church, based on the vulnerability of God …as well as the vulnerability of human beings", thus defining its vocation, mission ethos, public theology and relevance" (2008:241, 246).[649] I suggest that it is in this radical reconceptualisation of the church, called to model vulnerable ways of being in the world that he gets closest to the heart of the ecclesiological implications of Moltmann's anthropology. While Koopman points only briefly to the pneumatological and eschatological dimensions of human dignity, I suggest these aspects require further development for a Trinitarian theology of human rights to be better embodied and enacted in South African churches and that Koopman may be optimistic in his belief that this has been achieved (2007:277). To assist, I turn to the subversive communitarian spirituality of Desmond Tutu.

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[648] He sees this as primarily a political and public-opinion forming task, with legal means alone for realising human rights as inadequate. He also emphasises the need for churches to go beyond solely critique and utopianism and to involve a broader "prophetic" dimension in a range of human rights related discourses such as storytelling, policy analysis and technical modes (2007b:200, 2010b:42).

[649] The notion of a hermeneutic of vulnerability circles back here I suggest to Moltmann. Van der Bosch claims that Moltmann is the only theologian to begin to develop a "pneumatology of vulnerability", by both seeing Jesus as the "icon of a vulnerable God" and the cross as a response to the scandal of vulnerability. (2010:845-8) She draws on other theologians of vulnerability who show how a relational anthropology fits best within a Trinitarian frame. Koffeman develops this theme to suggest that it reflects a "koinonia ecclesiology" that notes Koopman's compassionate vulnerability but also a more problematic "communicative vulnerability" of the church. (2009:409-412).

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7.5   Desmond Tutu – enacting human rights in practice.

Tutu is recognised around the world as a South African human rights icon (Hill 2007:2).[650] His famous theological rejection of apartheid and prominent struggle activism form in many ways a global public symbol of a larger indigenous communal protest movement by many other South African faith leaders and theologians down the years in which he was both embedded and nurtured (Cf, De Gruchy 2004, Boesak and DeYoung 2012:131-150) His prominent, 'priestly' post-struggle role at the helm of the TRC from 1995 until his official retirement consolidated his post-apartheid 'global icon' status on human rights for many. In 2012 he was awarded the UNESCO prize for "his exceptional contribution to building a universal culture of human rights at national, regional and international levels."[651] For many Christians, he embodies prophetic theology in action and has retained this prophetic and at times, unpopular voice on human rights with new issues and successive ANC governments.

An in-depth exploration of this influential church leader is far beyond the confines of this thesis. However I draw on the suggestion by Hill (2007:37, 43) that aspects of Tutu's prophetic theology can be understood within an explicitly Moltmannian theological framework, to shed light on his embodiment of a theology-in-action for human rights as a church leader to bear significant public witness across academy, church and society. This section emphasises key dimensions of the theological platform that enables Tutu to "make sense" of human rights engagement as a central part of his liberating theological practice in continuity with Moltmann's approach. It will not delve into the many specific human rights issues on which Tutu has contributed[652] but seeks behind these disparate issues to point to their unified source in a liberating theology for human rights, one consistently and practically enacted by Tutu within the South African context both during and post-apartheid.[653]

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[650]Desmond Tutu was theologically trained in both the UK and South Africa, ordained an Anglican priest within apartheid South Africa in 1961, a teacher at the radical black theology seminary FEDSEM from 1967, recipient of the 1984 Nobel Peace Prize for Human Rights, President of the SACC from 1978 and the All African Council of Churches since 1987. He rose through the hierarchy of the Anglican church to command significant power and influence at both local and global levels. Hill situates both King and Tutu firmly in a philosophical /theological tradition of both protest and constructive Christian witness (2007:196) where to be in relationship with the other is what it means to be human, also situated within wider communities that are transformative and prophetic. In 1986 he became the first black Archbishop in South Africa and led, alongside other religious leaders, the 30,000 strong non-violent protest Freedom March in Cape Town.

[651] See http://en.unesco.org/news/archbishop-desmond-tutu-laureate-2012-unescobilbao-prize-promotion-culture-human-rights.

[652] E.g. Global conflict, reconciliation, LGBTI rights, women in the church, racism, decolonisation, Palestine and corruption among others.

[653] I do not suggest that Tutu would define himself within an explicitly Moltmannian tradition of human rights. His Anglo-Catholic church tradition and formation is different in many ways. However I suggest that Moltmann can offer a useful 'interpretative frame' for the action-orientated approach to human rights he embodies showing that insights honed in one context can still find concrete resonance in another.

7.5.1 A liberating ubuntu theology of Trinitarian relation

Tutu can be seen as a black African pastor-theologian of liberation and reconciliation[654] (Tutu 1987: 46-57, Boesak 2012:131) who, like Moltmann, sees theology as the "servant of the church" (Hill 2007:91) and has worked consistently within church structures for transformational change. He has a love for biblical scriptures but also an awareness of the danger of its distorted interpretations often used to justify continued oppression. According to Draper, Tutu uses liberation as the core hermeneutic for his interpretation of scripture (1996:223),[655] enabling him to claim to this day that the Bible makes "staggering assertions about human beings that came to be the foundations of the culture of basic human rights that have become so commonplace in our day and age" (Tutu 2010:1).

I suggest that one of Tutu's theological strengths on human rights has been to embody Witte's "hermeneutic of confession" noted in Chapter 3, with a willingness to publicly admit the ambiguous legacy of religion in the world[656] and to acknowledge that religion is not often in and of itself necessarily a good thing, "Even in the Bible is ample evidence that religion can be a baneful thing with horrendous consequences often for its adherents or those who may be designated its unfortunate targets" (Tutu 2010:5).[657] For him, the worth of religion is tested by how its adherents treat the widow, the orphan and the alien in their midst, "those who have no real clout" (2010:5). He admits that Christians "must hang our heads in shame when we survey the gory and shameful history of the Church of Christ' on human rights" (2010:6).[658] Nevertheless, he remains committed to the potential for good in religion.[659]

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[654] Tutu suggests that black theology is a reaction against a deplorable situation of racism that is 'blasphemy'. He argues that it offers sharp critique to the Western way of doing theology where ecumenism can be used to cover over a false universalism that refuses to see all theologies as particular. Tutu suggests that black theology is more explicitly political than African theology and can help it recover its prophetic calling by "refusing to settle for pie in the sky" travesties. He is critical of ways in which Western value systems and categories are often seen as of universal validity and legitimates the anger of black theology as part of Biblical prophetic anger. (1987:52-54). Hall suggests Tutu appropriates black theology to "seek to awaken black persons to their worth and its privileges and responsibilities" and to combat white supremacist thinking holding it within the struggles of liberation theology. His clear link between human dignity and fellowship makes apartheid a denial of our "ontological togetherness" and respect for the 'Other' (2007:165).

[655] Draper notes that Tutu reads "on the text", not "behind the text" like Mosala does, and can therefore be seen as a 'naïve' reader. But he says both "take liberation as their fundamental principle of biblical interpretation" (1996:223). Boesak reiterates this, suggesting Tutu takes the Bible seriously but not literally enabling him to "become free to join in God's liberating humanising work in the world" (2012:136).

[656] This is an area where he also holds church leaders on the African continent to account, "there have been the most atrocious violations of human rights in this continent and the church ought to have a very red face for having held its silence" (cited in Villa-Vicencio 1996:41).

[657] Tutu points out that even within the Bible "There are frequent strictures levelled at religious observance which becomes just a matter of external form. Cultic correctness, [for example] is said to be an abomination (2010:5). Like Moltmann he draws on the Bible as a resource.

[658] Tutu gives concrete examples here such as "wars of religion instigated by the followers of the prince of peace, religious zealots seem blind to the incongruity of using constraint to proclaim a religion that sets such high store on individual freedom of choice, been grossly intolerant of fellow Christians… Christians have been the most zealous slave owners, anti-Semites and Klu-Klux-Klan members. World conflicts have been made worse of even started by religious and sectarian difference…religions should produce peace, reconciliation, tolerance, respect for human rights [he notes]… it has often promoted the opposite conditions" (2010:6-7).

[659] Tutu says that "Religion helped us not to flounder in the apartheid struggle by giving a sense of the ultimate victory of goodness and truth, compassion and love against their ghastly counterparts" (2010:7). Hill argues that both King Jnr and Tutu saw complete liberation as

Tutu's theology is characterised by Battle as a "communitarian spirituality" (1996, 1997) tied to a Trinitarian relationality (Hill 2007:101), where "we are bound together in what the Bible calls 'the bundle of life'. For him, "our humanity is caught up in that of all others, We are human because we belong, we are made for community, for togetherness, for family, to exist in a delicate network of interdependence….no one can be human alone" (Tutu 1999:145). He describes a person with Ubuntu as open and available to others in ways that are affirming and not threatened by others ability and goodness with a proper self-assurance tied to a sense of belonging in a greater whole. Critically, it requires the awareness that when others are humiliated, oppressed, tortured or treated as if they were less than who they are, one's own self is diminished[660] (2004:26).

According to Hill, Tutu's 'ubuntu' alternative[661] "suggests we are only fully human in relation to others offering a social ethic that connects individual freedom and autonomy with social justice in order to illuminate the meaning of human dignity" (2007:10). He claims this gives an understanding of human relationality where "human social relations are a theological mandate of God's divine purposes for humanity" and can contribute to a wider interdisciplinary conversation about what it means to be a human being[662] (2007:92-94). Tutu's belief that humans are born as potentiality and become persons through community unpacks 'ubuntu', like Koopman, as an *environment of vulnerability*, a set of relationships in which people recognise that their humanity is bound up in the other's humanity" (Battle 2007:103).[663] Tutu's communitarian ethic, founded on the Triune God like Moltmann, rejects the notion of an individualistic transcendent God detached from community and other and ties both divine and human identity to community without losing the individual moral agency of persons. Hill draws on Moltmann's theology to illuminate Tutu's emphasis on fellowship and community, suggesting it offers an 'invaluable framework' for his approach, grounding

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non-negotiable and "stood shoulder to shoulder in the militant struggle for freedom from the domineering forces of imperialism and colonialism as well as political and economic subjugation". He suggests that they both understood the unifying force that binds all forms of liberation as interconnected corporal violations of human dignity requiring a "liberation hermeneutics" to expose the material alliances of other theological/ethical systems. Both saw God from the perspective of the poor, outcast, disenfranchised and humiliated (Hill 2007:123).

[660] Hill sees Tutu as influenced by Green's social ontology, where human persons find meaning in the realm of social relations (2007:94).

[661] Tutu affirms African culture and spirituality with his emphasis that all life is interconnected, and pointing to life in its fullness. Ubuntu offers the willingness to move forwards and seeks to affirm a person's humanity. However I suggest that at times Ubuntu can tend towards seeing 'social harmony as the greatest good'. This can be potentially at odds with the language of rights which highlights the reality of conflicts in our world and the importance of challenging forms of social harmony that are based on dehumanising relations. It is therefore important to highlight that Tutu holds ubuntu and human rights together, refusing to sacrifice the individual to the social or vice versa.

[662] For further reflection on this important interdisciplinary question of what it means to be human by contemporary South African theologians see De Gruchy (2011) and Van Huyssteen (2010:143-160, 2014) both scholar that mainly fall unfortunately beyond my scope.

[663] Hill stresses that for Tutu, "the humanity of others shapes our own sense of self". Tutu contrasts 'African humanism' with a critique of the Western humanist tradition with its focus on rationality, its co-optation to market forces and its forms of 'western grasping competitiveness".(2007:123). He suggests Ubuntu is instead willing "to make excuses for others," offering real alternatives to vengeance.

human affairs in a social understanding of the Trinity and an Imago Dei connecting God-reality with horizontal forms of reconciliation (2007:37).[664] He says, "Moltmann is important because he helps us understand that community and human reconciliation is also a matter of reflecting the reality of God." This makes the anti-apartheid struggle not just about a utopian world but about God's reality and way of being in the world" (2007:41).

Ubuntu for Tutu is "a theology of difference and otherness" (Hill 2007:158). It is through this difference that the creative work of God is accomplished. Social transformation often takes place when we realise the necessity of solidarity with those who are different from us (Cf., Clarke 2014a, 2014b). His language both celebrates difference and affirms common human dignity.[665] It is in the light of his anthropological insights on created interdependence that Tutu sees sin in deeply social ways that also go beyond the interpersonal into oppressive structures, "if this [interdependence] goes wrong then we are no longer appalled that vast sums are spent on budgets of death and destruction when a tiny fraction of those sums would ensure that God's children everywhere would have clean water, adequate health care proper housing and education enough to eat and wear" (2010:4). This resonates strongly with Moltmann's earlier "vicious circles" of sin seen as distorted relations. It is also significant for Tutu's wider understanding of reconciliation as "restored relationship"[666] and enables him to confess the church's own complicity in a fallen sinful condition. I suggest that Tutu, like Moltmann, saw these distorted relations manifested within his concrete experience and consistently used a human rights hermeneutic to mount a theological protest against them.[667]

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[664] For Hill, Moltmann revolutionises the modern understanding of God by combining individual and social dimensions and then arguing that "human relations ought to resemble the Trinity" (2007:37-38) This gives a theological platform for the Imago Dei consistent with the Tutu's theological witness and liberational agenda Hill suggests is "under attack" from conservative post-liberal theologies (2007:190-1). Hill explores similarities and difference between King and Tutu, He concludes that the Trinity is more formative for Tutu than for King and influences his approach to community. He suggests that despite the Western theological tradition in which Tutu sits, he is influenced by Eastern understandings of the Trinity without losing a sense of individual moral agency of persons. In this he clearly reflects Moltmann Hill highlights that while various theologians have made the connection between liberation and reconciliation and allude to the prominence of the Triune God but he suggests they leave much to be desired in making the connections of such a God to the quest for justice and human fellowship, saying "for that we must look to Moltmann who gives insight to the Trinity as the God fellowship that is extended to human beings" (2007:32-38). This supports the claims made in Chapters 5 and 6 of this thesis and connects it to Tutu. Hill points to a refusal to separate what God is from what God does. The so-called 'East' takes the Trinitarian nature for granted then clarifies the relation between creator and creation and embraces a 'socialistic conception of the trinity where there is equality of divine persons but says Moltmann and Tutu both also retain the personal nature of Western Trinitarianism (2007:38. See also Moltmann (1981).

[665] For Hill, this links to Gutiérrez's "sacramental theology of human fellowship" and ideas of koinonia which refuse to separate social justice and community (2007:167-70). Tutu, Gutiérrez and Moltmann all question the Cartesian autonomous self in favour of a more relational focus. This affirmation of plurality, important for Tutu, is also Trinitarian, affirming God as relationship and not just single unit.

[666] For Tutu, the TRC represented "restorative justice" as characteristic of African jurisprudence where the central concern is the healing of breaches, the redressing of imbalances the restoration of broken relationships a seeking to rehabilitate the victim and the perpetrator, giving opportunity for reintegration into community. Churches helped as their networks reached into all corners of the land (Cf., 1997:100-150).

[667] LGBTI rights have been a consistent concern for Tutu post-apartheid (cf. 1997, 2014) tied to his holistic belief that Jesus and thus God always stand on the side of all those marginalised by systems of oppression. He has stated, "the church of Jesus Christ has caused God to weep again as it has been riddled by racism, sexism and heterosexism …far from being welcoming and inclusive, it has over and over again pushed many to the periphery, making them outcasts and pariahs on the basis of something they can do nothing about – their sexual orientation. The church has joined the world in committing the ultimate blasphemy – making the children of god doubt that they are children

Tutu consistently reminds his many audiences to see "humans as God-carriers who should have deep reverence for each other and where the person becomes a sanctuary for the Holy Spirit" (2010:2-3, Cf., 1999:11). It is fundamentally this that leads him to a theological insistence on the inalienable rights of all humans. For him, "to oppress another human, to trample them underfoot is not just evil or painful but it is blasphemous - tantamount to spitting in the face of God" (2010:3). As a result, Tutu prioritises the Imago Dei motif to forcefully assert the radically egalitarian human dignity of all people. This was a subversive challenge to the historical context he faced and retains a strong sense of the counter-cultural nature of this original Biblical claim.[668] He connects this doctrine of creation explicitly to South African church struggle action, where, "this incredible sense of the infinite worth of each person created in the image of God, being God's viceroy, God's representative, God's stand-in, a God-carrier, a sanctuary, a temple of the holy spirit, inviolate, possessing a dignity that was intrinsic with an autonomy and freedom to choose that were constitutive of human personality, it is this that fired our apartheid struggle" (2010:5).[669]

Like Moltmann, Tutu sees creation eschatologically, with humans as co-creators with God who have a responsibility to cooperate with God in the realisation of God's purposes for the world. His words, "we are to labour with God to help God's children become ever more fully human which is a glorious destiny" are embedded in the pavement of Pietermaritzburg[670] cathedral. Hill suggests that this belief that God works through humans to achieve God's plan requires a rethinking of the classic doctrine of reconciliation where Tutu correlates reconciliation with God and reconciliation with other people in community.[671] 'At the core of Tutu's conception of humanity is that humans are made in the Image of the Triune God. Hence "individuals are constituted by their relationships to others" (2007:106). To be made in the image is to share in a common humanity and fellowship because we are "created for community". He brings together communitarian ontology with the equally strong belief that humans are free and responsible moral agents and where the development of human

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of God, lesbians and gays have been made to reject God. … I find this official position of the church illogical, irrational and frankly unchristlike and totally untenable…. If the church, after the victory over apartheid, is looking for a worthy moral crusade, then this is it; the fight against homophobia and hetero sexism …I pray we will engage in it with the same dedication and fervour that we showed against the injustice of racism so that we may rehabilitate the gospel of Jesus Christ in the eyes of many who have been deeply hurt' (1997; Foreword).

[668] Like Moltmann, Tutu emphasises its Biblical counter-narrative to the Babylonian myth of the day of humans as scavengers of the gods.

[669] Ndungane (1996:71-72) suggests that Tutu contributed significantly to the restoration of the dignity of the African person through an affirmation of their creation in the Image of God. He notes that because of this truth, apartheid was truly evil, an affront to human dignity.

[670] Pietermarizburg is a small city based in Kwa Zulu Natal province in South Africa where my theological faculty is based.

[671] Recent scholars have placed Moltmann in the trajectory of theologians who have reshaped how we think about reconciliation and Tutu in the camp of church leaders who have "sought to embody and participate with Christ in this central work of grace" (cf Dearborn 2015:4)

individuality can only fully take place within a nurturing wider community (2007:106). This makes humans "vulnerable" seen as the very essence of our creaturehood for Tutu (2004:1).

Hill suggests that, "very rarely in Christian history has the Imago Dei been used as a means of liberation or demanding the rights of an oppressed group."(2007:43) He claims that Tutu's practical use of the *Imago Dei* motif in this way was critical to show that apartheid was not just a social and political issue, but also at its heart, a theological problem. Hill ties this approach to Moltmann's framework, saying "Moltmann gives insight and depth to the *Imago Dei* in a way that is consistent with the thought and witness of Tutu by pointing to a collective community of fellowship with each other and the divine where the concept of perichoresis initiates a pattern of personhood as persons-in-relation" (2007:43). He suggests that "if we take our bearings from the Trinity, personalism and socialism cease to be in antithesis and are seen to be derived from a common foundation" (2007:43). Moltmann's dialectical methodology points beyond this binary and is embodied by Tutu.[672] Instead of a divine monarch who dominates within theologically legitimated hierarchical structures, is a radically egalitarian model of mutuality where people are free for each other in relation.[673]

Hill demonstrates that Tutu's Christology revolves around a "strong concern for the other," an emphasis on bodily liberation, and a focus on Christ as the source of spirituality, key for transformation where Tutu also sees liturgy as a potentially revolutionary force (2007:91). He emphasises the "liberationist Christ" of the poor, downtrodden and marginalised as "God's transformation agent in the world" where the humanity of Christ becomes the manner in which Christ identifies with the suffering and pain of those whom the world has marginalised (2007:105). Tutu celebrates the person of Christ as an extension of a Trinitarian God who comes to establish a fellowship community. In his identification with those who suffer, I suggest he models a radically revolutionary way of seeing God that confounds ongoing human tendencies to attach God's presence to the rich and powerful in society. Like both Bonhoeffer and Moltmann, Tutu elevates the sociality of Christ as "the man for others" and Hill points to the many spiritual and liturgical dimensions of his life used as a means to fight

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[672] In ways Hill argues are modelled by Tutu, Moltmann traces the Imago Dei concept as original designation, messianic-called, imago Christi and eschatological glorification His eschatological focus means that true likeness is something we are becoming and will be found at the end not at beginning. This has implications for the present question of how humans are to live in the here and now regarding how we become conformed to the image of the Son and be "gathered" into the open Trinity. "Human beings are imago trinitas and correspond to the Triune God when they are united with one another" with far reaching for how humans reflect and live out this (1985:215-234),

[673] Hill highlights that "according to Moltmann, the Trinitarian God serves as the quintessential source of hope, healing and restoration for broken and wounded human relations. God is not simply three independent freethinking divine personalities coexisting for a single purpose and telos, rather the Trinitarian God is depicted as a mutually dependent God, a relational God and a communal God" (2007:47)

social injustice (2007:119). For Tutu, in line with both Moltmann and Koopman, it is also the Christological doctrine of justification which creates possibilities for better fulfilment of justice in the here and now (2007:17). Hill suggests that for Tutu, Christian theology is only meaningful as it speaks to the concrete issues of human suffering and community in the world. Hence the quest for community and reconciliation was a theological message of what God was doing in the world and not merely a strategy for social transformation (2007:11).[674]

7.5.2 Freedom-for-relation, power and the liberation of the oppressor

Like Moltmann, Tutu's relational understanding of the person underpins his understanding of freedom where, like for King Jnr ,"the individual is not free until all are free" (Battle 1996:113). He stresses human freedom (to choose) as a significant endowment of the Bible (2010:3) and a critical part of being a moral agent and this forms his central thesis on human rights that "to be human is to be free" (2010:1), a view that I suggest aligns with An-Na'im's anthropological approach and Moltmann's focus on freedom. In line with the holistic vision of the UDHR, he includes freedom from fear, insecurity, want and penury, but expands it also to freedom-for expression, movement, association, togetherness, meaningful work, creativity and community. This derives from a theological anthropology that sees a solitary human as an aberration. For Tutu, this relational freedom is a positive that religious traditions can contribute to society. (2010:4). It reinforces a belief that everything we have is a gift and belongs to God in front of whom all are equal and it grounds Tutu's radical egalitarianism.

This understanding of freedom-as-relation also underpins a second dimension where I suggest Tutu reflects one of the most challenging aspects of Moltmann's theology, the need for a simultaneous concrete liberation of the oppressors. De Gruchy points out that "Tutu took sides without equivocation with those who are the victims of society…but this does not mean rejecting the enemy, the oppressor, the opponent…it means seeking ways to bring them to their senses…to join the winning side" (1996:51). In this is one of Tutu's deepest truth-convictions that, "when I dehumanise you, I inexorably dehumanise myself"[675] (Tutu 1999: 23,34). As a result of this intuition, Tutu provocatively suggests that, "We [blacks] are compelled to help the white man [and woman] to correct many of the distortions that have happened to the gospel to the detriment of all" (1997:48). He points people beyond the

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[674] Hill notes that Tutu was dissatisfied with the pessimism of Niebuhrian social realism and despite seeing evil/sin as the root cause of disharmony in the world, he was hopeful about the human capacity for moral agency and just choices as a "hope against hope".(2007:50)

[675] This was articulated by him on 23rd February1994 in an Oxford Union speech entitled "Why I am hopeful" (quoted my Battle 1996:102).

obvious battle lines of struggle, towards a "common task and a single quest" in which "wounded healers" must play a significant role" (Tutu 1997:48). Boesak concludes that Tutu refuses to despair of the perpetrators, saying "he clearly sees their crimes as evil deeds but refuses to see them as evil…his theology does not allow it. He requires them to be held accountable and responsible as moral agents." (Boesak 2012:131,148-149). If they are merely monsters, this moral accountability would not be possible. For Tutu's theology of grace and hope, perpetrators of truly terrible acts remain children of God and have the capacity to repent and change. He asks the victim to place themselves in the shoes of the perpetrators and not shy away from the humbling notion that, "each of us has the capacity for the most awful evil…all of us, none of us could predict that if we had been subjected to the same influences, the same conditioning we would not have turned out to be these perpetrators" (2012:132). This is why for Tutu, forgiveness as the refusal to pay the perpetrator back in his own coin, is a loss which can itself liberate the victim and is not dependent only on the culprit's contrition[676]. Boesak points out that Tutu "subverts our natural inclination to completely write off perpetrators" by reminding all that our common humanity also "brings a common vulnerability to culpability" (2012:148).[677]' I suggest in line with both Boesak (2012:131-150 and Battle (1997:100-150) that "radical reconciliation" as socially understood sits at the very heart of Tutu's theology.[678]

As a black theologian, Tutu also highlights the importance of critical theological engagement with the wider power dynamics of human history. We see this in his early argument that "African theologies have not offered a sharp cutting edge in relation to the theology of power for South Africa and its issues" and that the "abrasive black theology" has more to offer here (1987:54). Tutu's TRC experiences offer a concrete example of the way in which power is often understood only as power-over in South Africa both within the apartheid system and at the start of its dissolution, where "many whites at the TRC saw only two possible positions, either you are top dog or you are the underdog …there is no place in this kind of scenario for participatory shared power" (1997:177). He points beyond the master /slave dialectic to the

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[676] While Tutu's contribution to the TRC has been widely praised around the globe, there has been a more ambivalent response from within the South African context where the question of whether the victims were asked to forgive too much has been raised (cf. Maluleke, 1997). and whether this can lead to a 'cheap forgiveness'. Tutu has also critiqued the TRC process for its limitations and for the subsequent failure of the ANC government to enact most of its recommendations for reparations. See Boraine (2014) for further reflections on this.

[677] Koffeman (2014:410-415) who explores the notion of "moral vulnerability", that people are not only vulnerable to being exploited but also vulnerable to the dehumanising possibility of exerting power over others. This is the second truth that both Tutu and Moltmann point to.

[678] Reconciliation discourse remains problematic in South Africa and is often held in tension with liberation talk. Cf., Conradie (2013).

notion which Moltmann also moves towards, the need for power-with, a freedom in relation where "their humanity is caught up in ours as ours is caught up in theirs" (1997:177).

I suggest that Tutu interrogates power not only in relation to human systems and structures but also theologically by suggesting "we have been socialised to understand that power enables you to get what you want when you want. We can never really understand an omnipotence that can be frustrated in achieving its goal. One of the abiding mysteries is the oxymoron of a weak omnipotence" (2012:xiii). He reminds us that "God will not use God's power to compel us to choose the right. This is a God who sides with the poor, the downtrodden, the despised. That is not the way of the world" (2012:xiii). This radical re-inscribing of freedom as power-with and not power-over draws on the paradoxical power of weak omnipotence in line with Moltmann's Crucified God motif and embodies it in a hope of liberation not only for the oppressed but also for the oppressor. In re-centring theological understandings of power in South Africa, Tutu points, like Moltmann, to the cross,

> As a movement within history at the heart of things to reverse the awful *centrifugal* force of alienation, brokenness, division, hostility and disharmony. God has set in motion a *centripetal* process, a moving towards the centre, towards unity, harmony goodness peace and justice a process that removed barriers. Jesus on the Cross with outflung arms thrown out to clasp everyone and everything in a cosmic embrace so that all, everyone, everything belongs. No-one is an outsider, all are insiders, all belong. There are no aliens, all belong in the one family, God's family, the human family. .. we are different so we can know of our need for one another…no-one is ultimately self-sufficient' (1999:213) [italics mine].

Maluleke (2000:83) reinforces this cruciformed understanding as key for African contexts[679] in its ability to reclaim the tragic dimensions of life. He highlights Tutu's anthropological insights here to point to a broken Christianity in Africa where God remains crucified today, noting that the cross itself can be theologically abused. He suggests, like Moltmann that hopelessness is a form of brokenness and identifies a "scarcity of hope" here today (2000:93).

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[679] Unfortunately an exploration of Black Christologies is beyond the scope of this thesis but I suggest are in line with Moltmann's Christology, itself informed early by Cone's Black Theology. See Mofokeng (1987:1-17) for appropriations of this in South Africa.

7.5.3 An eschatological dream and an activist ecclesiology

Tutu's eschatology has a clear Kingdom of God focus, one not merely realised in the afterlife but with simultaneous consequences for both the present and the eternal (cf., 1994, 2004). Hill suggests that his eschatology "ushers in a community that restores human relationships, breaking the bonds of racial, ethnic, religious economic and other differences"(2007:110). He holds to an explicit God-centred celebration of difference (Hill 2007:158). The future is not a place where our differences will disappear to be replaced by a uniform perfection but where our diversity itself is part of the "majestic tapestry of God's creation" celebrated in a community where there are 'no outsiders' (Tutu 2004:20). I suggest this reflects a Moltmannian Trinitarian eschatology that resists either the assimilation/eclipse of difference or its enforced separation but holds up difference as an innate good, held together in mutual recognition. Tutu's restorative understanding of justice places love as the creative force that makes possible the fellowship, community and "delicate network of interdependence" between people in which the Kin-dom is made visible with an annunciatory[680] eschatological vision within human community. His ability to point humans to a deepened appreciation of their shared future is concretised by the ongoing divided realities of the new South Africa. He quotes King Jnr (1997:12) that "unless we learn to live together as brothers, we will die together as fools" as offering an alternative to a topdog/underdog hierarchy by narrating the salvific work of God in Christ as encompassing the socio-political order (Hill 2007:128).

At the start of the new South African dispensation, despite a clear 'handing over' of the political task to the government, Tutu continued to embody a public role for the church on human rights as part of the "nation-building" process and he is situated by most scholars in the prophetic wing of the church.[681] While emphasising the important role of the church in the world, Tutu also pushes beyond the church, insisting that Christian themes are comprehensible by and relevant for those outside the church. His prophetic political theology offers a critique of "the prevalent ecclesiological influence of conservative post-modern theologians" such as Hauerwas and Milbank (Hill 2007:190-1).[682]

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[680] Liberation theologies have at times been accused of having a denunciatory focus (Nolan 1995, Villa-Vicencio 1992). Tutu's vision offers an annunciatory frame where God seeks to both transfigure and transform the world through human beings (Tutu 2004: 3-5, 15).

[681] Hill points out that Tutu was at the forefront of protests, mobilising churches under the banner of a God who liberates the oppressed and forgives the oppressor (2007: 96). However he incorrectly labels him as the writer of the Kairos document which he in fact did not sign.

[682] Hill suggests that a Hauerwasian ecclesiology can lead to a lack of concern for changing social systems and structures which are left to the sinful realities of the world advocating instead a living out of Christian practices in Christian communities unintelligible to those outside. He suggests this is in contrast to the prophetic tradition of King and Tutu who both "offer a scathing critique of this interpretation of the

For Tutu, a theological imperative drove the Christian struggle against apartheid where not to stand up against injustice and oppression is to disobey God. It becomes an internal religious duty to condemn and redress any violation of "the rights of God's stand-in" and can "galvanise participants with a zeal to be active protectors of the rights of persons" (2010:3). As a result, Tutu views the churches as potential change agents in the world (Hill 2007:105) that challenge oppression and re-affirm all persons as children of God. His ecclesiology, like Moltmann's, is planted in the messianic idea that the Kingdom of God is both "now and not yet," not a static imaginary organism but a concrete dynamic reality that makes real the possibilities of freedom, justice and community in the world (2007:109-110). As a result, he calls the church to an ongoing theological task, suggesting that theology remains crucial disciplines in South Africa today, reminding us of the worth and potential of all people.

Villa-Vicencio points out that at the heart of Tutu's theological approach is the conviction that no-one is expendable and that the rights and dignity of especially those whom society may regards as insignificant are to be treated with respect. (1996:45). He emphasises the liturgical, sacramental, pietistic and biblical practices of faith (Hill 2007:91, 125, 202) as concrete ways for ordinary people to confront and challenge human rights violations together by drawing on the subversive dimensions of prayer, Eucharist,[683] forgiveness and giving where the church's worship life elevates human identity, celebrates diversity and models authentic communion with others and God. This embodied theology for human rights can be held within a Moltmannian framework also concerned with church practices. Tutu's enactment shows its direct resonance for prophetic church engagement in building a human rights culture. However I suggest Tutu retains a hermeneutic of trust in his interpretative approach to both Scripture and church traditions. Later theologies of liberation in South Africa (black, queer, feminist, post-colonial) have contested this by suggesting a hermeneutic of suspicion to the text itself and not just its interpretation (Mosala 1989). Moltmann's insistence that all theology must always be done in the light of these marginal theologies radicalises his call for fundamental church reforms on human rights in ways that I suggest at times go beyond Tutu and this chapter will conclude with a brief look at this perspective in South Africa as seen through a feminist lens.

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gospel". He notes that both Hauerwas and Tutu affirm community but that like Moltmann, Tutu goes beyond the church and "does not limit the possibility for moral convictions to the Christian faith community alone…diversity is required" (2007:190-2).

[683] Hill suggests that both King and Tutu combine rigorous theological engagement with "sacrificial praxis". He states that "Eucharist" forms a "central intersection" for Tutu where the reality of suffering meets the God who redeems, heals and transforms (2007:38).

7.6   Feminist theology in South Africa– a concern with embodiment

Feminist theological voices[684] within South Africa form a contemporary theology of liberation (West 2009:13-38) which emphasise gendered forms of oppression in church and society and is concerned with sexism, defined as the "ordering of life through gender power relations" (Ackerman 1988:22). She notes that an important part of its critical task has been to "unmask" the Christian tradition's complicity with a dualistic platonic worldview setting the stage for models of domination and superiority which play out in many ways including power relationships between genders. (1988:22-23). It seeks to make sense of the life of faith and also envisage social transformation by reflecting both critically and systematically on these structures and is concerned with themes of power, domination and gendered distortions of God.[685] Moltmann was influenced by and influential on many feminist theologies (2000:268-292) so creative appropriation of his "liberating" human rights theology may resonate here.

Ackermann suggests that generally South Africa has reflected a Third World trajectory of feminist theology which is 'reforming'[686] rather than 'revolutionary', which seeks ways for women to be liberated within their faith traditions and not primarily from them (1988:15). As a result, it has had a particular concern with exploring human rights violations within the church and/or legitimated by church doctrine, Scripture or tradition. Embodiment and relationship are significant themes for many feminist scholars in South Africa who grapple with endemic issues of gender violence and HIV/AIDS. I draw here solely on Denise Ackermann and Miranda Pillay[687] as two specific examples of South African feminist scholars who have both engaged explicitly and systematically with human dignity and rights.

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[684] Ackermann describes herself as a feminist liberation theologian of praxis (2009:268-272) who is engaged in specific battles for justice, working for social structures that enable rather than destroy and developing possibilities for justice and human dignity(1988:27) .

[685] Obviously there is no one feminist theology. It is a broad church with a number of 'generations' but characterised by an emphasis on experience as a valid starting point for theology. Moltmann engages with the gender dimensions of God as early as 1983. It becomes an increasing theme in his work, influenced by his wife's 'feminist conversion' and scholarship and is seen in his concern for the practical social implications of theo-narratives of God as dominant, domineering and male.(183:107-127, 2000:268-298).

[686] Smit (2009:11) suggests that much feminist theology in its reformist branch is at its heart claiming to "challenge idolatrous pictures of God". He connects this to ways in which Calvin, centuries earlier, tried to rethink the Trinity. I suggest that while this may be true, it can also be fruitfully connected to Moltmann's later rethinking of Trinity. South Africa also forms a complex space for diverse feminist engagement, intersecting between the North, South, East and West, exposed to both first and third world theologies and their conflicts.

[687] Both these feminist scholars have been connected for decades to the Circle for Concerned African Woman Theologians (the Circle) and seek to do their work within its commitment to alternative methodologies of scholarship as well as concrete realities for women in African contexts. They have been selected as they work with systematic concepts and not primarily as biblical scholars, in line with my approach.

7.6.1 Denise Ackermann - a feminist theological anthropology

Ackermann (1988, 1999, 2003, 2009, 2011) has consistently wrestled with the task of "becoming fully human" (2011:67) and explicitly acknowledges a debt to Moltmann in the formation of her own thinking as a first generation feminist scholar in the South African context. By 1988, she was writing theological anthropology from a feminist perspective[688] and her reflections span both the anti-apartheid struggle and the post-apartheid period. She positions herself in the reforming camp of feminist theology holding to the claim that "human liberation is possible within the Christian paradigm", with an entry point in Third World liberation that nevertheless acknowledges her status as a white person (1988:16,25).[689]

Ackermann's core theological anthropological conviction builds on Moltmann's radical suggestion that the doctrine of the *Imago Dei* leads to a new social order.(1994:100, 2003:8-9) As a result, she is also concerned with the liberation of both oppressed and oppressor and looks to the critical liberating tradition of the Bible embodied in its prophetic-messianic message of continuing self-critique (1988:17-8).[690] She is conscious, partly through her Circle involvement since 1990,[691] that feminist liberation theologians have been accused by other women of being both middle class and racist and warns that a focus on individual rights…can be seen as a part of "a bourgeoisie import from an alien culture" (1988:24). She suggests that this needs careful engagement in South Africa, employing critical social theory to avoid falling into a trap where the liberation of only some women (white, middle class)

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[688] She writes from within her Christian faith experiences as a white woman to confess that for her, the Bible itself is patriarchal and androcentric, selective in the history it chooses to record and makes women invisible in many of its narratives. Ackermann (1988:19-24)suggests that anthropology is key in South Africa where issues of race, sex and class were, in her time, glued together by the ideology of apartheid. She is critical of the dualism present in much Christian anthropology where men project onto women the rejection of their lower selves and suggests that it is by nature that women are to be subjugated which then creates a patriarchal anthropology. Ackermann points to the emergence of liberal feminism in the 18th century as a form of secularized imago dei with a focus on restoring equality. Marxist feminism builds on this (1988:21) by highlighting systemic inequalities in both legal and economic spheres. However new dualisms emerged in the equal but not interchangeable complementary models which tended to reify masculine and feminine characteristics. Ackermann draws on "transformational feminism" (2998:22) as a holistic model that seeks to avoid some of the challenges of previous dualisms and works towards "full personhood for both men and women" in ways which also requires social change. She criticises an overemphasis on ordination in early feminist liberation theology and suggests that developing a new theological understanding of women requiring a deep rethink of anthropology is more important to prevent dominant forms of hierarchy being perpetuated with some women merely invited to join the hierarchy. See Marais (2014:701-727) for a recent analysis of Ackermann's wider theology of human flourishing.

[689] Ackermann draws on first generation Western liberation feminist theologians such as Ruether, Schlüssler Fiorenza and Russell for her hermeneutics as well as emphasising the role of experience in grounding all theology.is committed to doing critical theology as a feminist theologian of praxis with a focus on justice and worth as human beings made in God's image and starting with the messiness of human experience as relational, situated and finite. For her, theology is a communal enterprise, where the poor are not objects of charity but determining subjects. She seeks to prepare the way for God's reign by participating in practices that promote its values. Her concern with praxis is that theology must arise out of issues faced in daily life that nevertheless does not jettison theory. (1993: 21-35, 2009:268-280).

[690] Ackermann notes that as a feminist she looks to the horizon of expectation of the Bible as the source of her own expectation of justice and liberation. She suggests that by participating together, men and women can develop new ways of relating to the world and one another with an urgent need in South Africa to relook at God-language, Christology, redemption, anthropology, church and ministry. (1998:13-27)

[691] Ackermann highlights that as a white woman, her issues and contexts were different to many others in the Circle but that they had a common desire to counter cultural injustices, the misuse of scripture to discriminate against women and divisive church practice. All wanted to reconstruct theological theories to better reflect just practices (2009:270-1) She says its key to find what women have in common as this gives strength and collective power in a common humanity, and that it is often a tactic of the status quo to seek to divide and conquer.

continues to be realised at the expense of other women[692]. Ackermann calls for a practical theology,[693] committed to action and advocacy that avoids a "utopianism which deals only with eschatological dreams" and a Moltmannian focus on a liberating praxis (1993:36). Ackermann, like many feminists, is concerned with power, expressing this theologically to explore critically how doctrines of God are conceived, where, "women need to overcome feelings of powerlessness, the powerful God can rob us of this…we wait for the powerful God to act" (1988:27). Ackermann suggests that this concept of God where the more helpless we are, the stronger God is, can be deeply problematic for women, drawing on Sölle to ask why it is that human beings honour a God "whose most important attribute is power, whose prime need is to subjugate, whose greatest fear is equality" (1988:27). She seeks instead God's inner authority in powerlessness in the crucified Christ, a love that is what Sölle terms "weaponless power" (1988:27).[694] This radical reshaping of God-images both connects to and further develops the idea at the heart of Moltmann's theological image of the Crucified God, not as an endorsement of suffering but as its radical weaponless protest.

Ackermann suggests that the relationship between human rights and religion cannot be ignored, "though it is both complex and contradictory" (2003:183). She recognises the ambiguity noted in Chapter 1, stating that "religion is neither for nor against human rights, it is both."(2003:183). She suggests caustically that Christians are "often more comfortable talking about responsibilities than rights" and that the church is a latecomer to many rights issues, remaining enmeshed in patriarchy (2003:185). For Ackermann however, the right to human dignity lies at the heart of both the South African Constitution and a Christian understanding of what it means to be a human. She suggests that religion and culture are "deeply entangled" spaces within which many women still find their identity as members in communities of meaning and that encouraging women to merely leave this space is too simplistic (2003:188). Instead she points to a "powerful prophetic strand of liberating thought in the Bible and Christian tradition" that offers resources for women (2003:187) and suggests

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[692] Ackermann suggests that in her South African context, "white women need conscientisation to reconstitute our anthropologies." (1988:25) Moltmann (2000:282) also called for a critical feminist hermeneutics to challenge the deformations of patriarchy in church, Bible and society. He suggests that the exclusion of the body has gone hand in hand with the denigration of women and that this has also had repercussions for men. He calls for a new culture of human dignity enabled through God's Spirit to surmount the be-heading of the woman and the de-embodiment of the man (2000:286). He suggests that while the Trinity sounds like one more male theology from above, it can offers a challenge to patriarchal monotheism's almighty power by offering a tri-une God, rich in relationships in which free and equal persons are there for each other. This Trinitarian idea helps us to seek God not only in the heavens above or in the depths within us but in the community between us. (2000:292). It is this insight on which Ackermann draws for South Africa to challenge a patriarchal anthropology.

[693] Ackermann insists that research should be embodied, interested and engaged (2009:271) and that theological theory is tied to Christian praxis. Her PhD dissertation explored the Black Sash as a model of liberative praxis.(1990). This phrase is drawn from Moltmann and is also used by Gutiérrez (1971:56) She is concerned with the task of "becoming more human in relation to others and the world as a whole."

[694] Sölle suggests that the goal of the feminist movement is not to aspire to men's power as such but to change the discourse which makes it possible only for men to be in positions of power (1998:627). This idea of transformative change is reinforced by Mabandla (1994:71).

that the right to human dignity offers women in the church a powerful tool to challenge the church. She ties this to the *imago dei,* calling for a radical rethinking of what it means to be human, its practical implications and how it can contribute to the realisation of human rights. She draws directly on Moltmann's human rights work to undergird the idea of "becoming human" as an ongoing task,[695] but also critiques his *imago dei* as "blind to the gender implications of simply being human" and develops this aspect further[696] (2003:187-188).

Based on her anthropology, Ackermann calls for an "ethic of relationship" with specific regard to difference and otherness as critical within the South African context (1998:17). She, like Moltmann and other feminist scholars also influenced by him, suggests that "relationality is at the heart of all things" and that this deep truth that we are not made to live alone is also embodied in the African concept of ubuntu[697].(2011:71) She draws on Moltmann's understanding of freedom-as-relationship here to see "mutuality in relationship" as the touchstone of this freedom.[698] While the language of dominant power tends to see 'self' as the centre and define the other only in relation to self, often as either enemy or exotica and that this mitigates against genuine community-building. Ackermann suggests that "to be fully human is to live with relatedness…to do justice is to live in right relationship…[and asks] how can our Christian beliefs help us to choose full humanity" (1998:20). Her theological reference point is the Triune God.[699] Like Moltmann she calls for a fresh look at what it means to be a vulnerable human being attempting to live more fully in a complex reality of conflicting interests within the integrity of creation. For her, this relationality forms the basis for a transformed relational anthropology in which the full humanity of all is affirmed (1992:23) grounded in the God-in-relation, as epitomised by Jesus, the "man on the borrowed donkey" (Marais:718).[700]

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[695] She cites De Gruchy with regard to the task of "becoming more human in relation to others and the world as a whole" (2011:67).

[696] I disagree in part here. Moltmann clearly engages with gender implications more in work (See 2000:268-293 for an overview) but also acknowledges that this dimension was only one he came to greater awareness of later in life and through the feminist work of his wife

[697] Ackermann (1998:18) points out like Villa-Vicencio that this idea of the relational self is not "completely foreign" to European thought, and is found in Hegel and beyond into male (Buber, MacMurray and Ricoeur) and female voices (Heyward, Johnson, Keller and Harrison).

[698] She suggests that relationships can be measured to the extent they are marked by Farley's notions of equality of power, mutuality of freedom & responsibility, fidelity and love that is other-centred yet neither self-neglectful nor destructive of self. (2003:191)

[699] She reminds us that Paul uses organic images to describe our relationship to Christ, as living as a fully human part of a whole in mutual relationship, as participating not possessing, needing one another, knowing that we belong to one another (1998:22). In seeking to deal constructively with difference. Ackermann (2011:73) also draws on Welker's notion of the "pluralism of the Spirit" as a witness to difference, another theology that also owes a clear debt to Moltmann's pneumatology.

[700] Marais (2014) points out that Ackermann's focus on love as relationship includes self-love, where relationality involves the affirmation of self that enables us to love our neighbour as ourselves (cf, 1992:22). In a context where self-love can be frowned upon as selfish' it is noteworthy that Ackermann's articulation of love highlight this and is a point that Moltmann himself learned from feminist theology.

Ackermann (2011:69-71) points to faithful Christian practice as at the heart of living the gospel and she calls for an embodied theology-of-relation as a counter to the sexist hierarchical relations that she argues have characterised much Christianity (Marais 2014:718). For her, the recovery of the Trinity as a relational concept, as Moltmann achieves, enables an overcoming of the transcendence of God to the exclusion of relation. She suggests that only when we can see both ourselves and each other are we fully human and that this truth can be an 'epiphany' that converts us to relatedness where "only then can we begin to fathom the claims of justice and love that are made on us"(1998:24).[701] She points out that both hearing and seeing demand responsibility to the 'Other' and as a result of this interaction, an ethic of responsibility emerges.

Ackermann calls for relational praxis as an embodied concept where we are our bodies.[702] She suggests that 'embodied divinity permeates the Christian faith' and that the needs of bodies form the primary context for obligation, asking the question 'What will make for just relationships between us?' (1998:23, 2011:72)[703] As Marais highlights this concern with 'just relationships' is part of how Ackermann understands salvation as a "performing and transforming freedom for flourishing-in-relation" (2014:715-6). For her, as for Moltmann, Koopman and Tutu, this entails vulnerability for "any person who invests her or himself in the freedom of the other as an end in itself embraces vulnerability, a beautiful yet painful concept, and one which causes feminists and many oppressed people to recoil" (1994:45). She suggests that this vulnerable place is the starting point from where both hope and struggle are embraced. Like Tutu, Ackermann emphasises the specific role of liturgical practices, and points Christians to the Eucharist as the core symbol of the radical nature of Christ centred faith (1998:26). She is deeply aware that it has and can 'be an occasion for disunity, domination and denial of community' in South Africa but points out that it is here that we are offered relationship. She reflects that apartheid excluded people from their rightful place and suggests that the reimagined practice of Eucharistic communion could go

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[701] She suggests that once we begin to see differently, we can begin to hear the stories of the other and 'this hearing will change my story forever...and also allows our diverse stories to intersect' (1998:24).

[702] South African theologian Christina Landman (2007:201-2) also points to the conflict between those who have rights in terms of the Constitution and those whose rights are contested in terms of their religion. Like Ackermann, she highlights the fragility of all bodies, the physical body, symbolic body, political body and spiritual body and that restoration of human dignity is done through embodiment, starting from the bodily experience of those affected to 'give body' to issues and then by enfleshing them in liturgies, practices and legislation. She suggests that 'in South Africa with its history of human rights violations, religious identities need to be formed that are capable of both religious experience and human dignity'. Jesus models embodied human dignity as religious experience when he touched, healed and fed those marginalised in his society as citizens of the Kingdom. Landman also calls public theology to "be the voice of the voiceless in public worship spaces, religious language, safe social spaces and public storytelling to form religious identities that embody human dignity as religious experience" (2007:208). In this way, Ackermann's themes of embodiment and focus on the praxis of storytelling are reinforced.

[703] The praxis of justice as right relationship has respect for rights as a hallmark but also entails responsibility. Ackermann describes liberative praxis as an ongoing struggle against oppressive structures that exploit people and rob them of their full humanity (1992:13-23.)

some way to reconcile, nurture and sustain mutual relationships across difference and otherness (1998:26). She is aware of the tragedy of "unreconciled difference" in South Africa and the ongoing question of how to live respectfully, lovingly and creatively with the other in hospitable ways. For Ackermann, the Eucharist offers creative possibilities for practicing our proper existence as a community of persons in relation (1998:26).[704]

She has also been concerned with recovering the tradition of lament (2003:27) where she draws on Moltmann explicitly to suggest that "theology springs from divine passion, from the open wound of God in one's life and in the tormented men, women and children of this world" (2003:27).[705] She calls for ongoing confession within and by churches of what has been done to the 'Other', and lament for the unwillingness to deal with neighbours who have inviolable claims to be welcomed as Christ has welcomed us. Finally she points to the need for storytelling within churches between those who are different, undertaken explicitly as a liberating praxis to build relation (1988:23). For Ackermann, to relate requires a bodily practice of shifting gaze from self and looking into the face of the "Other"[706] to build a just, liberating and healing praxis. She insists (and notes an explicit debt to Moltmann in her own formation), that there is no full humanity without the other and I suggest that it is in this relational, embodied Spirit-nurtured relationality of mutual recognition she comes closest to a creative appropriation of both the critique of dominating god images in our anthropologies, their implications for our social orders and the need to reimagine alternative ways of becoming human together that Moltmann, in his own context, also starts to articulates. (1998:25). She calls, on top of theoria and praxis, for "poesis" as the creative imagination to envisage a better world (Marais, 2014) in what I suggest is a welcome and non-patriarchal reshaping deeply in line with Moltmann's earlier "theo-fantasy for the kingdom of God".

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[704] This theme of the Eucharist as a place to reimagine shared human dignity, one seen in Moltmann and developed by both Tutu and Ackermann is a renewed theme in recent scholarship that was unfortunately beyond the scope of my thesis but that I suggest can have significant ramifications for embodying an inter-cultural human rights ethos within church rituals. See Cilliers (2015:201-220) and McClintock-Fullerson and Shoop (2013:144-160) on the Eucharist as a embodied form of re-membering and re-enacting social practices to create new conditions of possibility for being together that can heal our distorted patterns in our "contorted, truncated dis-membered Body" (2013:151). The recent collection *Religion and Human Right: Global challenges from intercultural perspectives* by Grab and Charbonnier (2015) which focuses on South Africa in particular reflects significantly my approach but emerged too late to be considered in my thesis.

[705] Smit points to Wolterstorff reflection on the wounds of God in his personal tribute to Ackermann where 'no-one can be injurious to their brother or sister without wounding God himself.' Wolterstorff says 'to inflict injury on a fellow human being is to wound Godself, it is to cause god to suffer. Behind and beneath the social misery of our world is the suffering of God. To pursue justice is to relieve God's suffering…lament by humans is like God's own voice" (1987). He suggests that this concept needs reclaiming in South Africa and that Ackermann has been an important voice (2009:161). I note that this is also at the heart of Moltmann's subversive Suffering God motif.

[706] Marais (2014:15) points out that Ackermann's approach highlights the formative, performative and transformative roles at play when we engage with Christian doctrine in an open-ended hermeneutical task. Ackermann's use of a feminist theology of praxis (1992, 1997) leads, Marais suggests, to the hermeneutical task in a search for a liberating theological anthropology, moving from a hermeneutic of suspicion to a 'reading for life' hermeneutic that has both moments of suspicion and of creative reconstruction. (2014:15).

7.6.2 Miranda Pillay – Seeking an emancipatory ecclesial praxis

Pillay's theology has focused on the HIV/AIDS pandemic and its implications for gender power relations.[707]. She explicitly situates her approach within the "feminist framework of analysis of the Circle of Concerned African Woman Theologians"[708] identifying a common task for both women and men to discover a responsible hermeneutics for Biblical scriptures. (2009:222).[709] She employs a feminist methodology (2009:229) to support the critique and 'interruption' of oppressive 'ways of telling', and to instead seek out liberating ways of "retelling our stories". Pillay calls the church to an active "emancipatory ecclesial praxis" (2003:148) in specific relation to its role in building a human rights culture in South Africa and highlights the ongoing danger of patriarchal Christian anthropologies. I focus on her use of a Trinitarian model as a resource today in the South African context to challenge social hierarchies and to become more aware of the "sexual vulnerability" of being human emphasised by gender inequality and HIV/AIDS that shape this context today (2003:144).

Pillay emphasises the damaging role that Christian anthropology has often played in the construction of and legitimation of patriarchal social structures.[710] She draws on a Moltmannian Trinitarian framework to offer an alternative to this misogyny[711]. Pillay also explores how Jesus behaved and suggests that he creates a platform to challenge exclusions based on race, class, gender and age that restores human dignity to those marginalised such as women and created space for others. She argues that this "space" was quickly invaded by controlling men so that we can only see remnants of a non-patriarchal ethos in the Bible She notes that a social understanding of the Trinity and a direct connection of this to forms of

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[707] Pillay forms part of a second-generation of South African black and coloured female theological scholars nurtured by earlier voices such as Ackermann but emerging primarily post-apartheid and being formed by new feminist challenges and scholarship. I have selected Pillay because she has written directly on forming a human rights culture in South Africa. She suggests that HIV, as a pressing social issue here, is fuelled by the economic, sexual and cultural subordination of women, still seen by many men and women as the 'natural order' who then penalise and shame other women who do not observe this order. This can obviously be designated as a human rights issue in itself.

[708] This is a Third World African feminist approach which explicitly uses a more story-based methodology to reduce the divide between professional and lay engagement by women in theology. It focuses on the interplay between biblical and cultural hermeneutics as well as an awareness of the social location of the interpreter. It is also aware of the inability of one woman to speak for all women especially in the racialized, multicultural and class ridden South Africa and points out that African women's theologies include men in the vision for a struggle for African liberation from all forms of oppression, seeking a partnership and mutuality with men around liberating ways of reclaiming Scripture for the exclusion of all forms of violence against women. (Pillay 2009:222-226).

[709] Pillay like a number of other South African feminist scholars grapples with the question of whether the Bible can be a resource for gender justice given that historically it has tended to legitimise abuse and repression (especially against women). She suggests that we need to recover a sense of Scripture's transforming and liberative power and move away from it as a rule book giving 'simple direct answers' for social behaviour. Pillay points out that in South Africa, the Bible continues to influence the imagination and language of society in the way people 'see' their vision and moral world. As a result, she emphasises that a responsible hermeneutical key is essential to find a creatively liminal space that can be both occupied and troubled between the Biblical text and contemporary society.(2009: 222-226,:2015:61-77)

[710] She draws on Ackermann and Volf to trace patriarchal anthropology through Augustine, Aquinas, Luther and Barth as a one-way gender construction where the positive of man's fulfilment goes towards the negativity of the woman's lack in a "Nietschean misogyny".

[711] Volf notes that it is humans who create gender distinctions when they speak of God. Volf and Moltmann both argue that the Imago Dei reflects common humanity not gender specificity but feminist scholars like Pillay and Ackermann have interrogated this claim further, pointing out that feminists have to deal with the reality that Jesus is male "which again brings gender into the Godhead" (2003:45).

society that support "non-hierarchical relationships between separate persons" points to the "mutual giving of the self, whilst not losing the self" (2003:46)[712]. This offers Pillay pivotal resources to challenge modes of patriarchal domination still present in South Africa. Finally, she suggests that the eschatological dimension of the Trinity in Jesus's vision of freedom for all as a "basileia" model of inclusive wholeness offers an alternative to patriarchal visions of the human where "freedom" for women is often tied to women's submission (2003:150)[713].

Pillay grapples explicitly with the task of building a human rights culture and the role of the churches in this for post-apartheid South Africa, arguing that they remain an important social factor and can act as a forceful agent for change. She remains concerned that churches have missed "the opportunity to challenge entrenched perceptions and practices contrary to a human rights culture based on the dignity of all human beings"(2003:142). This emphasises the need for churches to "unlearn" what she terms "deformed" practices which can continue to mitigate against grassroots transformation and to assist their members to do the same (2015:61). Pillay calls South African churches to an emancipatory ecclesial and theological praxis moving from a theology of hierarchy, headship, power, dominion and separateness to one of community, mutuality and relationality. She points out (2003:157) that churches are grounded in local communities giving them credibility and strength to act effectively."[714] For Pillay this is an opportunity to work towards a better kind of society, "to be the community we ought to be" with the Trinity offering a community-in-relationship sustained by mutuality and reciprocity for churches to bring about newness of mind in their members. She insists that the way Scripture is used in the pulpit is essential for its liberatory potential by moving people to "see differently" (2009:219-231). She argues for a new liberation praxis in churches that can lead to concrete social action by creative re-reflecting on Biblical texts in the light of a hermeneutic for human rights in order for this human rights culture to be nurtured.[715]

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[712] McDougall (2003:177-213) emphasises the self-donation and self-differentiation aspects held together by Moltmann's Trinitarian praxis. This holds both the Augustinian notion of sin as pride alongside the feminist notion of sin as lack of self-love in a dialectical tension

[713] Pillay (2015) explores the Angus Buchanan movement in South Africa as a specific example in some ways of a "deform" movement. She notes that traditional human rights approaches are often based on male norms requiring the need to remain aware and challenge ways in which human rights discourse can be distorted to serve powerful interests as Moltmann also emphasised decades earlier.

[714] Pillay (2014:1-6) explores churches that offer healing from HIV as a direct result of accepting Jesus as Lord and Saviour. She suggests this is often based on an individualistic paradigm of freedom which tends to blame the victim and place responsibility on them to 'reach out and be healed', drawing on an underlying metaphor of 'mastering nature' where the aim is to conquer AIDS and find a 'cure'. In contrast, she points to Jesus as emphasising the need to heal the community, where the persons concerned were embedded in a community group. As a result, dis-ease was a problem for the communal 'body' making it dirty, unholy and needing to be cast out. Jesus 'reconfigures purity from 'being apart' to 'being a part of', pointing to a holiness that speaks of wholeness and dignity of self and others and calls for solidarity. In this way rejecting a mastery narrative enables a culture of healing as 'wholeness of being' to be offered by churches, where members are not 'dis-valued' but invited in. I suggest this resonates with Moltmann's communally-orientated anthropology (1983:136-154)

[715] For example Dube offers a postcolonial feminist theology of liberation as a bridge between Western and African feminist theologies, highlighting ways that multiple oppressions intersect and that our liberations must intersect as does Moltmann's approach. She invites both

7.7   Some other South African roads

This chapter has only selected limited examples of the appropriation of and resonance with Moltmannian human rights themes by theological scholars in South Africa. His ecclesiology has been reflected on by other South African Reformed scholars in the last decade (Smit 2006; Naude 2006) noted in Chapter 6 as an ongoing resource for the practice of the post-apartheid church. His holding together of identity and dignity in a social anthropology has been developed in varied pastoral ways in relation to human rights by Louw (2014:1-9). There has also been pioneering work on liberating Biblical hermeneutics within South Africa (West 2015) that grapples with the oppressive Scriptural legitimations of specific human rights abuses. Likewise, emerging black and post-colonial theological projects and their specific implications for human rights theology have been beyond my scope. South African feminist scholar, Nadar (2004, 2009) develops a "feminist liberative biblical hermeneutics" as a way of retrieving Scripture from its collusion with gender oppression as a clear example of the detailed work that Pillay suggests is essential for churches to engage differently.[716] Ecological justice, a core later concern for Moltmann's human rights theology, was beyond the scope of my thesis. South African eco-scholars such as Conradie have highlighted the importance of doing human rights theology within this frame (2003:313-333) and have also developed and critiqued Moltmann's approach for the South Africa context. (2008:76-105)

Important feminist scholars from the wider African continent such as Dube (Botswana), Oduyuye (Ghana) and Phiri (Malawi) have not been engaged as are beyond the scope of this chapter which focuses only on South African voices. Many employ post-colonial frames of reference and emphasise liberating biblical scholarship as significant for engagement with human rights, especially in the light of a post-colonial critique of human rights discourse itself within many African contexts. I note however that few emerging black South African scholars within a liberational trajectory have engaged directly with human rights discourse as a theological whole.[717] I suggest a need for further research here for human rights theologies to maintain a simultaneously liberating and inculturated presence in the new South Africa.

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former colonizer and former colonised to the table as irretrievably interconnected and needing to find our place in the story. The interaction of this post-colonial African feminist approach with Moltmann's call for a liberation of the oppressors and a concern with the colonising tendencies in human rights could be an interesting and important area of further research.

[716] Maluleke and Nadar (2004:) criticise the notion of 'agency' itself as often coloured and gendered where it is often white middle classes who are perceived as agents and participate in agency discourse which can then become a form of exclusion and control. This critique is relevant for human rights discourse by emphasising oppressed people as agents, not passive beneficiaries who "author their own liberation".

[717] This may be influenced by the post-colonial suspicion noted in Chapter 1 that human rights discourse remains an individualistic and 'white' language of colonial power, merely part of the Western system and a way of foregrounding agency to the detriment of structural

7.8   Chapter 7 Conclusion

In this chapter I have traced selected examples of the creative appropriation of Moltmann's theological framework on human rights by South African theologians concerned with the practical task of building a human rights culture today. Chapter 6 highlighted Moltmann's core themes of relationship, responsibility and radical ecclesiological reforms held together within what I suggest is a subversive Trinitarian praxis. Arguably, this unique Trinitarian approach has been embraced by South African scholars such as Koopman, Tutu, Ackermann and Pillay who utilised mutual relationality as a significant theological container for the human person to tie together individual and social rights. They have creatively and critically developed this further in their contexts through themes of Ubuntu, vulnerability and gender to call for embodied relational praxis by humans in both church and society. An ethic of relational responsibility carefully reconnects rights and responsibilities talk and avoids either their polarization or their collapse. I suggest that South African theologians have begun to concretise, apply and further develop Moltmann's Trinitarian insights for the practical task of building a human rights culture. The motif of the imago dei is used subversively in the South African context to challenge concrete dehumanising social relations and structures. Connecting God-images to the quest for justice as right relationship and the 'diversity-in-unity' of the Trinity struck a clear chord in South Africa with its theologically legitimated history of unreconciled peoples. The need to both embody and enact "revolutionary" ways of re-imaging God, and humans and embodying them within emancipatory church and social practices finds ongoing resonance here and I suggest would foreground the Christological, eschatological and ecclesiological dimensions of human rights theology.

South African scholars are sensitive to the abuse of power, also going beyond the state to other powerful structures including within the church itself. Distorted power relations continue to structure many relationships and anthropological understandings in South Africa based on multiple historical and often theologically legitimated superior/inferior binaries. All call the church to a central role in solidarity with the rights of the currently powerless, as an empowering counter to the existing powers of the day. This takes note of but also points beyond horizontal social analysis to reclaim a kenotic Christology from below, in a 'weaponless power', a concern with vulnerability and the weak omnipotence that I have

factors. For more on this suggested tendency for Africans as a whole to often avoid human rights language see Odinkale (1999). Historically South African black theologians as I have shown have been an important exception to this trend (Boesak, 1987, 2015, Tutu, 1987, 2010).

shown sits at the heart of Moltmann's Crucified doctrine of the Triune God. I suggest these offer radical resources for churches-living-under-the-cross to model and witness to forms of liberating praxis for both oppressed and oppressor to enact new and vulnerable ways of being together in South Africa where forms of solidarity Christology are still urgently needed.

An eschatological orientation - South Africa's new dispensation requires shared public visions that can hold the dialectical tension between now and not yet, possibility and practice in relation to the specific ongoing people-centred task of building a human rights culture. Theological vision can offer motivation for public witness and ongoing protest within and by the church for what is still left undone and remaining historically connected to justice struggles, refusing to dissipate Christian faith into abstract heavenly utopias or insurance policies for the life to come. Tutu's "rainbow" vision of diversity-in unity points to the powerful role of an imagined shared future in generating religious commitment to the struggle to change the present, step by step, offering realistic utopias for human rights founded on justice and not utopias of affluence that merely perpetuate the status quo for some. This hope must be held in tension with present uncomfortable social realities to remain a subversive challenge that emerges from the perspective of the poor and marginalised.

An active ecclesiology - South Africa's legacy of a minority yet active theological protest against dehumanisation is as famous as its theological legitimation of apartheid ideologies. The content of theology clearly matters in social terms here. And yet arguably most churches have failed to take South Africa's prophetic history on human rights into the new dispensation in coordinated public ways. Myriad theologies of domination as well as of spiritual quietism have chequered church engagement historically and require confession and self-critique as well as the reclaiming of ecclesiologies of resistance and alternatives. South African theologians emphasise the praxis dimension of theologies for human rights in their churches. They stress rituals, liturgies and practices that churches can nurture at grassroots and the need to embed these in subversive emancipatory ways that can challenge current church participation in both dominating and quietist theologies. Embodiment and enactment go beyond vision into an imaginative reshaping of habits and practices as a prophetic task against oppression. This can equip people to stand up for all whose rights are abused as a core part of Christian identity and rooted firmly in a liberating anthropology, dialectically inhabiting the place between cross and resurrection with a empowering dynamic life-giving Spirit that destabilises unjust, violent structures by positioning the church as a community in front of society, drawing into a more humane future, not behind it pulling back to the past.

The theological section of this thesis concludes that a number of important theological motifs re-occur in this Trinitarian praxis for human rights that can be traced in Moltmann and seen in selected South African theologians. It will return to the task of building a human rights culture in South Africa today to highlight key findings and suggestions for how this theology can be taken forwards by churches today in the light of the human rights signs of the times.

This reflects the methodology of synergy and interdependence articulated by An-Na'm suggesting that challenging 'troubled' relations between religion and human rights to enable a more constructive engagement by churches in practice requires reclaiming evolving liberating theological resources for human rights from within Christian tradition as "prophetic voices of dissent". I argue that this approach can help to develop internal religious legitimacy for human rights, grounded in transformational forms of human dignity that lead to socially transforming practice to draw people into an concrete radical relational responsibility for one another. It goes beyond interactionist modes to challenge systems and structures of distorted power-over. Creative appropriation of human rights theologies within South Africa is essential for speaking prophetically both to and from the churches in ways that resonate with their identity to motivate, equip and legitimate the shared task of building a human rights culture as a central aspect of the mission of the South African churches today.

Moltmann's concern with the power dynamics that saturate much theological engagement and God-images resonates with the need for ongoing hermeneutical confession and suspicion within South Africa as Villa-Vicencio, Tutu and most radically, feminist scholars suggest. This is essential if theologies are to avoid legitimating or passively ignoring new forms of abusive power-over and challenge tendencies within churches, societies and governments that enable dominating practice. Instead they can play a uniquely theological role in building a human right culture from below that places the excluded at its heart. South Africans have further developed the Moltmannian themes of vulnerability and power relations in ways that challenge the underlying roots of power and powerlessness in human rights abuse here today.

It is to this task that the final chapter returns. It will draw on An-Na'im's strategies to apply the liberating theological resources for human rights explored into the shared task of building a human rights culture from below to offer recommendations as to how South African churches can play a theological role as an authentic ally with other stakeholders as an active contributor to this social task and needs active engagement by the human rights movement.

Chapter 8 - Church strategies: A liberating praxis for human rights

I began this thesis with the paradoxical claim that rights language can be misused to serve the interests of the powerful as often as it can offer empowering protest against abuses of power. Chapter 2 highlighted the ongoing gap between the legal ideals and social realities of human rights in South Africa and explored the long struggle for human rights for all which has taken on new forms as a call for a human rights culture in the post-apartheid context. Chapter 3 explored the historically ambiguous relationship between many South African churches and emerging human rights discourse. I suggested that this still militates against an effective response to the post-apartheid theological call for churches to contribute to the task of building a human rights culture that is liberating in practice for the excluded in society. In the light of what is going on with human rights in South Africa, Chapter 4 pointed to calls for the re-engagement of religious and anthropological discourse to concretise the liberating promise of human rights into grassroots practice. I turned to Sudanese scholar, An-Na'im for insight into why embodied realisation may still be elusive despite South Africa's strong Constitution. His call to take human rights beyond its legal forms into internal religious engagement with norms, while challenging can, I suggest, offer rights thicker socio-political life and theological-ethical legitimacy in communities through developing and reclaiming liberating hermeneutics of interpretation for human rights. This formed Section 1 of the study.

Section 2 then turned to this theological task in the light of this social analysis. It focused on the Protestant Christian tradition to identify liberating theological resources for human rights. The aim of this section was not to construct a new theology for human rights, but to identify and unpack an existing approach within this tradition for further appropriation and application in the practical task of building a human rights culture in South Africa. I focused on one particular theological contributor and his approach to human rights. Chapters 5 and 6 turned to German theologian Jürgen Moltmann as an influential theological contributor to Christian engagement with human rights. Human rights have played a significant role within Moltmann's theological project as a way to outwork his political theology for the church's concrete relationship to society. His early insistence that all human rights engagement must start from particular contexts of concrete historical suffering and inhumanity for liberating praxis to emerge offers an incarnational starting point from below, in a solidarity Christology.

Chapter 5 situated Moltmann's concern for human rights engagement within a personal and social context, introduced its resonance with his core themes and unpacked his search for a

public, liberating and imaginative theological anthropology as a relational container in which his theology-for-human rights sits. It concluded that he offers a "radical reconstruction" of Christian God images with concrete implications for socio-political praxis. Chapter 6 explored his Trinitarian approach to human rights, grounded in an inclusive human dignity that foregrounds shared human vulnerability. It ended with some concrete ecclesiological implications that Moltmann draws for a church-for-human-rights. This offers theological capital for South African churches in the practical task of building a human rights culture. Its social vision of "what should be going on" challenges churches to a constructive engagement with human rights as central to their own "missional" identity and their social relevance.

The final section of this thesis takes his theological approach on human rights back into conversation with the current day South African human rights context in order to make recommendations about its concrete application for churches here. Chapter 7 focused on where creative appropriation of this human rights trajectory has been taken up in the work of selected South African theologians in a response to Villa-Vicencio's post-apartheid call to the church to take an active theological role in building a human rights culture. I suggested that Moltmann's approach finds multiple fertile resonances in Koopman's theological anthropology of vulnerability and interdependence, Tutu's communitarian spirituality of ubuntu and in feminist understandings of a liberating relational anthropology as embodied and enacted in an 'emancipatory ecclesial praxis'. These point to some practical ways in which a radical responsible relationality for human rights embedded in a liberating anthropology container could be concretely embodied and enacted in South Africa today.

This final chapter pulls together lessons learned by placing the theological reflection and its action orientated call of Section 2, back into conversation with the task of building a human rights culture of Section 1. It will identify key findings to respond to the question of *how* the church can contribute to the task of building a liberatory human rights culture in current-day South Africa. This question emerged from the experience of a significant gap between legal human rights claims and the lived reality of systematic rights abuses for many of the most economically, socially and politically powerless in society. It calls for renewed theological engagement with human rights by all religious traditions to improve implementation in the light of a 'widening gap' between religious narratives and human rights claims and a desire to help to bridge this with a contribution from the tradition of Protestant Christianity.

8.1 Key findings from Section 1's social analysis

8.1.1 The call for a human rights culture 'from below'

Of the twin tasks laid out at the start of the new South Africa; developing structures and policies on human rights and building a human rights culture, I suggest that it the second that remains most elusive to this day and may undermine the progress on the first. Despite gains, early hopes that a human rights culture would 'trickle down' from top-driven state-related processes and policies are increasingly contested and a call for a human rights culture 'from below' is endorsed by multiple stakeholders to reduce the ongoing gap between legal ideal and social realities. The belief that a grassroots human rights culture already existed as a rich vein in the struggle and would emerge organically has proved unwarrantedly optimistic although its suggestion that this culture be seen both as "revolutionary" and tied to the historical protest movement for human rights within South Africa is reinforced. To draw a line under the past and move from a rights-denying society to a rights-based society through politico-legal means alone may forget that past patterns bleed into the present and history shows that new forms of violence, oppression and domination may often re-emerge.

This thesis has noted that human rights are achieved (or denied) in the context of the social relationships between people and the power dynamics between them. It concludes that in South Africa, human rights will stand or fall by their support base in ordinary people[718] and that this forms the heart of a human rights culture, created by people, for people, or legal realities may mean very little. Empirical research has reinforced the sense that a human rights culture must resonate in people's hearts and in the depths of who they are, to mean more than the paper promises (Van der Ven et al. 2004:96). As a result churches must be theologically located amongst people's existing social realities, rather than focusing only on new powers. A call was made at the start of the new dispensation for churches to maintain prophetic engagement in society through contributing to building a liberating human rights culture as a theological hermeneutic task. However despite engagement, turning human rights forms into norms remains incomplete and many churches have yet to respond. An "inculturation" task, giving human rights credible socio-political life on streets, workplaces, homes, schools and borders by embedding these ethical identities in people's habits and practices, requires internal religious legitimacy to be able to mobilise sustained transformation from within.

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[718] There can be a danger of romanticising 'ordinary people' within both liberation theologies and Marxism. I do not suggest that there is a homogenous group of people who have the answer but note that rights internalisation must take place in this ambiguous, contested space.

8.1.2   The need for multi-disciplinary engagement

Human rights in South Africa in the new dispensation have been strongly connected with the law, as opposed to its history when they formed people-centred moral tools of socio-political protest against oppressive laws. This potential reduction of human rights to a legalistic, technical (and often secular) discourse alone, reproduced in how human rights is taught, may ironically mitigate against a fuller "incarnation" of human rights into the social vernaculars of ordinary people's everyday interactions. Any sense that human rights are now "givens" in post-apartheid South Africa, a bundle of entitlements guaranteed from above and provided down to passive recipients may be ironically counter-productive to conceptualising human rights as still needing to be struggled for. I have suggested that instead of being merely a legal "product", human rights need to be seen as a "process" still underway to which many stakeholders can contribute. This is not to deny the value of the law but to point to its limitations as a sole strategy for grassroots human rights realisation. Seeing rights realisation as merely the job of government alone can mitigate against a sense of shared responsibility An-Na'im suggests that an emphasis on top down law and political structures alone may create a human rights culture that merely serves the elite and fails to realise the "liberating power" of human rights as people-centred tools of protest and empowerment. I conclude that post-apartheid South Africa also needs to make use of other modes of engagement to better bridge the gap and to secure multi-disciplinary stakeholder engagement.

Human rights scholars and practitioners have increasingly called for a re-engagement of religious and human rights voices, as a "missing link" in much human rights work. Bridging scholars can make connections between the specifics of belief and the values of human rights in the shared task of building a human rights culture in South Africa today. I suggest that it is only if this interdisciplinary reconnection takes place, that churches will become authentic allies in ways that play to their unique and often authoritative role in the lives of many and not merely add "human rights" to a long list of other practical social causes. A creative reconnection can counter fundamentalisms that polarise the two and reclaim the legacy of minority yet vocal prophetic faith voices for human rights seen under apartheid, concretely incarnating the possibility of this living connection. South African churches arguably show decreased grassroots theological engagement with human rights post-apartheid than they had in the decades of the anti-apartheid struggle. Whilst a call for engagement for human rights was made, this has remained primarily un-institutionalised in practice. This is a sign of the times, a "kairotic" moment of truth, to which the churches have "response-ability".

8.1.3 South Africa as a 'site of struggle' on human rights

Chapter 2 demonstrated that South Africa's protest history of engagement with emerging ideas of human rights goes back to the 1800s. Reclaiming these roots in struggles against concrete oppression enables today's task to be framed not as an entirely new task, but a new chapter in an ongoing, multi-pronged struggle. This counters ideas of human rights as abstract givens or ideological-imports by situating them genealogically in a dynamic historical trajectory. A "bottom up" call for a human rights culture has deep roots here and a tradition traced in Chapter 2 shows that as systematic oppression took place, the language of common personhood, human dignity and rights was harnessed in radically transformative ways to fuel concrete protest movements by and for those excluded. This history challenges criticisms of human rights as merely an elite, white, Western and individualistic discourse by showing that an indigenous bottom-up human rights struggle was connected aspirationally to wider concrete justice struggles with global themes creatively appropriated by many black Africans as congruent with an anti-colonial vision often left out of the retelling of the global story of human rights. Prophetic religious voices formed a key part of this struggle showing that here, the language of human rights was most effective when it was not militantly secular. This insight may offer resources to re-engage religion and human rights locally and globally.

At the same time, the malleable and paradoxical use of human rights in South Africa has been acknowledged. The problematisation of human rights and its ongoing misuse to serve the interests of power threads through the South African context where human rights talk has and can still function as an elite rhetoric that covers up or even justifies existing disturbing realities, freezes or supports the status quo or emerging elites and can take on the "color of oppression" as a colonial tool of power in its own right. From "rights for whites", to native Bills of Rights, to HIV/AIDS and rights to land and property, it is clear that the idea of human rights remains an ongoing 'site of struggle' within South Africa and remains morally vulnerable to co-optation by the powerful. Urgent calls to regain their "transformative radicality" need to be heeded if they are to retain liberating power rather than mutate into new "rights to dominate" (Perugini & Gordon 2015). Paying attention to the power-laden question of "whom do rights benefit?" can offer an "optics" of rightlessness to prevent both false universalisms and misuse. If human rights for all are to challenge abuses of power and enable radical structural redistributions, they need reconnection to their subversive and revolutionary ability, located in solidarity with the excluded to destabilise what is in the name of what could be. A liberating human rights culture, in solidarity with the 'right-less' and not the

'right-full' can enable people to internalise a dynamic determination to challenge, resist and reject abusive power. But it must continually re-refuse fossilized co-optation to the service of existing powers. Imperialising tendencies must be constantly challenged to re-construct human rights in multicultural ways that also avoid essentialising culture. Historizing human rights offers a reminder that they are concepts continually being shaped in historical struggle. I suggest that a rights of the marginalised appropriation that acknowledges the ambivalent nature of rights but sees their meaning and mandate as having conceptual value and practical use in a world of persistent injustice is a dynamic idea worth nurturing (Engler 2000:361).

8.1.4 The ambivalent relationship between Christianity and human rights

Churches have often played a deeply ambiguous role in South Africa in relation to human rights with explicit strands of strong public theological opposition to both the emerging theory and practices of universal human rights. Many, whilst making noises of cautious verbal assent to human rights ideas in theory, still continued to support church-state patterns that theologically legitimised Christian passivity on engaging socio-political issues for change. This chequered historical reality needs explicit acknowledgement and confession as a starting point for a liberating hermeneutics and points to the need to "unlearn" damaging practices that may explicitly negate human rights realisation in practice. Human rights scholars here may be rightly suspicious of the use of theological motifs on human rights given the damaging formal Christian legacy of the past. Many South African church structures and doctrines have been co-opted through history to theologically serve the ideologies of the powerful elites in society, usually to the explicit detriment of the voices of those with little power to make counter-claims. I suggest that an explicit 'taking sides' with the rightless is required by Christians equipped as theological hermeneutists in each generation to prevent rights being misused as a mask for privilege rather than its challenge.

Nevertheless, a minority strand of active prophetic and 'confessing' theological action for human rights that resisted this mainstream complicity and called both church and society to transformational action for change offers dangerously hopeful memories of the ever-possibility of constructive engagement with a revolutionary notion of human rights. From Phillips to Colenso, ka Seme, Luthuli, Tambo, Naude, Van der Vyver, Biko, Boesak, Tutu and many unnamed others, South African Christianity traces prophetic voices through history that mounted a consistent and costly theological resistance against concrete human rights abuse of their day grounded in the subversive claim of "common personhood" and the need

to restore human dignity understood not in neutral and abstract terms but as "taking sides" in relational solidarity with the bodies and aspirations of the rightless. They vernacularised human rights language, to give it deepened ethical force where apartheid became not just socially unjust but also heretically blasphemous, connecting it to the ordinary hopes and ethics of many people caught up within the power-laden structures of their day. This theological countering of distorted forms of theological legitimation of dominating and hierarchical power-over inspired influential protest from Christians and churches all over the world mobilising a power-with from below that was arguably in time, to play an important role in ethically decentring the absolutist claims of a sovereign government and helping to mobilise wide scale resistance. However, despite a call to maintain a theological focus in the post-apartheid task of building a human rights culture, this prophetic trajectory and its grounding in a peoples' theology is often fragmented, silenced and in need of revitalisation today. Struggle theologies themselves 'struggled' to translate effectively into the new dispensation and many churches grappled with apathy, a reluctance to change and even a retreat into denominational piety. An "ambivalent haze" still characterises many Christian attitudes to human rights in 21st century South Africa which mitigates against effective institutional engagement despite nearly 80% of the population retaining a strong Christian faith and high levels of ongoing social trust in the church. This suggests a theological task remains as ecclesial attitudes can help to shape (or undermine) the heart of a human rights culture. In this respect, I concur with Witte's view that religions are indispensable allies in the modern struggle for human rights that cannot be excluded. Religions must both reclaim their voices within the secular human rights dialogue and reclaim the prophetic human rights voices within their own traditions (2010:20).

8.2   Key findings from Section 2's theological exploration

Section one pointed to an ongoing unique theological role for the churches in the task of building a human rights culture that may be lost if they engage merely as another social entity within civil society. While practical social contributions are never to be dismissed, I conclude that a critical part of building a human rights culture from below is the authentic internalisation of human rights attitudes, not in political rhetoric, vision statements, or legal documents, but in the hearts and minds of ordinary people. This forms an ethical imperative to disavow and challenge all abusive forms of power-over in structural and interpersonal terms that limit basic human flourishing and creative agency. Connecting human rights to the

heart of what it means to be a human being living in relationships can 'thicken' rights-talk and give them embodied social and political life within communities, especially when directly linked to human relationships with and human conceptualisations of the divine. I conclude that it is in making this specific connection that churches can best offer "liberating hermeneutics for human rights". The following recommendations are therefore primarily theological, for churches to envision, embody and enact as embedded practices to radically reconnect the treatment of all their diverse neighbours, with their worship of a Christian God whose incarnational form is taken in solidarity with the poor and marginalised in every society, often requiring an "ocular conversion" in this respect from the right-full. Witte's liberating hermeneutic requires churches to confess, be suspicious, take note of history and maintain interdisciplinary engagement. These four dimensions are briefly considered below,

Firstly, formal church complicity in theologies of domination and quietism has peppered South African history. Minority yet vocal voices of religious protest can suggest, incorrectly, that this prophetic voice represents most churches. An ongoing task of *confession* may remain and take on new forms in the post-apartheid dispensation. Have churches really wrestled with how to do theology after apartheid? Equally important, do they acknowledge the contemporary crucifixions of people today amidst which all theologising takes place?

Secondly, the church through time and space has tended to support the existing status quo and often allowed its theologies to reinforce and ordain closed visions of 'what is', rather than openness to 'what could be'. There is a danger that churches may employ human rights and dignity discourse as a new universalising language of power in repressive and rhetorical ways at odds with its emancipatory vision. This requires ongoing *suspicion* of the rights concepts used by society and church with regard to implications for liberating practice.

Thirdly, human rights struggle has a *history* within South Africa as does church engagement with its realisation. Embracing this concrete prophetic history within churches can help the 'traditioning' process that gives people pride and continuity with the past. Local practice for human rights is important for ownership and helps counter "imperial" use of human rights.

Finally religion can help to give law its dynamic reforming focus.   However in South Africa, religious use of law can still go in the opposite direction, to hold back change and retain a static, conservative feel. Theology must think about how it situates itself in relation to current laws. South Africa's new laws are generally more progressive than much of its traditional and religious culture, and churches can play an important role as a bridge between the two, luring society into a more liberating future rather than becoming a resistant anchor back to the past.

8.2.1 Trinitarian praxis as a liberating hermeneutic

A radically Trinitarian vision of the Divine can function, I suggest, to radically reshape our God-images. It offers a subversive counter to monarchical models of a dominating and 'Almighty' Father figure who legitimates power-laden and hierarchical structures as God-ordained and not to be questioned, changed or challenged. Instead a "critical theory" of a kenotic and vulnerable God in solidarity with all who suffer today that begins at the Cross within human history and points to a dynamic relational mutuality between Father, Son and Spirit at the heart of a Christ-centred reshaping of all God-images that most of Christendom has predominantly failed to embody. As a result, a Moltmannian re-envisioning of God has ongoing revolutionary socio-political implications, empowering those on the periphery as the place where God stands and decentring all theological justifications of power-over others. It has been employed subversively in the past by South African theologians within a prophetic trajectory to challenge multiple concrete theologies of domination and subordination, especially but not only that of racism, as one of the ways in which "kyriarchy" has been enacted.[719] The liberating Trinitarian praxis explored in my thesis calls the church to model life enhancing practices of 'right-relationship' as well as to challenge dominating structural and relational practices in wider society.[720] This theological model of 'social connection'[721] can motivate and equip believers to take responsibility for and with the rights of all diverse others, with a focus on the rightless as the location where God is found in human form. Understandings of God and of humans often form two sides of the same coin, reflected through history in how God-images can reflect and reinforce human social patterns. A Trinitarian pattern shifts from an individualising pattern to humans together as mirroring divine relationality, offering a new optic on relational patterns of power and rights abuse.

8.2.2 An imaginative relational anthropology

I suggest that a commitment to a liberating theological anthropology can substantively underpin human rights claims as a whole and reshape them away from a potentially atomistic individualism of selfish entitlement or the equal tyranny of a collectivist loss of self. It offers a relational understanding of more humane ways of treating each other in the light of a shared

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[719] I owe this term to feminist theologian Elizabeth Schussler-Fiorenza. I substitute kin-dom for Kingdom in my personal contributions.

[720] This evaluates relationship not in static terms (reifying specific forms such as marriage, heterosexuality, parenthood, priesthood) but by supporting the quality of their mutuality and power-sharing nature with open friendship as the metaphor for all relationships including God.

[721] See Young (2011) for a model of social connection to challenge, at a structural level, patterns of oppression which "mis-shape" reality. Developing synergistic possibilities between Young's social connection model, Gould's (2015) social ontology of human rights and Moltmann's subversive Trinitarian relational praxis is an area of research that I have noted and hope to develop in the future.

existence as children of God, created for community. This offers religious tools and stories to "reimagine humanness together" and to embody and enact this in concrete life affirming ways. It resists all patterns that distort life by reclaiming the subversively egalitarian and dignifying intent of the *imago dei* motif for the least. Life-enhancing anthropologies-of-trouble that celebrate difference, emphasise shared human worth, connect into inclusive relationship and call to individual moral responsibility can hold the tensions between individual and communal dimensions of life and do not require an essentialising anthropology of human nature, but rather one that is held eschatologically open to the future. An inclusive Christian anthropology can enlarge our "circles of human dignity"[722] and help liberate both oppressor and oppressed from the vicious cycles that dehumanise based on a shared vulnerability that requires a "habitat" that can protect and nurture human potential. It is eschatologically orientated, a radical hope luring beyond the present towards a future characterised by a freedom-for-relation in which all can participate. This fluid ontology adds depth to the 'thin' legalised language of human rights by situating it within a Divine relationality in which all are invited into vulnerable mutual relation to the human other.[723]

8.2.3 A kenotic Christological revolution in power.

I suggest that Moltmann's theology for human rights, if contextualised concretely, requires radical and even revolutionary reforms in the ways in which societies and churches are still typically structured and imagined to better counter ongoing distorting effects of sin as inhumanity that lead some to dominate others (and to justify it through theological ideology) and for others to become trapped in forms of dehumanising dominated-ness and apathy. This is not just a progressive "tweaking" but a radical contestation of how many churches still often imagine Divine power in their doctrines, songs, liturgies and practices. This theological revolution, begun by God in Christ, radicalises what needs to change in our societies in both structural and interpersonal terms if our visions of a better future together are to become a lived reality. To radically rethink how humans 'image divinity together' in life-enhancing mutual relationship is a far cry from the power-laden images of God that continue to pepper our Scriptures, church traditions and religious practices and often outwork into abusive ways of treating others. The church is called to become a community that points to and begins to

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[722] I owe this phrase to Cochrane (1999). It also forms the underpinning for the vision statement of Rondebosch United church, the church which I attend in Cape Town and whose approach is informed by Moltmann's ideas. http://www.rondeboschunited.org.za/page/who-we-are.
[723] I note that Newlands (2006:146) while primarily very positive of Moltmann's Christological contributions on human rights, suggests that he "lacks a properly grounded ontology" in his approach to human rights. My thesis seeks to gently contest this claim whilst also noting that Moltmann, by virtue of his own approach would be intrinsically reluctant to 'fix' any definition of the human in a static or abstract way.

model these radically egalitarian ways of behaving, not in withdrawal from the 'world' but in witness with and in it. I suggest that Moltmann's reimagining of God calls all theologians to rethink the vertical if the horizontal is also to be sustainably reshaped. If believers' views of the world is shaped around an image of a male violent parent God as human rights abuser who threatens eternal torture, requires child sacrifice, picks one tribe over another for genocidal extermination on which the freedom of others is to be based, models love through the passive acceptance of extreme suffering, demands unquestioning respect, offers patronage to some and sends refugees into dangerous exile, it is unlikely that they will become human rights activists and more likely that they will model these patterns horizontally in patterns of legitimated human rights abuse. If claiming self is depicted as the ultimate sin, it is likely that those who are already self-full will dominate over the self-less.

I draw on Moltmann's insistence that the hermeneutical key of the Christ-event should turn human patterns of power upside down and not reinforce them, where God, the seeming source of ultimate power, takes sides on behalf of the oppressed and marginalised, not as a triumphant warrior King from above but as a particular victim from below within concrete history. Moltmann's own context pushes him to ask the difficult question, what does it mean to do theology after Auschwitz? His response, while inevitably partial and flawed, mounts a challenge to all theologising that does not take seriously the need to confess the co-optation of Christian narratives to legitimate multiple state and social atrocities and its failure in the main to equip its 'followers' to actively resist the seductions of authoritative power-over and the dehumanising scapegoating of other humans. The South African churches must keep asking, what does it mean to do theology after apartheid? They must also hear the call from marginal theologies today to do theology in the light of ongoing atrocities. Both Germany and South Africa start from the historical reality of churches co-opted and seduced into legitimation and passivity and yet also the existence of minority confessing church voices whose faith inspired radical prophetic and action-based resistance for and with the rightless.

8.2.4   An eschatological ethic of responsibility.

Moltmann calls Christians to take active responsibility for and with those whose rights are systematically denied as a core mission of the church, whose identity is found under the cross and directed towards the kin-dom. This avoids the tendency, still common today to polarize rights and responsibilities in unhelpful ways that can fall back into trusteeship models or a 'benefits' understanding of rights. It marks a move away from passive 'bystander' models of

church seen in both Germany and South Africa that can legitimate or become apathetic in relation to wrongs by placing sole responsibility on a God outside the system and moves towards interpathic participatory 'upstander' models where human freedom-in-relation is itself called into being by divine freedom. This reconnects the vertical and horizontal dimensions of existence and emphasises that the rights of others place clear responsibilities on all. This responsivity must go beyond and even critique a benevolent focus solely on "charity" which can maintain the power of the giver and ameliorates effects only, to participate in the more challenging task of doing justice that requires a listening and a seeing conversion on the part of those with power. I endorse Moltmann's concern regarding an abstract understanding of sin where the idea that "we are all sinners" operates not as a levelling equaliser but as a false universalisation that can shroud specific sin. He insists on the need to concretise this within historical realities yet also insists, like Tutu, that both oppressed and oppressor need to be held to moral responsibility, and not written off as either agency-less victim or irresponsible and irredeemable monsters. Our deepest truth as an evolving species noted by Turner, Regan, An Na'im, Moltmann, Tutu, Koopman and Ackermann amongst others may be that in our shared vulnerability, we are responsible for each other[724]. The insights of ubuntu can deepen this relational truth that "no-one is free until everyone is free" as a "social construction" of freedom that is in need of performance today.

8.2.5   A human rights ecclesiology

The theologies of human rights explored in this thesis seek beyond a top-down paper assent to the secular notion of human rights by reluctant churches. The need to 'go beyond words' on human rights reverberates soberly down South African church history. In relation to the ongoing struggle for human rights, the church has been called to act and not just to speak, to take sides and not just to remain neutral. This is a theological task that requires ongoing liberating hermeneutics explicitly ordered to this practical end. Moltmann's Trinitarian model is radical (and contested) often because it is intended to have subversive socio-political implications. South African theologians add further value by identifying specific ways in which this Trinitarian vision can be embodied and enacted in liberating praxis here. They highlight its concretisation into emancipatory ecclesial practices in the reimagining of liturgy,

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[724] The work of sociologist Brian Turner, unfortunately primarily beyond this thesis forgrounds this connection and could form a future conversation partner for theologians of vulnerability

Eucharist, lament, liberatory story telling, ritual, songs, prayer and the theological formation of ministers, all lay-Christians and, I suggest, the smallest of Sunday school attenders.[725] Churches can become hubs for embodiment and enactment of life giving rituals, habits and practices that offer contrast models to dehumanising practices of distorted human relation.

Feminist theologians strongly emphasise the bodiliness of human existence and this plays out in South Africa where black bodies, women's bodies, children's bodies, LGBTI bodies and foreigners bodies often remain the terrain on which so much human rights abuse is systematically played out in a contempt for "weakness' and a distorted desire for power-over identities fuelled by wider systemic conditions of hegemony that can hide subtle forms of economic and political violence. I suggest that the incarnational task of taking bodies seriously in our spirituality is needed more than ever, taking note of which bodies in particular are seen, heard and given the space they need to thrive. In this task the 'body' of the church can play an important and symbolic role if it is prepared to suffer with those who suffer, celebrate with them in joy and refuse all theologies that 'spiritualise' our existence away from the ordinary concerns of everyday life. It can enable human rights claims to take flesh in the bodies of those whose bodies seem to be least valued socially by placing God presence with, in and amongst them. But this also requires a difficult confession of the many theologies that still legitimise the domination and superiority of some bodies over others, of soul over body, of white over black, of man over woman, of adult over child, of straight over queer, of human over creation. It points to a reclaiming of "somebodiness", the God-bearing, Spirit-breathed dignity of every 'Other' that characterises Tutu's plural Trinitarian spirituality. Doctrines of economic prosperity, unquestioned political and religious authority and unchallengeable social hierarchy are three main ways where human rights abuses often remain theologically legitimated in South Africa by both the left and the right and contribute to excluding the majority from basic life-forming prosperity, social safety and a democratic culture of participation and legitimation rather than one of mere authority and submission.

I suggest that churches can be spaces that help people to make connections between vertical and horizontal behaviours, between their worship of God and their treatment of others, to

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[725] Ackermann and Tutu show that these practices include the shared Eucharistic meal as a place to embody the heart of an inclusive Christian anthropology where all are invited in all their diversity as God's children. Taking this seriously in the midst of a segregated world is a subversive act, as South Africans found under apartheid. Storytelling sits at the heart of narrative traditions of faith and human rights. need to be wrapped within existing narratives of faith in subversive ways that radicalise and challenges congregations to change and empowers them as active participants in God's transformational mission. Concrete stories about the stranger, the marginalised, the scapegoat, the poor and the powerless litter Scriptures and can point to radical Christomorphic practices of just human connection across deep social divides. See McClintock (2013: 144-160) for more on specific ways in which the Body of Christ can be "re-membered".

embody not the unchallengeable givens of a hierarchical social system that divides and demeans, but nurture the social virtue of radical relational responsibility for one another, grounded in concrete solidarity for the suffering Others. Moltmann calls the church to be where Christ is, and radically decentres its role when it fails in this. This Trinitarian praxis is held between a crucified present world and the hoped for just renewal of all things in a social justification where "becoming human" is something done together. I suggest it will require churches to embrace a pneumatology of vulnerability and a kenotic self-emptying of the powerful for the lifting up of the powerless, remaining able to confess and not merely repress both their own and wider human frailty. In this, Pentecostal traditions may come to the fore.

8.3   Making connections: synergies and interdependence

I suggest that Christians operate as "church" at multiple levels within their communities, as individuals, local congregations, influencing ecumenical global structures and wider society and state. In all these spaces, my findings call them to contribute towards improved human rights realisation as a core part of their identity and missional task. This engagement must however be liberating for the currently rightless requiring a 'taking sides', concretised into South African realities today to ensure that both churches and human rights discourse do not merely reinforce powerful elites in an idealistic and even false neutrality that can mask patterns of injustice but are equipped for a revolutionary and evolutionary task to participate in transforming existing abusive social realities into new ways of engaging together.

My theological findings suggest that an incarnational and "cruciform" location in space can be held in dialectical tension with an eschatological vision in time of new ways of being together and that this can "destabilise" the obscene gaps in the present time and space from both below and ahead. Churches inhabiting this Zwischenraum of Easter Saturday, may find themselves outside the gates of power, and in the midst of concrete hells on earth. But I suggest it is only here that it will meet the God outside the gate to become a part of the divine Liberator's initiative. Here it can participate in its life-giving resurrection Spirit with a Trinitarian theology of the cross and a broad pneumatological Christology. This concludes the specific theological key findings from Section 2. This chapter will now, in the spirit of An-Na'im's methodology, identify synergies and interdependencies that have emerged from these findings in sections one and two. The below section draws creatively on Moltmann's human rights tasks for the church in the light of my human rights findings to make some tentative final and interdisciplinary connections.

8.3.1   A starting point in concrete struggles: a Christological location

Recent human rights scholarship has emphasised the need to reconnect human rights talk to concrete historical struggles as a starting point in the particular to ensure an "optics of rightlessness" holding together both its possibility and its perversion, preventing rights from being co-opted and misused only as a tool for the already powerful and linking rights to actual contexts of struggle as a starting point from which to inspire new visions and to resist ways in which people may remain "dispossessed". This resonates both in the South African historical and current day context. This same theme is prefigured in Moltmann's early concern for a liberating theological approach to human rights which insists, counter to many in his day that theologies on human rights must "take sides" and start in the particular, where the pain is, to prevent the misuse of rights. They are then related dialectically through radical hope to open future visions that hold together the normative and the political. This thesis reclaims the ongoing struggle dimensions of human rights talk in South Africa today by reconnecting to its history and to concrete abuses of the present, seeing rights as a dynamic socio-political process emerging as a vocal protest from places of concrete suffering.

Chapter 6 showed that Moltmann's first task for the churches on human rights is to focus on currently unrealised rights in our society and to challenge the potential misuse of human rights as co-opted to serve or perpetuate existing unjust social patterns. This offers a Christology-for-human-rights located at the vulnerable margins, with a concretised incarnational solidarity as the starting point for all authentic engagement by churches with human rights (as opposed to with existing privileged interests). This theological "optics of rightlessness" situates churches not on the side of those whose rights are already met, but "taking sides" in a hope against hope with those who remain rightless in practice today. This location from below, if taken seriously by all churches, would significantly counter the bias of many other structural entities towards the powerful. In the South African context of deep economic inequality and intersecting violent social abuses it requires the church to emphasise the realisation of economic, social and cultural rights by all stakeholders especially the right to be freed of dominating patterns of social and cultural abuse of power, often tacitly accepted within communities which remain deeply power-laden themselves. It must also remain alert to the increasing erosion of civil and political rights in the face of political corruption and police brutality when the right to resistance is expressed in the bodies of the vulnerable and is called to take steps to put its own "Body" on the line as well. The tendency to focus on protecting already realised rights with little recourse to then change the system for

those who remain rightless in practice must be actively countered if human rights are not to merely remain Moltmann's "humane ideal suspended above an inhumane world".[726] Situations where some rights are ignored or traded off in favour of others and the holistic and interconnected nature of all human rights is denied must also be challenged. Churches can be in particular danger of taking this divisive approach to human rights, where some rights are accepted as congruent with existing tradition, but contentious others around gender and sexuality are denied or silenced. This splitting up corrodes a holistic interconnection to the indivisibility of human dignity-in-action and needs to be theologically resisted.

8.3.2   The transforming dynamic of rights: an eschatological orientation

Human rights scholars in South Africa have pointed to the need to "reclaim the transformative radicality of human rights" and the danger of their rhetorical institutionalisation (or in/visibility) within existing power structures as well as the crisis of legitimacy created by the ongoing gap between rhetoric and reality for those whose social reality bears little resemblance to paper policies. Reclaiming the future-orientated eschatological vision within Christianity and its this-worldly implications can recover a sense of the dynamic, aspirational dimensions of human rights as "still unrealised" eu-topian ideals that need ongoing people-centred struggles for embodied change in the wider light of the relational kin-dom of God. An-Na'im's notion of "taming utopia" in the human rights arena can mediate between what is and what could be in an ongoing open way that disavows all relations of domination (2010:73) and resonates with Moltmann's desire for "concrete utopias of justice" in the theological arena that similar model non-dominating methods. This can motivate Christians to situate the increased realisation of human rights for all as a central part of their church mission to which they are called to participate as part of the ongoing Divine mandate to humanise the world. It can enable them to be "watchdogs" for all abuse of structural power as well as authentic allies with many other human rights initiatives. This re-constructs rights as a dynamic task which refuses to see them as static entitlements merely 'given' from above to passive recipients, but insists they remain a participatory task under shared construction that requires responsible people-centred struggle to realise.[727] Moltmann's dialectical approach insists that suffering (cross) and possibility (kin-dom) be

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[726] Land rights can be seen under this rubric where an excessive emphasis on existing 'property rights' as absolute can prevent ways of enabling basic shelter rights to be provided to many of the most needy whose right to housing has been systematically denied over decades.
[727] Moltmann's Trinitarian shift from the patron Father-God who provides to his servants to the friend-Jesus who liberates and makes us children of a family to the Spirit who empowers us for active participation as adults has significant implications for human rights realisation.

held in ongoing tension by the church in an empowering prophetic spirit that keeps it provisionally on the move in hope-in-action. This also applies to human rights as "a dialectical language capable of holding tensions. Regan terms this, "a discourse of possibility and reliability, of aspiration and alarm that draws attention to suffering and sets the conditions for the exercise of responsibility in response to the awareness of suffering" (2010:13). It reconnects human rights to human responsibilities and reinforces their process dimension where rights remain relational and transformative only when their concrete realisation is taken up as the responsibility of all. At its heart, it supports a radically relational reshaping of human freedom where "no-one is free until everyone is free." This eschatological vision of the "beloved community", keeps Christians moving, refusing to reduce the good news to only a socio-political struggle yet also refusing to recognise it without participating in socio-political struggle as a core, missional yet still provisional task. It retains an iconoclastic anti-utopian critique of all messianic visions to prevent the dynamic liberations of one era from merely hardening into the fundamentalist orthodoxies of the next.

Moltmann articulates his second human rights task to the church as to "sharpen the duties" or to challenge the abdication of responsibility to the rights of the suffering neighbour and, I suggest, the theological justifications of that abdication. South African has a history of patterns of "state and church" theologies where theology has been explicitly co-opted to serve dehumanising patterns of racial domination, legitimating both those oppressing and providing a pacifying justification for the acceptance and non-resistance of this by the oppressed and those beneficiaries participating in oppressive structures. One of the most insidious dimensions of all ideologies of supremacy can be the internalisation of its beliefs, not only by those who benefit from it, but by those who suffer it. Some forms of church theology employed and still employ "doctrinal loopholes" to enable people to split social responsibility to the wellbeing of all their diverse neighbours from their relationship to God by drawing on specific Scriptural proof texts that morally legitimate public Christian passivity in the face of structural social evils such as poverty, xenophobia, corrective rape, domestic violence and HIV and disability stigma to push sole responsibility onto a God of the gaps. Moltmann's passionate call for radical church reform emerges from its historical failure in his own context to motivate Christians to act responsibly as churches on behalf of the dignity of their Jewish neighbours. Arguably apartheid and Nazism form extreme social manifestations of wider ideologies of domination and submissiveness which remain powerful and intersectionally performative for many in our world today: rich over poor, white over coloured, male over

female, adult over child, north over south, healthy over sick, abled over disabled, straight over gay, married over single, citizen over refugee, strong over weak. These dominating patterns of value continue to lead to powerlessness and vulnerability for many as outworked in social violence, economic exclusion and marginalisation. It is their suffering that churches are called, not primarily to alleviate through charity, but to help radically transform by modelling a vulnerable solidarity with all the oppressed in which the Divine is made present and in which a new form of power-with can be recognised and celebrated together. This points churches beyond mere resistance to abuses into the simultaneous modelling of alternatives, fuelled by visions of a better future and alongside other human rights allies. It notes that while resistance is essential, but it is not enough. As South Africa theologians have reminded us, a theology of resistance on its own will not last. Imagining and creating an alternative is also essential, alternatives that can challenge, and eventually overcome, the power of historical status quos (Klein 2015). Newlands points out that "human rights are never completely anchored, they challenge us always to question the present through utopian vision of the future" (2006:16-19).

8.3.3 Radically egalitarian human dignity: re-imagining the Human

Arguably, human rights in 21st century South Africa can tend to be reduced to legal-moral concepts (specialised legal arenas of action for educated elites) or to political rhetoric (institutionalised policy-speak by governments). This thesis points away from this 'legalistic' or state-centric tendency towards the need to re-engage with human rights as normative discourse, ordinary spiritual-moral concepts to be discussed, internalised and appropriated by ordinary people in their everyday interactions with others. It resonates with recent calls from anthropologists and sociologists to re-examine the ethical and anthropological dimensions of human rights in ways that avoid an essentialisation of "human nature". This may be how human rights 'forms' over time become 'norms', vernacularized into the varied plural cultural and religious modes of society. As a result, churches should not seek primarily to look "upwards" to influence existing laws and policies, but to move to inhabit the "down" spaces, focusing on modelling implementation within and by congregations to nurture a sense of responsible people-centred agency for forms of power-with and power within that can be part of holding all abusive forms of power-over to increasing account, including church structures. Douzinas suggests the word "human" carries a surplus of value and dignity that is endowed by revolutions and augmented by many new struggles. Harnessing this anthropological surplus with its symbolic value may help to retain the 'liberating promise' of

human rights in ways that don't reduce the thick and complex realities of human life to mere thin legal ciphers and it is here that churches can potentially help.

Moltmann's third task to churches is to "promote an inclusive anthropological dignity for all and to challenge all forms of status-based dignity-over that rest ideologically on the exclusion or second class status of some", a distinction also made by many human rights theorists. His Trinitarian-shaped creational story of human beings as formed for relation, yet deformed by sin into distorted relationships of domination and slavery can acknowledge the cruciform nature of the world today for many. This forms the incarnational concrete starting point for human rights engagement with the currently 'rightless' mirrored in Tutu's "centripetal" movement of the Cross. Only from here can Spirit-filled possibilities for the reforming of divine and human relationships in the light of a wider transforming kin-dom project in which all are invited to participate emerge. Concrete embodiment of this theology within South African apartheid suggests that it can offer a subversive image of human dignity that mobilises Christians to hope-filled theological protest against dehumanising images and social patterns and into a restorative affirmation of human dignity in action.

It has been shown that both theologians and lawyers in South Africa warn of the danger of narrow, status-based understanding of human dignity and point to the importance of a transformational and inclusive dignity for human rights realisation. This resonates with the radical human dignity at the heart of Moltmann's approach and its use by An-Na'im as a core bridging concept between human rights and religion rather than a competing binary choice between a so-called secular version and a so-called religious version. A relational container of the human person-in relation, developed further in South Africa through notions of "ubuntu", can help ground and situate human rights in local vernaculars. It also emphasises in its eschatological vision of becoming human together an equally urgent need for the liberation of the oppressor.[728] In South Africa, this task has been historically concretised in prophetic church struggles against colonialism, racism and sexism both within the church and entrenched in broader society. These ongoing struggles remain and often take on more subtle, covert forms today as well as emerging new dimensions of class and economic struggle. New forms of discrimination and violence against LGBTI people and foreigners have emerged as well as increasing economic exclusion for the poor from basic access to functioning health,

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[728] Brazilian educationalist, Paulo Freire recognises dehumanisation as a historical reality and theorizes it as the distortion of the possibility to be a human being in the fullest sense. He challenges a fatalistic view of oppressive hierarchies as the will of God as "a distorted view of God" (1970:43) and points to the need for solidarity amongst all involved with liberating praxis. This insight reflects my own findings here.

water, education, food security and sanitation systems or legal restitution for these ways in which basic embodied dignity is compromised. A theological reshaping of what it means to be free humans adds depth to the existing focus of human rights on victims and freedom as autonomy by emphasising that human rights abuse has consequences for all caught up in systems and patterns that oppress to point to freedom-in-relation where we are called into not mere tolerance of one another, but active recognition. A refusal to write off any of God's children reimagines freedom beyond liberation from oppression into freedom to and for and seeks to protest the binary of topdog/underdog in society as merely "the way things are".

This anthropological reshaping, epitomised in a kenotic Christology, invites both 'masters' and 'slaves' into alternative structural ways of becoming human together suggesting that tendencies to dominate are not an inevitable Hobbesian reality of human life together, but an enslaving distortion of it. In the South African context, riven by abusive modes of racist, classist, gendered and heteronormative social patterns, this requires both internalisation and externalisation, going beyond a 'liberal' recognition of the oppressed to a 'liberational' recognition of individual complicity in structural oppression. The conversion call to become 'liberated oppressors', as some clearly did under apartheid, remains ongoing for all in the light of many new oppressions. Is excessive wealth for example, critiqued with the fervour that extreme poverty is? Is the use of dominant, domineering political, social, economic and church power seen as dehumanisingly unacceptable as the powerlessness of the vulnerable. Does the church not only preach but also practice its abstract claims about good neighbours?

Most challengingly the promotion of a radically inclusive dignity also refuses to write off the "oppressor" as subhuman or hidden within a depersonalised evil 'system' but requires all people to acknowledge and confess these "moral vulnerabilities" within themselves and to work actively for the ongoing liberation of all, not just some, into more humanising patterns of interaction. This requires ongoing ethical engagement with structures and persons in power (including churches) with and on behalf of all those damaged by its systems and practices, to challenge socially normalised patterns of behaviour that create loopholes for human rights abuse to many deemed less than human, e.g. prisoners, sex-workers, paedophiles, terrorists.

I have shown that reimagining dignity in transformational ways is foregrounded by much legal scholarship as essential in current day South Africa. It is ironic that churches are often more likely to be seen by those outside to promote hierarchical patterns of status-based dignity than these urgently needed transformational patterns. But decades earlier Moltmann

pointed to this tendency for human dignity to be "most thoroughly distorted by religion" where messianic definitions of the "good" and of God become determined by the strong and exclude the weak. He reminds us that only a self-critical messianic vision that has the suffering God at its heart can nurture a genuine human dignity where the cross forms the 'sign of God's own commitment to the restoration of all human dignity.' His grounding of 'idealistic' visions of both the creational past and the eschatological future in a historical theology of the cross seeks to correct a single emphasis on either creational *imago dei* or eschatological vision where both need grounding from below in an embedded theology of the cross. This resonates with Coundoritas's concern that dignity can still to be used in South African settings as a form of dignity-over, "a marker of colonial power and a way of asserting superiority". Churches have often been complicit in this abuse and must remain self-critical.

8.3.5   Reformulating power; destabilising the given

Moltmann's fourth and final task calls churches to actively model and work towards forms of power-with and power-within and to challenge forms of 'egoistic' power-over as part of a radical critique of all forms of domination over others, nature and future generations. It can remind a South African human rights context still deeply distorted by abuses of economic, socio-cultural and political power to reconnect to a fragile humanity-in-relation, in realisation of both our profound shared vulnerability (pathos) and our profound capacity (hubris).[729]

South African theologian Anthony Balcomb notes that if Christians perceive God as the Almighty, omnipotent, omniscient and impassible then "we are actually making God a metaphor for ultimate power." As a result he suggests it will in fact be power that we worship and not God (2010:428). This is such a revolution for much familiar church language and concepts that it can be hard to realise that such a radical re-envisioning would be possible let alone essential. Why should people bother with God if God is powerless? Is this merely a new way of reinforcing and even legitimating the undoubted powerlessness and vulnerability of many in our world rather than enabling its protest? Many have asked these questions and some have seen Moltmann's radical re-envisioning as leaving a "shrunken" God, unable to even help anyone even 'God-self'. While theological critiques of his position by others have been beyond the scope of this thesis, my approach has approached the question of power

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[729] I draw these terms from Anthony Balcomb (2011:22-33) as resonating strongly with a Moltmannian theology. Balcomb ties this to the Pauline notion of the weakness of God and asks what a biblical theology of power looks like in African settings where power is key for much African spirituality and may in fact be a reason why Pentecostalism has such appeal. I suggest this area requires more research.

from a different, "non-theological" starting point of the reality of human rights abuses and dominating forms of power in South Africa. In the light of this, Moltmann's radical critique of the embedded power-laden images at the heart of much institutionalised church tradition appears more like an essential starting point given current realities, for a humane re-imagining of a kind of Christo-praxis that re-claims the God edged out onto a cross as a counter-narrative to all forms of power that exclude the vulnerable and endorse oppression.

I began this thesis with the claim that at their heart, human rights are concerned with relational power and the need to curb the ongoing possibility and reality of its structural abuse. They emerged historically as a response to the actual human abuses of powerful institutions such as the state. In the light of this human susceptibility to dominate over and be dominated by others through a wide range of structures, I suggested human rights seek to offer a "boundary discourse" for basic human flourishing and self-protection within a social "habitat". The theological reflection of my thesis reinforces this human rights concern with social power and its abuse by critiquing theologies of domination and their ongoing legitimation of dehumanising forms of status-based dignity. It deepens the human rights analysis of forms of "horizontal" social domination by explicitly also connecting these behaviours to dominating "vertical" God-images that can legitimate and reinforce them. It points to the need to reshape core theological motifs if the roots of these abusive power patterns in society are to be effectively challenged from within and cultural change enabled. Many existing patterns have theological justifications that will need unlearning while new patterns need to embed their claims theologically. Acknowledgement of a God who is paradoxically weak, vulnerable, relational and in loving solidarity with the marginalised in the world enables a costly "taking sides" by Christians with the powerless within all societies as an act of dis-identification with domination and a radical reshaping of human identity.

I suggest that better acknowledgement of this paradox of the person can help to reshape images of the human in ways that promote a "habitat" for vulnerable humans to flourish more safely within and offer models of power-sharing as an important alternative process to forms of power-over[730]in ways that resonate with the aim and language of human rights. Despite its misuses, flaws and limitations it is a clear reminder that justice can require the taking of sides

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[730] Community development scholars distinguish between "power over" (wielding hierarchical power), "power within", (inner empowerment) and "power with" (collective power, of people working or struggling together). These bear strong resemblances to Moltmann's depictions of power. How do we develop the language of power in a way that enlightens rather than threatens? See Boff, (1986b:47-64) for more detailed insight into this task for the church.

because "at its heart are the difficult issues of the sharing of power, the equitable and sustainable distribution of resources, the privileging of needs over wants and the recognition of identities in contexts where they are excluded or eliminated" (Regan 2010:215). Human power arguably lives in relationship and the relational approach to theological anthropology taken here can help to enable all power-laden understandings of God images and relations to be both problematized and re-imagined. I suggest this can open a space to reshape distorted understandings of power as related to our fellow humans, moving away from fear and ego-driven topdog/underdog models of domination and submission, and status-based dignity, both individually and structurally understood into a radical freedom-for-relation with god, others and creation which nurtures individual power-within as well as the possibility of shared power-with. Anthropologists Wilson and Mitchell suggest that "rights seek to constrain the flow of power like bottlenecks by framing power as fixed, conformable and normative" but they also note that "power leaks out and flows around rights" (2003:17). This fluidity needs to be better acknowledged if human rights are not to merely end up as a new way in which abusive power is channelled (Perugini & Gordon 2015) and human rights theologies are not merely to be unwittingly co-opted into reshaped patterns of imperial service for a new era.

I conclude that power remains significant within the ongoing South African human rights context without succumbing to the desire to reduce everything to a reductionist lens of inevitable and unresolvable power conflicts. However an equal refusal to engage with the deeply entrenched and multiple social disparities in power still playing out across race, gender, age and social location here can lead to human rights discourse itself functioning as a tool of repression that insists on treating all people 'as if they were free', whilst ignoring the concrete signs of their ongoing chains. In practice this approach often unwittingly reinforces only the rights of those who already have instead of those in most need of having their rights better secured. I suggest that an "optics of rightlessness" is essential in South Africa if the genuine realisation of basic human rights for all is to remain tied to the cry of those who suffer today and whose multiple forms of powerlessness often traps them in their suffering.[731] Churches for Moltmann in the form of local congregational communities, both gathered and scattered, are at their most "powerful" in this subversive way when they speak from a

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[731] Odysseus & Selmeczi suggest that human rights have resistive potential, invoking claims to a deeper, not exclusively legal, notion of justice. This can re-appropriate universal subjecthood for social change. They locate the disruptive potential of rights in concrete contexts and remain aware that overly narrow uses of human rights can…fix complex lived experiences into categories such as victim and perpetrator or even protect privileged social status through 'vernacularisation" (2015:1033 - 1035).

position of seeming powerlessness because it is here that God-self is located and where the life giving liberating power of the Spirit can emerge.(1983a:x). In this way, the churches sit at Villa-Vicencio's "nexus between power and powerlessness", inhabiting a liminal space of Moltmann's *Zwischenraum*, literally "between rooms,' sitting also 'between-times' that constantly strives to leave behind deformed and distorting understandings of power in order to participate in bringing to birth new forms of power within and with humans together. I suggest that Moltmann's theology, rooted in a critique of power-distortions of the Nazi regime and the complicity of the German church can speak to South African churches, still emerging out of their own complex complicity and resistance to the distortions of apartheid and colonial power. His radical reconceptualization of God as suffering, crucified and vulnerable in love challenges the ongoing tendency of churches to re-create themselves only in the image of the already powerful and calls it to pay attention to concrete places of suffering. The subversive relocation of God in solidarity into those spaces from where the call for "utopias of justice" can emerge and be concretised in the "power of the spirit," comes not as a transcendent force of power-over from above but as a groundswell of prophetic energy with, within and among the "least". I suggest that Moltmann can help South African confessing and liberating church trajectories adapt to a new social era where the focus is not merely on protest against an evil state but the multi-faceted forms of new power emerging within a modernizing and ideologically diverse society. In this task, the church must both announce and denounce, unmasking abuse in the name of what could be, an authentic ally in hope with other humanizing struggles of the day but noting Koopman's call to broaden this prophetic voice beyond solely utopianism and critique into the wider dimensions of narrative, technical and policy discourses. At the same time, I suggest Moltmann insists that it must maintain its unique contribution as to how power is theorized and legitimised theologically.

A theological challenge to all abusive forms of human and divine power-over, sits at the heart of my thesis's conclusion with a call to reshape God-images to avoid church legitimation of these hierarchies and to promote its embodiment of alternatives. South Africa remains a society riven by intersecting power inequalities. Those who feel powerless in certain situations, e.g. jobless or poor may often respond by exerting their limited power–over those in their lives who are even more vulnerable (woman, children, disabled) or by an inability to provide the basics of freedom-to genuinely dependent others (e.g. education, food) that form the hub of the most basic rights-to-life for Moltmann (and not merely 2nd tier idealism). In this way, anger at the realities of injustice is often visited not on the places of power but

manifested in existing places of powerlessness. The intersectionality of Moltmann's vicious circles shows that systematic power inequalities in one arena can lead to other abusive patterns becoming normalised in society and reinforced by existing religious narratives. South Africa has a long history of rule by oppressive and dominating elites and top dog/underdog models remain entrenched here and often played out in theological imagery with God (and pastor) as Master, Patron, Ancestor, Patriarch and congregants as obedient slaves, supplicants, and passive recipients. Chapter 2 highlighted gender, child, gang, police and LGBTIQ violence as key human rights violations of the day as well as ways in which race, gender and location still play out in patterns of resources allocation, poverty and crime. South Africa needs to urgently recognise the persistence of multiple ideologies of domination that still reinforce identities that exert abusive power over others. Churches must also resist the temptation to only decry extreme forms of these patterns, in the single exception of the rapist, the terrorist, the wife beater or the "1%". More subtle forms of economic, social and cultural domination, fuelled by unchallenged prosperity and hierarchical, authoritarian and status-based forms of dignity doctrines that promote the few at the expense of the many exist. They need explicit recognition, disobedience and challenge in a 'de-stablising' Spirit-filled lure towards the radical possibility of egalitarian dignity that embodies a subversive 'anthropology of trouble' and refuses all unquestioned submission. Moltmann reminds us that true Christian freedom is never a freedom to rule over but instead a freedom-for-relation.

8.3.6   Reshaping church identity: moving from liabilities to assets

I conclude that the church's unique contribution on human rights realisation remains primarily a theological one. The ongoing difficulty of this task should however not be underestimated purely because of the widespread rhetoric of rights talk at declaratory level. South African churches as a whole have rarely been perceived as an asset in this concrete task by those outside its walls despite vocal minority exceptions. Its chequered history on many issues to do with human rights may often mark it more clearly as a liability. Church dogmas have historically been more frequently appropriated by those seeking to abuse or maintain power than to oppose and redistribute it and it often still fails to feature meaningfully in wider human rights movements and in its scholarship today.[732]

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[732] We need only think of ideologies of land, violence and sexual abuse against children, gender based violence, LGBTIQ oppression, unquestioning submission to male authority, forms of prosperity gospel that idolize wealth and perpetuate corrupt economic and political practices under the auspices of divine favour, devaluing of other religions, and forms of faith healing that cut people off from access to effective medical care to realise what a long way there may be to go if church teachings are to become genuine resources for human rights.

Churches can perpetuate and legitimate dominating dynamics by failing to critically engage with religious ideas, stories, ethical norms and practices that provide underlying explanations of or justification for abusive social behaviour patterns. They can create an atmosphere of unquestioned authority or naïve trust within which abuses can flourish within church structures themselves. They can also unwittingly model potentially abusive God-images drawn not from a radical solidarity Christology but based on the normative practices of the powerful of the past or the present. Local churches have multiple opportunities to actively engage difficult relational topics in concrete, normative ways with their congregations rather than ignoring or repressing them in relation to domestic violence, corporal punishment of children, attack or exclusion of LGBTIQ people, marginalisation of those widowed, orphaned or childless and doctrines of prosperity that hold the rich and educated up as "blessed". These are classic examples of doctrines and practices that may need careful theological 'unlearning' in the light of the high levels of systematic abuse and marginalisation in South Africa today.

I conclude that the church must reject a mere instrumental role in the human rights task. Its core role is to theologically legitimate and motivate action-for human rights in ways that can resonate with liberating interpretations of its tradition and be internalised as a core part of the faith of adherents. This resonates with Snyder's recent call to give human rights a 'leg up' from progressive religion to enable improved embedding and vernacularisation of human rights at local levels. Moltmann's critical doctrine of the Triune God, concretised historically in the Crucified One who stands in solidarity with the victims who suffer in the world and the Spirit as the Source of Life is one in which God does not rule over but participates-in-relation with his Creation as the source of all life. It refuses to polarize revelation and experience and offers subversive theological resistance to dominating models of power-over, reshaping an understanding of the human person-in-relationship as the *imago dei* seen Christologically from below. His doctrine of sin re-centres attention on dehumanised ways of relating that distort our humanity and require concrete forms of ongoing liberation for both oppressor and oppressed. His eschatological concern is both for a hope which liberates within history and one that liberates history itself. His reconceptualization of freedom-as-communion is not primarily a salvation of bodiless souls into a post-death heaven, but an invitation to human beings to participate actively in the transforming work of the Divine presence within the world. In this they are empowered by the eschatological Spirit of Life to build new ways of being-together through a relational ecclesiology and a messianic ethics 'on the way' to a beloved community characterised not by rule and submission but by open friendship and joy.

In this way Moltmann makes a valuable contribution to the hermeneutical task set by An-Na'im and Villa-Vicencio to reclaim liberating strands within religious traditions that support constructive engagement with human rights within a relational container of the human.

I suggest that in South Africa human rights organisations, scholars and educational institutions also need to respond to the challenge to re-find the 'missing link' with religions and to build active alliances with faith based movements, local churches, religious leaders and laypeople to encourage and promote theologies for human rights. Human rights organisations can raise awareness of specific issues within communities with congregations and religious leaders as well as to respond to issues raised by congregations. They can support churches to develop a rights-based lens within their existing pastoral ministries e.g. children, marriage, prisons, community development, Bible study groups, prayer chains that create genuine synergies with themes of Christian theology. Churches could become hubs for revitalising grassroots discussions regarding life enhancing social norms in relation to human rights issues in ways that can help South Africans to grapple with the often conflicting messages they may get currently from religion, culture, Constitution and conscience. These discussions will be ongoingly contentious, but they are critical parts of engaging real communities, body and soul, in the important process of building a human rights culture from below. Villa-Vicencio and Moltmann both note, from their respective contexts that churches will need humility to recognise that religion has often failed to enable its members to practice what it preaches about the neighbour. Secular prophets may be God's whisper to rediscover lost dimensions of their own tradition. However, churches will need to avoid operating from excessively dogmatic positions which can silence engagement if they are to find creative ways to move from liabilities to assets on human rights realisation in the eyes of others.

I concur with Villa-Vicencio that for many in South Africa, it is likely that human rights will become meaningful only when placed within the context of existing belief systems and can best retain their potency, motivation and inspiration through this contextual grounding (1992:227). He points to a Biblical sense of God as "event" within which the human quest for dignity, rights and respect is enacted. This can enable a mediating, and self-correcting dialectic between theological talk and human rights talk from which both can learn. He insists, as do I that theology can inject religious zeal into attaining human rights without suggesting that these rights are absolute ends in themselves (1992:227-228).

8.4 Specific recommendations for church action

1. To vernacularize, embed and inculturate human rights within the church's narratives and ethos to create internal religious legitimacy for human rights held within an anthropological container of the God-given task of becoming human together.

2. To identify with and stand in Christological solidarity with all who suffer human rights abuse in a concrete time and place as an act of located witness by the church to the Crucified Triune God as a prophetic protest for change not passive acceptance.

3. To point to an eschatological vision of relational freedom as a shared human goal towards which all are called as co-workers with God to actively participate in, holding a dialectical orientation situated between concrete suffering and future possibility.

4. To embrace a holistic understanding of human rights as interdependent and grounded in shared egalitarian human dignity and to refuse and resist the splitting up of rights or forms of status-based hierarchical human dignity that are held over or demean others.

5. To motivate local congregations to stand up responsibly for the rights of others as an active participation in the missional task of the Triune God to humanize the world.

6. To challenge and resist forms of power within church and society that remain authoritarian in both divine and human power and to model kenotic power-in-relation.

7. To unlearn theological justifications for gender, sexuality, race and child hierarchies that legitimate human rights abuses or silence and delegitimise their perpetuation.

8. To actively seek partnerships with community initiatives on human rights to build alliances of unlikely allies where both parties learn and grow. This requires churches to be humbly provisional, recognising God's Spirit as potentially present elsewhere.

9. To stand at the nexus of power and powerlessness in society to be part of correcting the bias in the world towards the interests of the powerful by centring on the least.

10. To build emancipatory ecclesial practices of table fellowship, song, story, prayer and liturgy that form habits of open inclusive fellowship, reinforcing a human rights ethos.

11. To equip congregation members to see human rights as a missional, pastoral and prophetic task central and not peripheral to their identity as church members in the world and a way for their identity as Christians to be a lived witness in the world.

12. To reclaim, remember and pass on prophetic church history in South Africa for human rights, to confess church blindness on human rights and its implications in practice and to connect this wider history to action for current day struggles.

8.5 Re/construction: Building together

At the end of this thesis, I return to Eagleton's notion that culture is tied to the verb of cultivation. It can be held together with ka Seme's vision of South Africa as a shared home in which all may have the dignity of a safe place to shed light on the re/constructive task to which the church is called to contribute. In the light of embedded colonial histories and imperial domination in South Africa, the task of building a human rights culture must avoid employment as a blanket "civilizational" metaphor, an imported pre-fabricated structure that pits an individualistic, secular, Western ideology of progress against African traditional, communal and religious models of practice. This may bulldoze dwelling places of existing cultural and religious practices to unquestioningly erect a new house designed by architects elsewhere. Instead home-building must be a communal local enterprise, where ordinary people come together, make bricks and roofs from raw materials, carry water and mix cement to build a set of human rights foundations as a safe space for all. This can offer boundaries within which the 'more' of both human flourishing and religious life can be nurtured.

Moltmann's Trinitarian praxis points the church to open friendship as a "model of Christian hospitality that transforms the notion of human freedom and invites passionate fellowship with those who are 'Othered' in society" (McDougall 2003:181), a home in which all bodies are fully welcomed, embraced and nurtured. In this task of cultivating a more humane space of hospitality in our world and not merely in churches removed from the world, religious resources can help give our house deep foundations. While they, like all traditions, need ongoing liberatory re-shaping for the house to fulfil its role as a safe nurturing place, to build without them may be a mistake if the home is to endure. If "human rights" cannot inspire real social change, they may end up, like many well intentioned projects, consigned to the dustbin of history along with other failed ideologies. While South Africans may have acquired a new shiny Constitutional 'roof' of which many are proud, this roof is only a start, a way to envision the future possibility of a house with walls, windows and doors in which people may flourish together in ways different to the past. If this vision is to be realised, the building must come "from below" and draw on the concrete materials, motivation and labour of ordinary South Africans. Christian theologians can remind us that the Divine presence rolls up carpenter sleeves and works alongside humans and that as Koopman and Moltmann both stress, we are only 'justified' so that we can become more 'just people' together. This is not a lack of faith in God to continue to bring about change in South Africa, it is about faith in the divine ability to bring this change to fruition in us, with us and not without our participation.

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At the heart of the task of building a human rights culture in the light of systematic abuses is the need for cultural change through a recognition of the gap between 'what is' and 'what could be' in the culture of the church as well as wider society. This requires a turn to disciplines outside theology beyond the scope of this thesis. However two points can be noted here. First, bottom up culture usually trumps top down strategy and must be engaged if desired changes are to be sustained longer term. This resonates with my finding that top down institutional change in the form of good policies, laws and new institutions, while essential is not enough. Secondly that it is advisable to start with resources and trajectories within existing cultures that show continuity with the change desired and to build on these.

"Cultural artifacts" can form visible practices of the desired change that help newcomers internalise the approach e.g. shifting Eucharist celebration from a line in front of a priest to a communal table sharing model, focusing confession not merely on personal pieties but on distorted social relations within the community, or creating a dialogue model for a sermon. Institutional change does not always filter down from vision to internalisation and practice but can also filter up from changed practices and rituals into a reshaped vision and theory. Leadership is a critical re-enforcer of change to model changes required and be held accountable if they do not and Pillay reminds us that social change requires not only emergent, vision-led change where new things are learned but also transformative change through a process of unlearning[733]. Most institutions encounter resistance to change and need to understand what this resistance resides in rather than ignoring or repressing it. Storytelling spaces can offer a place where selves can begin to engage communally with a process of genuine change. Given the storytelling emphasis of most churches, Pillay's suggestion of retelling old stories in liberating ways can highlight the importance of vernacularizing human rights so that people can connect to them better. Atiemo also emphasises the urgent need for "improved institutionalisation of human rights ideas into faith structures" within Africa, suggesting that institutionalisation has still not yet taken place for many and noting the need for reinterpretation of abusive parts of religious practice remains to this day (2013:50-75).

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[733] According to community development scholars, crisis sets the stage for transformative change. Unlike emergent change, which is about learning our way into the future, transformative change is more about unlearning, of people letting go of those leading ideas, values, or beliefs that underpin the crisis, that no longer suit the situation or relationships that are developing. Barriga points to Ghana's prayer camps where people with disabilities and mental illness are subject to severe theologically justified abuse and requires the engagement of religious leaders to change (2013:1) Everyday lower level violations that are silently normalised and socially accepted can either be reinforced, ignored or challenged by local congregations as present, not in some "barbaric" corner but as present in their midst.

8.6 The unique contribution of my thesis

My thesis has convened an interdisciplinary conversation within a specific context placing diverse voices into a conversation with each other to identify creative theoretical connections between human rights today and a faith tradition. It has focused on the specific call for a bottom-up human rights culture to bridge the ongoing gap between legal ideals and social realities. It has emphasised the unique theological role of churches to develop 'internal religious legitimacy' at grassroots levels and equip Christians for a more active role as authentic practical allies for human rights. It identified a liberating hermeneutic for human rights within the Protestant ecumenical tradition as a relational Trinitarian anthropology and traced it into current day South Africa. In this respect, it contributes one possible theoretical bridge across the gap in danger of widening between religious and human rights discourses around the world. It is grounded in South Africa where both Christian religion and human rights remain central but also draws on theoretical capital from those grappling with similar issues in their own times and places. It responds to a perception that the prophetic voices of the South African churches, influential in the past, have not been consolidated in the new era.

I did not seek to construct a brand new 'theology for human rights' or offer a separatist 'African' or 'Christian' approach to human rights that competes with Western or 'secular' approaches. My contribution lies in the identification and creative exploration of a specific theological trajectory on human rights for renewed appropriation by churches in current day South Africa in relation to wider human rights discourse today. It calls for ongoing public acts of synergistic translation between the languages of human rights and of theology that maintain the internal 'thick' complexity and ambiguity of each, rather than reducing them to their 'lowest common denominators. It takes seriously the fact that churches remain the main socio-political expression of faith communities in South Africa. They have an opportunity to play an important, bottom-up dialogical role as grassroots hubs to help inculturate inevitably 'thin' legal ideas of human rights fought for in the past into everyday faith visions, habits and practices. Just as many Christians played a role as midwives to the birth of human rights all over the world, a new generation will need to be equipped as mothers, uncles and step parents to nurture these rights into their full promise, to move from forms into norms and inspire responsibility for their improved realisation. I have also taken seriously the paradoxical and socially constructed reality of human rights discourse as a starting point. This bears in mind its ongoing relation to power, and requires confession and suspicion regarding church

tendencies to slide into conservatism, apathy and the legitimation of the interests of the powerful, if human rights are to retain their 'liberating promise' as a discourse of social transformation connected to concrete grassroots struggles where people suffer. Only in this way can human rights remain a subversive tool to challenge unjust and abusive powers, and not mutate into a new weapon for dominating power itself. It suggests that at the heart of many systematic forms of abusive social power, also lie theologies of domination perpetuated by power-laden God images which need critical engagement and liberating transformation from within. It claims that this insight needs to be appropriated in new ways for today if churches are to be an asset here in building a liberating human rights culture. Human rights discourse itself, especially its theologies needs to remain "on the margins" to do its job well.

This thesis also offers a South African contribution to the wider human rights debate around the globe and its ongoing troubled relation to existing Christian traditions. South Africa's history can help challenge the idea that human rights are inherently elite, white or western, fundamentally incompatible with forms of African-based group solidarity or the constructive engagement of religious frameworks for human rights whilst also noting clear global cross-fertilisation. It gives credibility to the view that reclaiming "subversive prophetic minority voices" within existing religious traditions can help to underpin a theology-for-human rights not to make human rights dependent on or grounded solely in Christianity, but to enable mutual shaping as a way of "keeping faith with human rights" (Hogan 2015:12). But it also acknowledges that many religious majority traditions often reflect conservatism, legitimating existing practices rather than pushing for radical social change. This challenges those who reinforce rights as either merely congruent with their faith tradition or as inherently incompatible. South Africa shows that churches and their religious ideas can have significant social mobilising power around human rights at local, national and transnational levels going beyond a pastoral role into a prophetic one. This offers an alternative to secularising tendencies to see churches as only a human rights liability. It emphasises the urgent need for churches to go beyond words to actions that "practice what they preach." A unique history on human rights and the divided history of churches here show that human rights are rooted in wider economic, social and political power struggles. If these are ignored, human rights, especially if reduced only to legal constructs can become repressive and rhetorical, losing touch with their radical, resistive and revolutionary power. South Africa's legacy of white domination makes it important that rights-language is separated from this if it is to reclaim its emancipatory potential, re-placing them at the heart of social movements for change.

8.7   Moving towards a kairos consciousness for human rights

The see-judge-act design of my thesis has emphasised the need for theological hermeneutists to read the signs of the times and only then to offer liberating theological engagement that leads back into action. It suggests the need for an embodied human rights culture from below is a sign in current day South Africa which the church must engage. It drew on a prophetic Christian trajectory from within the German context that challenged the church away from theologies that have legitimated forms of abusive power over people and failed to act decisively in the light of church complicity with abusive structures and ideologies to one that takes the socio-political hermeneutic of the gospel seriously in relation to the struggle to realise human rights for the rightless. Kairos Theology called the South African church to 'take sides' in active solidarity with the rightless of their day as a defining aspect of Christian identity and played out in embodied ways in the Eucharist event. I suggest the resurgence of kairos consciousness may offer a future home for theologies-for-human-rights. It analyses the signs of the times, takes sides in Christological solidarity with those who suffer to envision, embody and enact a liberating eschatological praxis from below. These below suggestions point briefly to the possible contours of this "kairotic" human rights trajectory.

- A Trinitarian relational frame of reference for God that counters monarchical modes tied to a liberating theological anthropology reinforcing human interconnectedness.
- A subversive reclaiming of the Imagio Dei motif with its radical social implications as a 'tool of protest' against abusive domination and all exclusive hierarchies of dignity.
- A Christological location from below with those who suffer as the concrete starting point for human rights talk and action as the place where God is located in our world.
- A methodological commitment to doing theology 'on the way' that accepts its inherent provisionality and enables it to take place in engaged dialogue with others.
- An interrogation of divine and human power that dominates-over rather than relates-to as reinforcing patterns of abuse and the kenotic reclaiming of a "vulnerable God."
- A liberational hermeneutic of suspicion for the retelling of Scriptural stories that can problematize, interrogate and re-interpret these stories in the light of social contexts.
- Rituals of embodiment and enactment of an eschatological vision of the inclusive kin-dom where justification by faith has social implications for practicing justice today.
- A call for all churches to participate in Trinitarian praxis empowered by the life-giving prophetic Spirit situated between present sufferings and future possibilities.

8.8 Areas for further research

This thesis has raised a number of areas for further research. Critical engagement with "decolonising" human rights theologies in nuanced, non-essentialising ways is needed in South Africa. Better reclaiming local histories forms an important part of disconnecting human rights from its association with liberal white Western scholarship and embedding it within South Africa's indigenous, anti-colonial tradition and make genuine cross-fertilisations. The emerging relationship that AICs and wider Pentecostal movements in South Africa have with human rights and their interpretation of the theologies in this thesis is critical in the light of the significant influence which these churches have especially in poor communities. A Moltmannian "pneumatological theology of the cross" could provide a useful bridging concept here as could an exploration of African and Pentecostal theologies of power, vulnerability and eschatology in relation to their specific use of God-images to find synergies, interdependencies and potential disconnections. The work of Mercy Oduyoye on a Trinitarian anthropology, one beyond the scope of this thesis could provide an interesting conversation partner for Moltmann as could the work of Allan Boesak and the dignity-enriched discourses of Russel Botman (2005:72-86). Themes of social connectedness and citizenship are emerging in rights discourses in South Africa. These could be brought into conversation with the relational anthropology developed in this thesis through the work of Iris Young (2011) who focuses on the five faces of oppression and the work of Brian Turner (2006) on vulnerability and social citizenship. More empirical research on human rights attitudes, concepts and theologies is needed to better understand how rights are viewed in practice.

Vulnerability has emerged as an important cross cutting theme in many of the scholars explored. This could be developed further in relation to a Moltmannian pneumatology of vulnerability and Koopman's call for a vulnerable ecclesiology. It could be connected to the shared human vulnerability that underpins human rights to find ways to reshape fluid yet resilient theological anthropologies. Finally research to connect human rights organisations and churches into collaborative partnerships are critical to produce church-centred participatory resources to equip churches to make better connections in their stories, liturgies and practices to theologies-for-human rights that go beyond a reliance solely on a creational *Imago Dei* and can draw out its Christological and eschatological dimensions. I suggest that transformational educational pedagogies that connect religion and human rights in creative interdisciplinary ways are essential for theology departments, human rights courses and church formation spaces to go beyond the law on human rights into socio-cultural frames.

8.9   Chapter 8 Conclusion

I conclude that South African churches have an opportunity to play a unique role today in building a human rights culture from below that draws on their own identity to re-find their spiritual capital on human rights by engaging with religious ideas. This is a risky inter-disciplinary enterprise that requires liberating hermeneutics to be able to relate theological traditions constructively, critically and compellingly to the language and claims of human rights, through the linchpin of an inclusive and transformational human dignity at the heart of both Constitutional values and Christian faith. It is in taking up this role in dynamic, creative and reforming ways within its 'traditioning' process that it can help internalise, motivate, mobilise and hold socially accountable ordinary Christians, who are also parents, teachers, government workers, children, employees and partners to take active responsibility within their traditions for realising human rights in radical relational solidarity with the rightless. It concurs with Regan's liberationist embrace of human rights, who assert that it is only in situated solidarity with the marginalised that human rights gains its true universality. Human rights are often tied to abuse of social, economic and political power and churches must look critically at their own power-laden history, to ask on whose side it has stood and still stands.

Human rights still need to become 'thick' relational concepts in South Africa, accepted social norms and attitudes embodied in the concrete circumstances of lived realities as a central part of the identity of all people in continuity with rather than contradiction to the core elements of their faith traditions. These 'norms' need living contestation and reinforcement within concrete local communities of practice if they are not to remain abstract legal 'forms' sitting intuitively at odds with other existing social practices. This goes far beyond a token inclusion of the secular rhetoric of human rights talk by churches and requires subversively prophetic and deeply theological reforming of many images, stories and structures of inherited Christian tradition to help communities to 'unlearn' power-laden ways of seeing, hearing and doing that continue to be religiously justified and to reclaim alternative interpretations. Christological solidarity with those in South Africa whose rights are currently abused requires paying close attention to who is left out, marginalised, falling behind, getting forgotten, experiencing social violence, and in need of protection and participation as the place where a "vulnerable God" is made subversively present and where the church is called to stand. This thesis opens up the possibility of securing internal religious legitimacy for human rights, placing the 'cultural' practices of churches, embodied and enacted by many

ordinary people into constructive engagement with human rights values and a culture of solidarity with the least in the light of our shared human vulnerability and the need for a 'habitat' that nurtures this vulnerable relation to one another and the Divine. These rituals, symbols and stories need to be authentically engaged, not as an instrumental add-on to the real mission of saving souls as an insurance policy for a post death heaven, but as a deeply missional task, resonating with the core of faith in a hopeful God of love who calls to new ways of becoming human with others in the concrete spaces of life. This need is reinforced by Cameroonian scholar Achille Mbembe who calls for an "anticipatory politics of becoming with others" that can stimulate different "regimes of desire" and counter what he terms South Africa's "necrophiliac power structures of whiteness…by creating "new imaginaries". He reminds us, like Moltmann, that "the self is made at the point of encounter with an Other" and that what may in fact makes us human is our capacity to share our condition, including its wounds and injuries with others (2015:10-11). His words spoken into a fractured university space in 2015 resonate with the drive towards a moral imagination which drives Moltmann's project, termed as imagination for the kin-dom of God or the beloved community.

Section 2's prophetic theological trajectory reconceptualises core tenets of Christianity to challenge undoubted ways in which its doctrines have often been used to legitimate and perpetuate human rights abuses and to offer an alternative relational hermeneutic. These existing theological resources-for-human rights do not require new declarations, vision statements or manifestos. They require institutional embodiment by theological educators, sunday school teachers, liturgy and song writers, pastors, marriage counsellors and congregations to enable local churches and Christians as salt and light to enact communities-for-human-rights in relational ways that will be inevitably subversive in the light of the human rights issues endemic in society. It requires churches to help bridge the gap between theory and practice, vision and reality on human rights within society, to challenge their institutions from the inside when everyday abuses are perpetuated, unspoken, normalised and entrenched within church structures as well as in wider communities. It focuses on everyday realisation from forms into relational norms of social, cultural, political and economic behaviour and the call to take responsibility for and with the neighbour to emphasise the 'transformative radicality' of human rights. This connects it to concrete utopian struggles for justice and freedom for all and disassociates it from existing and emerging utopias of affluence, power and inclusion only for some. A liberationist approach does not assume a currently functioning egalitarian system but keeps the concrete misery of many at its centre as

a critique of this supposed equality. In this way, I agree with Engler who points out that "human rights can function as utopian norms at the root of a vision of just relations and as a set of demands that mandate immediate historical action by many persons and groups working with the poor for a better society" (2000:358).

South African history points to the paradox that the calls for a culture that protected and enabled human rights was often most 'powerful' and effective as a tool for social transformation when it emerged from the periphery or the bottom, a position of marginality as a prophetic voice of protest. This resonates with concerns that predominantly mainstreaming human rights from the top down, may continue to favour the currently powerful. The church's location is critical to its integrity as a voice for human rights liberating for the rightless. A liberating hermeneutic for human rights requires active re-engagement by both churches and human rights organisations with prophetic trajectories within faith traditions that offer theological resources to build new ecclesiologies-for-human rights, that model a commitment to nurture a bottom-up human rights culture that prioritizes those most in need. Only in this way can churches be part of Mbeki's call to ensure that the wretched of the earth become the inheritors of a new culture of human rights. It is the embodiment and enactment of this subversive vision that requires churches today.

I conclude that human rights theologies need ongoing appropriation within South African social realities to remain a subversive language of protest, negotiation and engagement for which diverse, unlikely bedfellows can take shared responsibility. Villa-Vicencio (1995:57) suggests that "theology is done between the first and final step of the freedom struggle…between the hard realities of the present and Gods ultimate reign on earth" where the church is called to an active role as a witness to the humanity of all persons, within which the struggle for human rights plays an important role. I conclude that this task remains today for if we are to bear public witness to people created in the *imago dei* not as an image that serves "kings' only but as a Christo-morphic disruptive up-turning of all our images of God/s.

My generation face a world where human rights are a moral lingua franca and we are hybrids who move between multiple discourses. How to do this with a level of genuine integration is a question which churches can help people to grapple with seriously. I conclude that churches in South Africa have an opportunity, not be to dragged reluctantly into the moral world of human rights as the last "man" standing, the hanger-back, the one who makes excuses why she should receive an exception note, but to be pioneers, midwives and step-mothers of

identity-based hybridities that can nurture the plurality and porous realities of human identities in the recognition not that "we humans are all much the same…but with a clearer understanding that we are diversely different" (Sen 2006:xiv). Our plural identities and multiple loyalties cut across each other and do not have to be sharply separated along one single impenetrable division.[734] New generations of South African Christians have been born into a world which contains the South African Bill of Rights and the teachings of their church and Bible. An-Na'im suggests, and I concur, that there is an important choice to be made about how faith traditions will engage in this new era. Will they, like Melanie Phillips and others of her ilk, insist on an irreconcilable conflict and see the two as mutually exclusive, forcing a new generation into a binary choice. Will they take the road of foundationalism, in ongoing danger of promoting Western Christianity as the saviour of the world, bringing the light of Jesus alongside the light of civilising human rights in new forms of victim-violater-saviour missionizing that are increasingly treated with suspicion as power-laden imperialising narrative by those they come to "save" (Mutua 2001). Or can they opt for a more intercultural, complex, post foundational and open engagement in our pluralistic and multi-cultural world as scholars such as Newlands, An-Na'im, Flynn and Hogan have suggested. Morris (2014:1) suggests religion must be a topic of conversation in the human rights movement because "faith in a God or gods is often a crucial part of the social worlds in which we work". Advocates do not need to found their practice in religious principles or have faith themselves. But they must inquire about, discuss, and seek to understand the role that the specifics of faith play in the decisions, hopes, fears, and lives of people and communities.

I am a child of the human rights era, born in the year that ecumenical churches around the world committed together to active holistic engagement to realise the human rights of all, a decision clearly influenced by Moltmann. The implications of that decision circled back in concrete ways into South Africa where I live and the "kairos" of their times. My own contribution, 40 years on, has been to build on that undeniable if often minority Christian trajectory of theological engagement for human rights that underpins human rights with a 'dignity enriched meaning" that takes it beyond entitlement claims and into a restorative task (Botman 2002:25). I began my thesis with the basic idea that human rights are connected to dominating power and its abuse. It is an irony noted by Atiemo (2013:54) that people are often more likely to accept rights if they are presented within existing categories but that

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[734] For further exploration of this question of plural identities and the need to hold them together, see Sen's work on identity, violence and freedom (2006:18). Whilst it is beyond the scope of this thesis, Sen's account of human rights (2009a, 2009b) resonates with my claims.

rights are more likely to be transformative if they challenge their existing assumptions about power and relationships. Atiemo suggests that in Africa, this creative tension needs holding together if rights are to be both inculturated and also challenge current frameworks from within (2013:49-55,191-205). This is in line with Eagleton's fourth notion of culture as a verb, an ongoing human activity of making and remaking the world that requires dynamic critique from within. I, like Hogan (2015:208) find that I agree with Hans Joas that the language of human rights should be held between the concept of construction and that of discovery as "the story of the sacralisation of the person" (2013:1) to offer an "emancipatory politics" to which theology can contribute. South African history both reinforces this possibility, and offers a warning as to the possible ongoing social distortions of theology.

While I concur with Moltmann's challenge to Latin American liberation theologians "not to throw the baby of human rights out with the bathwater of imperialism", I remain suspicious of increasing tendencies by all religions to claim what Atiemo calls 'fatherhood' of human rights talk (2013:54) as a way to not only legitimise but to potentially command "power-over" this increasingly dominant ethical discourse in ways that can unwittingly become both religiously and culturally imperialistic. I suggest that Moltmann offers instead the fertile metaphor of "friend" which resonates with the increasing 'secular' calls for religion and human rights to be "authentic allies," today by speaking and listening respectfully. They can seek genuine common ground though identifying "similar cultural logics" in a socially transforming, embodied human dignity, working with methodologies of synergies and interdependence to persuade rather than to force and reclaiming existing minority dimensions within all traditions, including that of human rights itself, often crowded out by the loud voices of powerful interests. In South Africa, I suggest churches need to show "critical solidarity" with a people centred notion of human rights through their ongoing public witness in declaration, embodiment and enactment if these words of liberating promise are to become incarnated into lived forms of liberating practice. Newlands suggests that the slogan "Jesus means freedom" sits at the heart of the Christological contribution for human rights (2006:91). I have shown that Moltmann's interpretation concurs and has offered a promising trajectory from which South African theologians can draw contextual and concrete practical implications for the many still claiming active Christian affiliation in South Africa today.

An afterword

In completing this thesis, I have found that human rights talk makes many people nervous. In the relatively affluent social circles in which I find myself, where most people inhabit a space where their basic rights seem rarely under threat, this can be displayed as a polite nervousness about the concrete implications of the supposed hyper-inflation of rights talk. At the other end of the scale, I meet hundreds of people still living in what Moltmann terms "sub modernity - the ugly bottom state to the messianic top of history" (Hennecke 2003:304). Their nervousness about rights often comes from a different place. They often live within a world which models something very different to them despite decades of human rights rhetoric from above, and where for many, the moral frames of reference where they find some safety remain communal and hierarchical. The language of rights can fail to speak to many here, especially, if it is only able to posit an ontology of modern possessive individualism. It can be seen as threatening to existing ways of life and 'seeing' and "read" as a conflict-ridden, revolutionary language, not a harmonious evolving one that divides people into atomised strangers with abstract claims of justice not families, friends, clans and citizens with embedded networks of care, obligations and privileges (Robinson 1998:75).

I have therefore learnt to be more aware, like An-Na'im and Ignatieff that when rights are employed as "neutral trumps" they can become cross cultural conversation stoppers on human dignity rather than conversation starters for a language that can create a basis for unsettled deliberation. But I have become equally aware of the danger of collapsing rights discourse merely into seemingly more harmonious language like dignity that can hide fundamental conflicts. My limited exploration in this thesis has tried to point towards a third way, where human rights form a boundary discourse both of and on the margins for a wider ongoing human contestation about the good life for all. It seeks to find ways for the agency of each person be respected and nurtured in relation to others and places ongoing limits on the abuse of all forms of dominant power without becoming a competing fully fledged ideology.

My thesis set out to find a liberational theology to equip churches to play an active role in human rights realisation, suggesting "we need a human rights theology that 'touches the ground', a practical theology that meets people where they live". (Seiple 2010: 320). It looked for theological tools for human rights to offer convening and mobilising power across human diversity by reimagining particular Christian doctrines in liberating ways and learning each other's disciplinary 'languages' to find authentic points of connection on human rights.

My tendency however at the start was to see both human rights and theology as something 'given', that existed out there in the universal theoretical realm that could be brought 'down' to the particular ground on which I stood in South Africa. My liberationist research process has challenged this epistemology. The need to 'historize' the human rights idea (Ellacuria 1982) required a journey into the concrete history of South Africa to take more seriously the social genealogy of rights. This was reinforced by Moltmann, who pointed to a Christology wary of abstraction that instead took an incarnational starting point. A human rights theology needs nurturing in its particular forms to become inculturated through habitual beings and doings that already exist, rather than replacing them with a better, "civilised", imported culture from outside. Good human rights practices do not just 'touch' the ground but are rooted within it. This "revelatory" upturning reshapes a story where the "Word" comes from above and takes flesh, into one that starts from below. Humane practices emerge out of our shared frailty, be enfleshed in patterns as relational virtues and shape a life enhancing vision.

This has shifted my questions away from building a new 'culture' to the more complex task of 'inculturation' where embodiment and enactment of human rights through theological motifs emerge out of concrete discussions as part of people's evolving sense of the 'ways we do things around here'. Despite their clearly aspirational orientation, I suggest that human rights must also remain 'anti-utopian', refusing to become a comprehensive, competing ideology alongside others but maintaining a humane threshold for all compatible with diverse ideological viewpoints and hybrid identities. This is to hope for real progress towards a ethical boundary practised and policed by people within societies themselves, a threshold for human dignity below which all take shared moral responsibility. This is a way of practicing faith, for those so inclined, in a way that humanises God, ourselves, our complex, self-constituting and imperfect relations with others and the creation that sustains us all in acknowledgement of our vulnerability becoming persons together in a web of mutuality. Turner suggests that it is this shared vulnerability that forms the common, socially ontological and embodied foundation of human rights amidst the precariousness of life and can enable us to recognise one another and to build a culture of social solidarity. He notes, "we are human because we are vulnerable…we could only escape our vulnerability by ultimately escaping from our own humanity" (2006:38). Humanity has often been "imagined" in dominating, imperialising ways. Reimagining" it may form an urgent, ongoing task if we are to navigate our way together from the merely human to the humane.

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