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Beyond Universality and Particularity: The Problem of the Human Rights Language in Liberation

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Theology Joas **Adiprasetya**

Jakarta Theological Seminary, Indonesia Abstract This comment demonstrates the changes of attitude among liberation theologians toward human rights language, from avoidance, through critical confrontation, to appropriation. The reluctance appears as a natural consequence of the idea of partiality and preferentiality held by liberationists, which has always been critical of any claim of universality such as human right. The comment also argues that the latest phase of appropriation is made possible after liberationists employ the ecclesial

idea of the 'preferential **option for the poor.**' However, **the** acceptance **of**

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human rights language can only be possible if we see the poor as concrete universal and understand the idea

of the 'preferential option for the poor' as **a** middle axiom. Keywords **liberation theology;**

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human rights; universality; particularity;

preferential option for the poor; Latin America;

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middle axiom I. Introduction In 1993, twenty years after his monumental A Theology of Liberation, Gustavo Gutiérrez claims that "[t]o be righteous or just means to acknowledge the rights of others."¹ Jon Sobrino shares this conviction by declaring, "For anyone who believes in God, the struggle for human rights is an inescapable imperative."² Similar references of such a rights language can be found widely throughout liberationists' writings, especially since the late eighties.³ This

appropriation, however, did not emerge easily. There were many struggles in the earlier years of the emergence of liberationists, when their

criticism of the theory **of human rights**

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was very evident. Their gradual recognition of human rights language 1

Gustavo Gutiérrez, A Theology of Liberation: History, Politics, and Salvation: 15th Anniversary Edition (Maryknoll, NY: Orbis

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Books, 1993), p. 245. 2

Jon Sobrino, Spirituality of Liberation: Toward Political Holiness (Maryknoll, NY: Orbis Books, 1988), p.

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104. 3 The focus of this comment is on the liberation theologies in America Latin, although the similar problem is evident in other regions such as Asia. See Aloysius Pieris, 'Human Rights Language and Liberation Theology',

in Marc H. Ellis and Otto Maduro (eds.), The Future of Liberation Theology: Essays in Honor of Gustavo Gutiérrez (Maryknoll, NY: Orbis Books, 1989),

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pp. 229–310. ©

Koninklijke Brill NV, Leiden, 2013 DOI: 10.1163/

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18710328-12341247 follows the dynamics of social change they theologically reflected on. "The story of the gradual spread of the flame of liberation," claims

Daniel M. Bell, Jr.,

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"is the story of the gradual recognition of the basic rights of humankind."⁴ The twofold aim of this comment is as follows: first, I trace and analyze the several phases of the response of liberation theology to human rights language in its critical

encounter with its historical circumstances; secondly, I place this analysis within the dialectic tension between universality and particularity. I will reflect specifically on the notion of the

'preferential option for the poor' and show how **this can** best **be** seen as **the**

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'strategic solution' to this complex problem. II. From Avoidance to Appropriation: A Historical Survey In his profound article, "Toward the 'Rights of the Poor,'" Mark Engler surveys three distinct phases in how Latin American liberationists viewed human rights over the past thirty years.⁵ A. The First Phase: Avoidance In the first phase (the early 1970s), liberationists avoid the rights discourse because, in their view, it is connected with Western liberal, individualistic notions of human beings. David Hollenbach expresses his surprise at the absence of any entry on 'human rights' or 'human dignity' in the index of Gutiérrez's *A Theology of Liberation*.⁶ Engler argues that this neglect shows the "implicit critique of human rights . . . By focusing on the development of a 'new humanity' or 'new society,' liberation theologians avoided investing themselves in a conventional liberal anthropology of human rights."⁷ This idealism for building

a **'new humanity' or 'new society'**

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is to be understood from two perspectives. Theologically, they focus their vision on the eschatological Kingdom of God that should be anticipated by empowering the poor. In Gutiérrez's own words, liberation theology attempts: 4

Daniel M. Bell, Jr., *Liberation Theology after the End of History: The Refusal to Cease Suffering* (London: **Routledge, 2001**), p.

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112. 5 Mark Engler, "Toward the 'Rights of the Poor:' Human Rights in Liberation Theology", 28:3 *Journal of Religious Ethics* (2000). 6

David Hollenbach, *Claims in Conflict: Retrieving and Renewing the Catholic Human Rights Tradition* (New York: **Paulist Press, 1979**), p.

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179; Pieris, supra note 3, p. 304. It does not mean that Gutiérrez mentions no rights language in his book. Otherwise, as Engler observes correctly, he uses this language to describe the "poor" who struggle for the most basic rights. Gutiérrez, supra note 1, pp. 64, 97, 111, 25, 59, 73; Engler, supra note 5, p. 341. However, it is true that his attention is too small for such an appealing concept. 7 Engler, supra note 5, p. 341. to reflect on the experience and meaning of the faith based on the commitment to abolish injustice and to build a new society; this theology must be verified by the practice of that

commitment, by active, effective participation in the struggle . . . Liberation from every form of exploitation, the possibility of a more human and dignified life, the creation of a new humankind—all pass through this struggle.⁸ Politically, the ideal of a 'new humanity' is to be understood as a part of the

prominence of the radical Left in Latin America

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in the 1960s and 1970s. In this phase, the movements utilize the neo-Marxist's tools of social analysis in order to struggle against injustice. B. The Second Phase: Critical Confrontation The shift to the second phase (the late 1970s and early 1980s) is triggered by the

rise of human rights discourse in the foreign policy of the United States under President Jimmy Carter.

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In fact, there is an 'alliance' of the ideal of human rights with typical slogans such as 'national security' and 'new democracy', used as cover for human rights abuses throughout the Latin American countries.⁹ The American responses to the bitter facts, nevertheless, were highly inconsistent. Hugh Lacey rightly argues, "US policy supports governments and movements which both say they promote individual rights and violate them most, and opposes governments and movements which subscribe to the balancing of socioeconomic and individual rights and violate rights least."¹⁰ Therefore, human rights language, which logically should be good news for the Latin American people, now becomes an "ideological trap" or "ideological weapon."¹¹ This situation undoubtedly becomes the reason for why liberationists confront the theory of human rights. "The new rhetoric of morality being used by the United States demanded explicit response."¹² It is important to inquire what liberationists' precise objections to human rights language are. "Not recognizing a person's full human rights," Gutiérrez⁸ Gutiérrez, supra note 1, p. 174; emphasis mine. 9 The issue of the national security ideology has been a serious one for liberationists. They believe that such an ideology

has played an important role in the massive abuses of human rights in Latin America.

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For deeper analyses see

José Comblin, *The Church and the National Security State* (Maryknoll, NY: Orbis Books, 1979);

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John W. Cooper, 'Liberation Theology, Human Rights, and U.S. Security', in

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Richard L. Rubenstein and John K. Roth (eds.), *The Politics of Latin American Liberation Theology: The Challenge to U.S. Public Policy* (Washington, D.C.: Washington Institute Press, 1988);

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Robert F. Drinan, *Cry of the Oppressed: The History and Hope of the Human Rights Revolution* (San Francisco: Harper & Row, 1987),

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pp. 117–21;

John R. Pottenger, *The Political Theory of Liberation Theology: Toward a Reconvergence of Social Values and Social Science* (Albany, NY: State University of New York Press, 1989),

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pp. 110–18. 10 Hugh Lacey,

'Liberation Theology and Human Rights', in *Proceeding from the 38th Annual Meeting of the Rocky Mountains Council of Latin American Studies*

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1991), p. 105. 11 Juan Luis Segundo and Alfred T. Hennelly,

***Signs of the Times: Theological Reflections* (Maryknoll, NY: Orbis Books, 1993),**

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pp. 62, 65. 12 Engler, supra note 5, p. 343. asserts, "is one way to kill a person."13 According to the liberationists, the lack of fullness is obvious in Latin America, for human rights are structured only to serve

first generation rights (**civil and political** claims), without guaranteeing **second and third generation rights** such as socio **-economic** justice **and cultural**

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solidari- ty.14 Arguably, those rights are prioritized in order to preserve elite interests. The courts that are supposed to enforce those rights are so weak that they adju- dicate only certain kinds of cases and for certain people. "With the exception of only a few countries," Segundo rightly points out, "no court, national or interna- tional, will entertain a complaint of hunger."15 He also acknowledges that "those who shape and control the defense of human rights . . . are the same

persons who make that defense impossible on three-quarters of the planet.”¹⁶ C. The Third Phase: Creative Appropriation
Mark Engler suggests that the third phase, which has continued since the mid 1980s, the

appropriation of human rights language reveals **the** transition **of**

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liberationists “from a revolutionary moment to a more conciliatory one.”¹⁷ Several factors force this move: (i) the emergence of

international non-governmental human rights organizations such as Human Rights Watch and Amnesty

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International; (ii) Vatican “instructions” of 1984 and 1986 that show wider resistance to Liberation Theology within the Catholic Church. While José Míguez Bonino in 1977 still tried to “find the proper roots of a Christian defense of human rights,”¹⁸ in the third phase, his colleague Jon Sobrino has come to suggest that “God and the struggle for human rights stand in correlation.”¹⁹ He argued: The struggle for human rights is not only a categorical ethical demand incumbent on each and every individual, or merely a crucial part of the mission of the church and the praxis of Christians, but a demand and a mission with a divine dimension, an aspect that is theological.²⁰ However, for liberationists to import the rights language into their theological system is a difficult task. On the one hand, the liberationists face the fact of 13 Gustavo Gutiérrez,

‘Church of the Poor’, in Edward L. Cleary (ed.) Born of the Poor: The Latin American Church since Medellín (Notre Dame: University of Notre Dame Press, 1990),

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p. 16 (emphasis added). ¹⁴ Engler, *supra* note 5, pp. 344–50;

José Comblin, Called for Freedom: The Changing Context of Liberation Theology (Maryknoll, NY: Orbis Books, 1998), pp.

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162–63; Pieris, *supra* note 3, pp. 302–04. ¹⁵ Segundo and Hennelly, *supra* note 11, p. 61.

16 Ibid., p. 62. 17 Engler, supra note 5, p. 351. 18

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José Míguez Bonino, 'Whose Human Rights?', 66 *International Review of Mission* (1977), p. 222. 19 Sobrino, *supra* note 2, p. 103. 20 *Ibid.* The term 'theological' is not a typographical error. While 'theological' refers to the study of theology, 'theological' means 'related to God.' An analogy with 'sociology' and 'social' might help. massive violations of human rights; on the other hand, they begin to recognize "the usefulness of the concept in religious ministry."²¹ More deeply, the question is whether they can harmonize the 'rights' language and the 'justice' language. Here we arrive at the dialectical tension between the universality of the rights theory and the particularity of the liberation struggle of the poor in Latin American. The liberationists' proposal for including both poles is embodied

by the notion of

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"the preferential option for the poor" or "the rights of the poor."²² By doing so, on the one hand they can keep taking the side of the oppressed, but on the other hand this concept allows them to use the rights language. "The adjustment," claims Gutiérrez, "is not merely a matter of words."²³ Moreover, he confirms: This alternative language represents a critical approach to the laissez-faire, liberal doctrine . . . This new formulation likewise seeks constantly to remind us of what is really at stake in the defense of human rights: the misery and spoliation of the poorest of the poor, the conflictive character of Latin American life and society, and the biblical roots of the defense of the poor . . . Only from within the poor classes of Latin American society will it be possible to grasp the true meaning of the biblical cry for the defense of human rights.²⁴ III. The Issue of Partiality: A Theological Reflection

It is important to understand that liberationists perceive human rights

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language as an ideal concept. What they criticize is that such a language is so universal that it masks and justifies the implicit domination and injustice behind it. When liberationists finally take the

preferential option for the poor as their solution for the

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dialectical tension between universality and particularity, it is obvious that they do not intend this notion merely as an effort to universalize their struggle for justice.²⁵ On the contrary, given the fact that they idealize the fullness of human rights, they shift the discourse from the question of what is the content

of human rights to the question of whose rights should be

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protected. In short, while the ²¹ Engler, *supra* note 5, p. 351. ²² Gustavo Gutiérrez, *The*

Power of the Poor in History: Selected Writings (London: SCM Press, 1983); Juan Luis Segundo, **23**
'The Church in Latin America **and the**

Struggle for Human Rights', in Alois

Müller and Norbert **Greinacher** (eds.), **The Church and the Rights of Man** (New York: Seabury **20**
Press, 1979), pp.

100–106. 23 Gutiérrez, supra note 22, p. 87. 24 Ibid. 25

It is obvious **that the** notion “preferential option for the poor” **is** **46**

much influenced by Medellín (1968) and Puebla (1979). See

John Eagleson and Philip J. **Scharper, Puebla and Beyond: Documentation and Commentary** **1**
(Maryknoll, NY:

Orbis Books, 1979); Donal Dorr, Option for the Poor: A Hundred Years of Vatican Social Teaching (Dublin **11**
& Maryknoll, NY: Gill and Macmillan & Orbis Books, 1983),

pp. 157–76, 207–17;

Gustavo Gutiérrez, The Density of the Present: Selected Writings (Maryknoll, NY: Orbis Books, 1999), **28**

pp. 59–101. ideal and full, yet abstract, concept of human rights is presupposed, the concrete poor are to be recognized as the subject of human rights. One may find a problem in this notion, “How can a ‘universal’ value also have a ‘partial’ character?”²⁶ While the human rights theologians put the universal “imago Dei” (Gen. 1) as their biblical basis—which is undoubtedly only a reinforcement to their natural law grounding—liberationists put the story of God’s preference for Cain over Abel (Gen. 4) as their biblical foundation. “God is partisan; the Incarnation was a partisan act—God took on poor flesh. Divine intervention and judgment are a matter of protecting the weak, the poor, the widow, the orphan.”²⁷ The partiality of

the rights of the poor, nevertheless, is not to be separated from the universality of human rights. Gutiérrez rightly claims: We cannot forget that the universality of . . . the love of God, is an essential part of the evangelical message. The question is this: How can we avoid the danger of emphasizing universality alone? We can easily take a very abstract view. On the other hand, to keep only preferential can lead to a sectarian position. The real challenge is to link both demands together: universality (no one is outside the love of God) and preferential option for the poor. To bind the two demands together is very difficult, but I think the gospel requires it.²⁸ The task “to bind the two demands together” is absolutely the task of theologizing in the context of the particularity of poverty and the global awareness of humanity. Partiality, therefore, is justifiable as long as it contributes to inclusive-ness and extends to all of humanity, or, famously formulated, “preferential but not exclusive.”²⁹ This inclusive preference, I believe, is compatible within the Catholic doctrine of common good; its ultimate purpose is to empower the poor to participate actively in the life of the wider society. IV. Beyond Universality and Particularity: Two Models This last section examines the

preferential option for the poor from an

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epistemo- logical perspective, focusing on the dialectical tension between universality and particularity. The purpose of this concept is to avoid both abstract universalism and sheer particularism. For this purpose, two proposals will be examined. ²⁶ Engler, supra note 5, p. 355. ²⁷ Daniel M. Bell, supra note 4, p. 123. ²⁸ Gutiérrez, supra note 13, p. 18; cf.

Gustavo Gutiérrez, 'Renewing the Option for the Poor', in

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David B. Batstone (ed.) Liberation Theologies, Postmodernity, and the Americas (London & New York: Routledge, 1997),

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p. 74. ²⁹ Cf.

Stephen J. Pope, 'Proper and Improper Partiality in the Preferential Option for the Poor', 54: 1
Theological Studies

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(1993). A. The Poor as Concrete Universal The first proposal is suggested by Anselm Kyongsuk Min. Having been influenced by Hegel's philosophy of history, Min tries to reconcile the traditional dichotomy between transcendence and particular history, infinite and finite. Min claims that history is: a history of liberation, with a twofold meaning: in its historical content, it is political, but in its absolute finality it is also religious and transcendent, and the one cannot exist without the

other. The political content is meaningful only as the historically particular concretization of the absolute finality, as the absolute is absolute, not another particular finite, only by virtue of its power to concretize itself through such historical particularity without losing the power to transcend such particularity in its historical limitation.³⁰ Min expresses this position with a unique term: a “concrete universal” or “concrete totality.”³¹ In terms of Liberation Theology, specifically its

preferential option for the poor, Min **starts with** answering **the** doubts **of**

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those who worry about the “scandal of particularism.” What gives the oppressed

an epistemological privilege and makes their perspective a norm for

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theologians? In answering this question, Min claims, “Insofar as all human perspectives are necessarily concretized in a particular group, the perspective we are seeking must be particular. Insofar, however, as that perspective embodies the essential human crisis of the time in which all groups are involved, it is also universal . . . it must be concretely universal.”³² By stating this, Min tries to solve the dialectic between particularity and universality, without being trapped within either one. This perspective, therefore, can help liberationists to keep their

preferential option for the poor and find in **it** a universal dimension. **The**

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never-ending spiral of the universalization of the concrete and the concretization of the universal is also obvious in liberationists’ writings. For instance, the first move is similar to the liberating process toward the utopian Kingdom of God in Gutiérrez. We find the “historicization of common good and human rights,” proposed by Ignacio Ellacuría, as a different name for the second move.³³ Viewing human rights and the common good as abstract concepts, Ellacuría argues that without historicizing both concepts, “it is impossible either to overcome

Anselm Kyongsuk Min, Dialectic of Salvation: Issues in Theology of Liberation (Albany: State University of New York Press, 1989), pp.

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34–35 (emphasis added). ³¹ Sociologically speaking, this concept is parallel to Robert Robertson’s process of glocalization. This neologism is used to show “the globalization of the local and the localization of the global.”

See Roland Robertson, Globalization: Social Theory and Global Culture (London: Sage, 1992).

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32 Min, supra note 30, pp. 70–71 (emphasis added). 33

Ignacio Ellacuria, 'Human Rights in a Divided Society', in Alfred T. Hennelly and John Langan (eds.), Human Rights in the Americas: The Struggle for Consensus (Washington, D.C.: Georgetown University Press, 1982),

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pp. 59–65; cf. Engler, supra note 5, pp. 359–361.

their abstract, mystifying formality or to define their truth or falsity."

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34 It is only by doing this historicization, through the

preferential option for the poor, that the

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authentic common good and truly universal human rights will be

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achieved. While the process of historicization assures the preferentiality of this concept, the human rights and common good languages maintain its universality. B.

Preferential Option for the Poor as a

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Middle Axiom While Min uses the Hegelian point of view to understand the

preferential option for the poor as the epistemological solution to the

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dialectical tension between particularism and universalism, Dennis P. McCann holds the Middle Axiom approach as his key concept. This approach, originally outlined by J.H. Oldham and developed later by John C. Bennett, can be summarized as attempts to define the directions for Christians to express their faith. I believe that it is promising as a mediating principle between the universal and the particular. In Bennett's words, "A 'middle axiom' is more concrete than a universal ethical

principle and less specific than a program that includes legislation and political strategy.”³⁵ It is Dennis P. McCann, however, who uses the Middle Axiom approach to analyze the

preferential option for the poor. 36 **In the** previous part **of**

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this comment, two tensions are implied in the discussion. The first, in terms of content or concept, is a

tension between the universal **human rights** (Universal-1) **and**

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justice for the poor (Particular-1). The second, regarding the subject, is a tension between the whole or global society (Universal-2) and the specific community (Particular-2). Here, the classic Middle Axiom can be reinterpreted and broadened to include both dialectics (Fig. 1). As a mediating position between those two polarizations, the

preferential option for the poor can be

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understood as being against both tyranny and anarchy—here I use these terms loosely.

On the one hand, it keeps **the** universal **of human rights**

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from being tyrannical by facilitating the concretization of abstract concepts. On the other hand, it also keeps the notion of the rights of the poor from being anarchic by placing them in a broader context, that is, the common good or universal human rights.³⁷ ³⁴ Ellacuria, supra note 33, p. 59. ³⁵

John C. Bennett, Christian Ethics and Social Policy (New York: C. Scribner’s Sons, 1946), p.

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77. 36

Dennis P. McCann, ‘Option for the Poor: Rethinking a Catholic Tradition’,

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in Robert Benne and

Richard John Neuhaus (eds.), **The Preferential Option for the Poor** (Grand Rapids, MI: W.B. Eerdmans, 1988),

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pp. 41–44. 37 Using Habermas' theory of the 'generalizable interest', McCann argues that without intentionality to the common good, the middle axiom will fail to be a mediating principle. Ibid., p. 43. Universal human rights (Universal-1) Global society (Universal-2)

Preferential option for the poor (Middle Axiom) Local **Rights of** Community **the poor**

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(Particular-2) (Particular-1) Fig. 1. 164 J. Adiprasetya / Religion and Human Rights 8 (2013) 163–171 J. Adiprasetya / Religion and Human Rights 8 (2013) 163–171 165 166 J. Adiprasetya / Religion and Human Rights 8 (2013) 163–171 J. Adiprasetya / Religion and Human Rights 8 (2013) 163–171 167 168 J. Adiprasetya / Religion and Human Rights 8 (2013) 163–171 169 170 J. Adiprasetya / Religion and Human Rights 8 (2013) 163–171 J. Adiprasetya / Religion and Human Rights 8 (2013) 163–171 171

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