

JPIC and the Defense of Human Rights

From Gifts to Rights: The Franciscan View of Human Dignity

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When I was first asked to address the topic of "human rights" and the Franciscan tradition, it seemed to be an easy task. Like many others today, I associate the figure of Francis and the Franciscan tradition with things that I like. I also agree with the importance of human rights. Both are appealing to me; putting them together therefore seemed simple. But as I began to examine the topic more closely a major difficulty began to arise. I hope that I have resolved that difficulty by adopting the approach to human rights I will present here. I would certainly value critique and comments from all of you as we try to discern together how we can bring our rich tradition into dialogue with this pressing contemporary issue.

Let me begin, then, by stating the problem I encountered. Put briefly, it is this: for Francis, every good thing is a "gift," freely and generously poured out from God, out of love. There is nothing good that does not come from God, and nothing good that does not belong to God.

In our contemporary use of language a "right" belongs to an individual or a group of people. They "own" that right, and it cannot justly be taken from them. We speak of rights as "inalienable," "inviolable." But this presupposes that the human person "possesses human rights," which is different from "receiving divine gifts."

To resolve the problem, I had to restate the topic. What we call "human rights" today does not appear in that form in the early Franciscan tradition. I would have to look for the appropriate form in which some of those rights appeared in the Middle Ages.

A Problem of Translation

To understand this task, we need to step back into the time when the Franciscan tradition of reflection on the human person was developing, to understand that tradition in its proper context, and then seek to "translate" that tradition from the past by means of a responsible, contemporary interpretation.

There are two tasks here:

- 1) To examine our tradition, its relevant texts and their context; and
- 2) To translate elements of the tradition into a language that is understandable in our context today.

I like to use an image from mathematics to illustrate the process. This is called the

"mathematical proportion" and can be expressed in this way:

2: 6:: 3: 9 ("Two is in relation to six as three is in relation to nine")

Although each of the numbers is different, if we understand the relationship between 2 and 6 we can find the appropriate number to follow 3. Because 2 multiplied by 3 gives 6, 3 multiplied by 3 gives 9. The relationship is "proportional."

In Franciscan terms, we may say: "Francis is in relation to the year 1200 as we are in relation to the year 2000."

F: 1200:: W: 2000

This means that we need to look for the relationship of Francis to our topic of human rights in the context of the year 1200 (or 1210 or 1223, etc.), and then find the "proportional" equivalent in the context of the year 2000.

Immediately, one problem presents itself. When we speak of "human rights," we are using words that have a specific meaning in the context of the year 2000. We may not be able to find the same words in the Middle Ages, or we may find the same words, but with very different meanings. We should therefore proceed with awareness of the differences between the two contexts, not presuming that we will find what we are seeking in exactly the way we imagined. We cannot ask a person of the 13th century to answer a question posed in the 21st cen-

ture! What then can we ask? We can ask what fundamental values underlie various declarations of human rights today, and look for "proportional" values in our own tradition.

I would suggest two inter-related areas in the Franciscan tradition as fruitful areas for research, to inform our contemporary Franciscan approach to human rights:

- 1) The human person as image of God;
- 2) The virtue of courtesy.

Human Person as Image of God

From Francis through Bonaventure to later developments of the Franciscan philosophical and theological tradition in Scotus and beyond, the human person, and even the specific individual assumes a central role. Here is one possible foundation for contemporary reflection on human rights and our tradition.

In his Admonitions, Francis of Assisi gives a foundation for the Franciscan view of the human person:

"Consider, O human being, in what great excellence the Lord God has placed you, for He created and formed you to the image of His beloved Son according to the body and to His likeness according to the Spirit." (Adm V)

Perhaps no greater charter for the dignity of the human person exists. Based on the opening chapter of Genesis (1:26), this Admonition places every human per-

son in relationship to God through the incarnate Son. This way of looking at the person does not address the question of human rights directly, but rather points to the basis of human rights: humans have great dignity, "excellence," by the very fact of being human. This dignity is a gift that comes from the Source of every Good. It is not a gift given to some and not to others, based on their worthiness or merit or holiness. This "excellence" derives from their very creation. The pattern or design of the human person is divine: the whole person, body and spirit, is formed according to the image of the Son.

This approach to the dignity of the human person is different from other contemporary approaches, which may emphasize the inherent or intrinsic dignity of the human person because of the human power of reason (or some other quality) without any reference to the Son. For Francis, that dignity is built into the human person from the very beginning of Creation, but its source is beyond the person, in God. We must admit, however, that the two different approaches may look very much the same in practice. Their differences lie in the differing understanding of the ultimate source or reason for human dignity, the basis of human rights. Let us turn now to look at the approach of Francis in some of its effects in practice, that is, how a "theology of the person" is translated into behavior or practice.

The Practice of Dignity: Respect, Justice, and Love

A corollary to Francis' "theology" is that each human person should be shown dignity, respect, justice and love, qualities characteristic of the courtesy of Francis. In the Earlier Rule (Regula non-Bullata) he is setting down a general norm for the way the brothers are to treat other people. Note the qualities he emphasizes as general norms of behavior:

*"I counsel, admonish and exhort my brothers in the Lord Jesus Christ not to quarrel or argue or judge others when they go about in the world; but let them be meek, peaceful, modest, gentle, and humble, speaking courteously to everyone, as is becoming."
(RB III)*

Similarly, Francis exhorts his followers, when among people who do not share their Christian faith, "not to engage in arguments or disputes but to be subject to every human creature for God's sake and to acknowledge that they are Christians." (RnB XVI) Here he chooses an alternative to the religious violence of the "holy wars" of the 13th century, an attitude of respect, based on humble submission toward those who differ in religious beliefs.

Once again, in the 2nd Version of the Letter to all the Faithful, Francis urges the Brothers and Sisters of Penance to the practice of respect for others: "We must never desire to be above others, but, instead, we must be servants and subject

to every human creature for God's sake." (2EpF)

In these texts we observe the blending of several values or virtues important to Francis: humility, peacefulness, meekness, modesty, and that classic virtue of chivalry, courtesy. While it may not address directly the question of the "rights" of others, this courtesy does point us in that direction.

Courtesy and the Defense of Human Rights

Courtesy, in the time of Francis and Clare, was proposed by the Church as a "courtly" virtue to be practiced by the ideal Christian knight and the members of the ruling classes (the "court"). In Francis' writings it is a quality of God, a quality that should be visible in the behavior of the Lesser Brothers. This virtue is associated with liberality or generosity, and with showing honor to others, even those considered socially "inferior." Courtesy goes hand-in-hand with the obligation of the maiores of society (those with power) to defend the minores, those who were without power: the weak (infirmi), and those without protection (widows, orphans, pilgrims).

The Lesser Brothers are to be in a "social location" among those who are "without power," not identified as those who are "powerful." Francis encourages his brothers to rejoice to be among "the poor, the powerless, the sick and the lepers, and the beggars by the wayside" (RnB IX). This is the "social location" of the

community of Jesus: Jesus, Mary and the disciples were poor and strangers and lived on alms (RnB IX). In other words, the Son of God, through the Incarnation, is to be found among those whose rights need to be protected, including the "divine right" to the basic necessities of life, assured through the receiving of alms. "Alms are a legacy and a justice [hereditas et iusticia] due to the poor that our Lord Jesus Christ acquired for us." (RnB IX) This may be close to a statement of "rights" in Francis, rights of inheritance and rights due in justice to the poor. It is the Lord Jesus Christ who gains the right and hands it on to the poor as their inheritance.

We have illustrations, or exemple, of the Francis' practice of upholding the dignity of the poor in the "Lives" written after his death. Chapters 51-60 of the Memoriale by Thomas of Celano (2 Celano) are dedicated to this topic. Here are a few examples:

"... he read the Son of our Poor Lady in every poor person." (2C 51)

He corrected a brother who criticized a poor man: "Brother, whenever you see a poor person, a mirror of the Lord and his poor Mother is placed before you." (2C 52)

"I do not want to be a thief; we will be accused of theft if we do not give to someone in greater need." (2C 54)

These stories about Francis serve as illustrations of his own words about the

"excellence" of the human person, and the "rights" of those in need to be supplied with the necessities of life. They emphasize that Francis put into practice what he taught about the dignity and the "inherited rights" of the poor.

The early Franciscan fraternity, therefore, received courtesy from others: first of all, the courtesy of God revealed in Christ, and also the courtesy of popes, bishops, knights, and secular rulers. But, according to their circumstances, they were also to show courtesy to others, treating others with dignity and respect (think only of the title of respect, "Brother Christians," which Francis used for those with leprosy). The code of behavior Francis presents to the Lesser Brothers and to the wider community of Franciscan Penitents is a way of putting into practice the teaching on the "excellence" of the human person we examined above, in Admonition V.

This early Franciscan tradition may be useful material for "translation." To perform this translation responsibly, we must take into account the social context of the medieval age of courtesy: rigid social differences between maiores and minores; the paternalistic implications of superiors and inferiors; the basically voluntary nature of the protection offered.

But even with these differences in mind, we may find that the practice of courtesy in principle affirms the dignity of the

most powerless in society, and the need for those who exercise power (maiores) to do so in defense of the "rights" of the minores.

At this point I would like to suggest, only suggest, an even greater dimension to the practice of *cortesia*. For the Poverello of Assisi, not only other human beings deserve to be treated with dignity and respect, but all creatures should be treated with reverence: they all come from the same loving source, their Creator. All are "brother" and "sister" to the man who composed the *Canticle of Creatures*. Careful attention to this dimension of Francis' praxis could expand our topic from the dignity of human beings ("human rights") to consideration of the dignity of every creature ("creature rights"). But that is another topic!

Human Dignity: Conclusion

A profoundly christological understanding of the human person makes each person sacred, unique, revelatory of God. Here is a firm foundation for contemporary Franciscan reflection on human rights. How would this insight be translated into contemporary language and practice? What attitudes and actions today clearly demonstrate a lack of respect for the divine image in human persons? This is our task today.

Our context today translates the "excellence" of the human person in the language of "human rights," while the

medieval Francis would speak of that same quality as a “divine gift.” Even though he approached the question from a different point of view, within a different social context, Francis, with his immense respect for every human creature (and all creatures) can provide us today, I believe, with the foundation for contemporary defense and promotion of human rights.