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8 Liberation, law and proleptic dignity

Ted Peters

I want to protect dignity. More precisely, I want to confer dignity when it is not recognized. I believe it is my mission as a Christian and as a citizen of the modern world to confer dignity whenever and wherever it is unrecognized, denied, or violated. I believe that conferring dignity is the heart of liberation.

My impetus to protect dignity and confer dignity exhibits a theoretical tension, however. To protect dignity assumes that dignity is already present, that it is threatened and that it needs protection. To confer dignity, in contrast, implies that it is absent; my conferral actually constructs a dignity which was missing. Is inherent dignity, then, a social construction? The theoretical tension between these two is exposed in the question: is dignity immanent or is dignity constructed?

The tension can be resolved by trusting in God, by relying upon retroactive ontology. What does this mean? First, to trust God is to have faith in what is unseen. If dignity is not seen, we must place our trust in God that dignity is present, valid, and real. Second, ontologically, it is God's eschatological future which determines retroactively what is real in the present. Dignity for each of God's beloved creatures is eschatologically real; and our task today is to believe it, trust it, and to confer dignity upon those without dignity. For us to confer dignity today is to act proleptically by borrowing dignity's immanent reality from God's imminent future.

Where do we find dignity denied? Cursing followed by murder, war, or genocide denies dignity to victims. When about to commit first degree murder, the killer curses the victim by declaring him or her to be excrement, immoral, and worthless. When U.S. presidents prepare their people to go to war, they describe the targeted enemy as evil or even Hitler-like. When genocidists prepare to wipe out a segment of the human population, they justify it by declaring the victims to be less than human: Nazis curse Jews as a cancer; Hutus curse Tutsis as vermin; ISIS curses Syriac Christians as infidels. Such cursing denies dignity. The mission of the church and the state is to bless instead of curse; to bless is to confer dignity in the face of its denial. Such conferral relies upon a future reality in which that dignity will be immanent even though today it is still imminent.

Roman Catholics, along with the United Nations and the ambient *Zeitgeist*, already take as a matter of faith that each human person possesses dignity and, further, the public denial of this dignity warrants legal action to restore it. The law both protects existing dignity and seeks to restore it when it is violated. Is our faith combined with this legal practice well placed? Yes, indeed. But, we might ask: on what grounds? Despite the observation that both religious and non-religious sectors of modern culture take dignity for granted, its theoretical justification as a basis for secular law, both domestic and international, is about as stable as a skate board on an ice rink.

If one would scratch a Roman Catholic or a Reformation Protestant and ask where dignity comes from, the most likely answer would be this: we human beings are created in God's image. It is the presence of the divine image that warrants treatment of each human person with dignity. This makes dignity immanent, archonic, and inviolable.

In this chapter, I will offer a brief phenomenology of dignity, showing that in our common experience, dignity is first conferred and then claimed as immanent. I want to affirm the Enlightenment definition of dignity—dignity means a person must be treated as a moral end and never merely as a means to a further end—a definition which rose to global recognition in the 1948 United Nations *Universal Declaration of Human Rights*. Then I will briefly evaluate the Vatican understanding of the church as the pastor to the larger culture through its commitment to dignity, then showing how Roman Catholic theology and Lutheran theology rely on both the *imago Dei* and natural law to justify this public ministry. I will conclude that proleptic eschatology provides the theologian with an ontological justification for conferring dignity, which takes the form of an ethics of liberation.

The phenomenology of dignity

*Dignity is first conferred, then claimed.*¹ A child who comes into the world and begins to gain an understanding of his or her relationship with the world does not presuppose self-worth. Rather, it is the relationship with doting parents who treat the child with attention, love, care, concern, devotion, and encouragement that prompts the inchoate realization, "I am valuable." While the baby is still limp and expressionless, the mother and father look the infant in the eye, smile, speak in a high pitch, and engage the tiny face. In time, that tiny face reacts, responds, and engages in return. This is the process by which mother and father confer dignity which, in time, the child claims for himself or herself. Personhood is relational before it becomes individual.

Jesus conferred dignity in similar fashion. Jesus described his own ministry: Matthew 11:5: "the blind receive their sight, the lame walk, the lepers are cleansed, the deaf hear, the dead are raised, and the poor have good news brought to them."² Those on the margins without social status or wealth or any reason to brag about themselves experience Jesus coming into their lives and treating them as persons of worth. This is the heart of the mission of liberation. Jesus' historical demonstration of the worth of marginalized persons testifies to the theological affirmation that, in the incarnation, God confers dignity on the human race and even on the entire creation. Dignity is now for the Christian to claim, recognize, realize, and re-confer.

When an oppressed class in modern society cries out for dignity, marginalized people want conferred what they already sense belongs to them. Here is one of my former doctoral students, Tshenuwani Simon Farisani, crying out for dignity before the apartheid laws of South Africa were overturned.

We do not have, as a people, an intrinsic, nonnegotiable value. We are always migrating between existence and nonexistence, floating between earth and heaven, rejected by God and unacceptable to the devil. We are in South Africa but not of South Africa, every square inch human but not members of the human race.³

On the one hand, the apartheid government failed to confer dignity to persons or tribes of color within their land. On the other hand, those who were denied dignity were fully aware that such conferral was warranted; they sensed the innateness of their dignity.

Phenomenologically, dignity is first conferred and then claimed. Yet, it can work in reverse: dignity can be intuited and then conferral demanded. Perhaps dignity can be thought of as a circular interaction between conferral, claiming, and conferral again. Conferral of dignity is the core of the liberation dynamic.

Theologically, conferring dignity is one way to describe *agape* love, the love that treats the beloved as a moral end. According to Martin Luther, faith “does not seek its own good, but that of another ... Because it seeks the good of another, it works love.”⁴ We love by conferring dignity on the beloved.⁵ Love almost by definition requires that the lover seek the good of the beloved solely for the beloved’s benefit. *Agape* is the New Testament word for this. *Agape* becomes effective in liberation when one loved stands up to claim and own that dignity.

Dignity in the Enlightenment and the United Nations

The central role of dignity in Western culture arose during the Enlightenment, both in concert with theological commitments and in defiance of ecclesiastical authority.⁶ Immanuel Kant provides the definition of dignity which has become the tacit if not the articulated essence of modern human personhood: each human person possesses dignity when we treat him or her as an end, and never as merely a means to a further end. “Act in such a way that you always treat humanity, whether in your own person or in the person of any other, never simply as a means, but always at the same time as an end.”⁷ Kant’s formulation presupposes a moral relationship: one person treats another person as valuable. This is the case even though dignity appears to be individually claimed and owned. This relational formulation has sustained our Enlightenment belief in the immanent and unalienable worth of the individual person.

We remember the 1776 U.S. *Declaration of Independence* for putting into words the eighteenth century commitment to dignity. Relying on a rationalist version of Christian natural law, the immanence of dignity became justified because it is self-evident. Modernity relies on “self-evident” endowments by our “Creator” which become “rights” to be guaranteed by governments.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness.⁸

Even though the term *dignity* is not employed here, a phrase such as “endowed by their Creator” designates traits which are assumed to be inherent, innate, undeniable. The only warrant for writing such a declaration is the historical experience of the denial of dignity by England, a wrong to be righted. Subsequent American history records the ongoing process of dignity conferral to slaves, women, immigrants, and LGBTQ persons. Dignity must be conferred before it can be claimed, and then it requires protection by legislated and enforced law. The allegedly self-evident quality of dignity provides moral and legal justification for revolutionary strategies to recognize dignity where it is not publicly recognized.

Following the genocides of the Second World War, the United Nations elected a Committee on Human Rights, headed by Eleanor Roosevelt, to articulate for the world the need for protecting human dignity. According to the *Universal Declaration of Human Rights* of the General Assembly of the United Nations (UN) in 1948, “recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the

foundation of freedom, justice and peace in the world ...” Dignity provides the foundation upon which human rights are constructed.

Article 1: All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act toward one another in a spirit of brotherhood.⁹

Although dignity is not precisely defined, the drafters of the UN Declaration took it for granted that everyone knows what it means and what it requires by way of political practice. Because the Western democracies and the Soviet Marxists could not agree regarding protection of individual rights, no definition of *dignity* was spelled out. The UN hoped it could rely on common acceptance and overlook any official ambiguity. What was not ambiguous was that the UN drafters presumed as self-evident that dignity is immanent.

In his postmodern treatment of dignity, Gaymon Bennett at Arizona State University says that

whatever else it may be, human dignity is that which is inherent and it is that which can be, and must be, recognized. Moreover ... it is the source of political goods. The recognition of dignity issues in freedom, justice, and peace, and its violation brings with it outrage and disunity.¹⁰

The presupposed immanentist ontology provides justification for moral judgment and for restorative if not constructive legal action. Dignity is assumed without argument to be archonic [*archonic*, from the Greek *αρχη* meaning both “origin” and “governance”]. Dignity is built-in, innate, and universal. By making such an assumption, UN framers could avoid religious preference. “The key framers of the document affirmed an inherent human dignity in order to provide an explanatory basis for the validity of universal human rights while eschewing any religious or metaphysical justification for this affirmation.”¹¹

A theoretical tension remains buried here.¹² On the one hand, many persons and peoples in our world today do not experience or exhibit dignity, yet we can affirm theologically that they have dignity despite their apparent lack of dignity. On the other hand, non-religious entities such as the UN rely upon such a universal claim despite the fact that such a universal claim must itself rely upon a transcendental grounding. Roman Catholic thinkers claim to know where that dignity is grounded, namely, it is grounded in natural law and the *imago Dei*.

Dignity as the Vatican’s pastoral ministry to the world

From the Second Vatican Council (1962–1965) to the present, the Roman Catholic Church has come to see itself as the world’s shepherd, guiding the world’s peoples toward a realization of their inherent dignity. For the church, this dignity is, first of all, immanent because it is written in the natural law readable by every rational soul. This mandate to recognize human dignity is articulated in *Gaudium et Spes*. “In the depths of his conscience, man detects a law which he does not impose upon himself, but which holds him to obedience ... For man has in his heart a law written by God; to obey it is the very dignity of man; according to it he will be judged.”¹³ God’s law is written on the heart of natural humankind. So also is dignity. This has become the tacit political theology of the Roman Catholic Church in our generation. “At the Second Vatican Council in the 1960s,” writes Bennett,

dignity was put forward as an answer to the problem of how the church should relate pastorally to the secular world ... [I]t also raised the question of whether human dignity, framed as intrinsic and universal, could be recognized and understood apart from the church's theological vernacular and doctrinal commitments.¹⁴

The church sought "to figure dignity in such a way that it could be discursively taken for granted."¹⁵ The post-Vatican II church rode the UN horse. "Humanity, in its essence and need for actualization, is a common object of responsibility for the church and the United Nations."¹⁶

This appeal to natural law in the created order presumes as self-evident that dignity is immanent, inherent, innate, archonic. Yet, dignity is also eschatological.

§39. For after we have obeyed the Lord, and in His Spirit nurtured on earth the values of human dignity, brotherhood and freedom, and indeed all the good fruits of our nature and enterprise, we will find them again, but freed of stain, burnished and transfigured, when Christ hands over to the Father: 'a kingdom eternal and universal, a kingdom of truth and life, of holiness and grace, of justice, love and peace.' On this earth that Kingdom is already present in mystery. When the Lord returns it will be brought into full flower.¹⁷

Now, which is it: immanent or imminent? Is dignity archonic? Or, is it conferred by God eschatologically? Or, might it be a synthesis?

They are synthetic in that destiny and origin are folded into each other; the one indicates and is constituted by the other. Their relation is nonlinear in that destiny is not a state subsequent to origins but rather is the actualization and completion of the rule anticipated and prescribed in the origin.¹⁸

Or, to say it my way, the eschatological kingdom will retroactively determine what has been archonic all along. Dignity is first imminent, then immanent. When we confer dignity where it is denied today, we are proleptically affirming what will be eschatologically true. To confer dignity on a person who is denied dignity is to act out of faith, to act implicitly out of trust in God's future.

The first use of God's law in Lutheran political theology

How might Reformation Lutherans cultivate this farmyard of theological contentions? Lutherans plow the same natural law field even if they reap fewer bushels per acre than the Vatican does. Lutherans along with their Reformed neighbors split God's law into three parcels:

- 1 the political (*usus politicus*) or civil use (*usus civilis*) which sustains political community;
 - 2 the theological or prophetic use (*usus theologicus*, *usus spiritualis*, *usus paedagogicus*) which renders judgment against injustice and sin, and which relates to the gospel of divine forgiveness dialectically;¹⁹
 - 3 the guidebook use which, in response to the gospel, channels the energy of love into productive effort. Law, all by itself, is only a cookie cutter, a frame, a shape, a template. For law to accomplish its mission, the form must be filled by love in the pursuit of justice.
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When plowing the field of God's law, Lutherans spend most of their hours planting and harvesting the law in its second use. It is this use that stands in dialectical relationship with the gospel of grace.

The law commands and demands of us what we are to do ... The gospel, however, does not preach what we are to do or to avoid. It demands nothing of us, but instead reverses the matter, does the opposite, and says, 'This is what God has done for you.'²⁰

The law in its second use provides the prophetic leverage the social critic needs to render judgment against political structures which foster injustice and deny dignity.²¹ There is only one divine law, to be sure; but we creatures experience the law in three uses.

God's law in the first use (let alone the third use) lies almost like a fallow field. But, it is fertile. Perhaps we should plant the seed of dignity and see if it grows.

For Martin Luther, as for the Vatican, legislated laws drink from a well of justice springing up from God's reservoir of natural reason. "We should keep written laws subject to reason, from which they originally welled forth as from the spring of justice."²² The gospel may inspire love, but it is the law which provides guidance on how to love, especially how to love through practicing justice.

Article XVI of the Augsburg Confession attests that "lawful civil ordinances are good works of God and that Christians are permitted to hold office ..."²³ Although sixteenth century Lutherans frequently spoke of civil law with a negative slant—civil law protects us from crime and punishes criminals—one could easily reinterpret the civil use positively as a means for enhancing safe community. This is what Bernard Lohse does. "By means of the political use, external order on earth is to be maintained, and peace and the securing of justice preserved."²⁴ Positive or legislated law should reflect natural law in constructive fashion.

This law structuring our political order comes from God, even if formulated in the words of secular legislators. Justice transcends those who are responsible for establishing and protecting the social order.²⁵ The laws we live by, whether the Ten Commandments of Moses or the legislation of a secular government, are positive expressions of a more fundamental natural law.²⁶ At least, this is what Luther thought.

It is natural to honor God, not steal, not commit adultery, nor bear false witness, not kill. What Moses commands is not new ... they [just moral codes] have been implanted in me by nature, and Moses agrees exactly with nature.²⁷

Luther got this reliance on natural law from St. Paul (Romans 2:15), about whom post-modern theologian John Milbank remarks, "human positive law, while it had a relative, circumstantial aspect, had both to retain an equitable unity with natural law and to seek ultimately to promote the reign of charity."²⁸

Although dimly lit in human consciousness, God has buried the light of natural law within the human conscience, according to the Reformation mind. Taking an admittedly minimalist approach, Philip Melancthon identifies four components to the law of God inborn in us. Intuitively, first, we hear from within us a voice commanding us to "worship God!" Second, "since we are born into a life that is social, a shared life," we are prompted to "harm no one but help everyone in kindness." Third, "if it is impossible that absolutely no one be harmed," then we set up a government with police and courts to keep "the number of harmed ... to a minimum." Fourth, "property shall be divided for the sake of public

peace ... to alleviate the wants of others through contracts."²⁹ This law is natural, built-in, innate, and universal, according to Melanchthon. It is archonic.

The light of natural law shines too dimly, however, leaving much of our civil life in the shadows. Some civic leaders strive for genuine justice, and we should be grateful to them. Yet, not all social arrangements conform to what is natural. Slavery, for instance. "What is more foreign to nature than slavery?" asks Melanchthon rhetorically.³⁰ Although natural law may enlighten the civic mind, any society can elect to live in the shadows rather than the light. Melanchthon in the sixteenth century does not yet construct a doctrine of dignity, but he certainly recognizes that slavery is incompatible with God's law. Modernity has seen the wisdom of Melanchthon's insight. What we need from Lutherans now in the twenty-first century are middle axioms—bridge axioms—which connect God's law in the first use with the ministry of conferring dignity in a world where liberating vigilance can never rest.

Can disciples of Luther think of the law proleptically? Wolfhart Pannenberg contends that the actualization of God's law is eschatologically dependent. "Thus the eschatological expectation of a better community of law in the future constitutes the condition for justice in the future ... only the future realization of justice under law will correspond completely to the will of God."³¹

Grounding human dignity in the eschatological Christ

Such reliance on natural law must avoid the archonic fallacy, the fallacy that finds essence and salvation in a past point of origin. Our essence is found in our redeemed future, not our past. This applies even to human nature, to humanity's status before the God of grace. Human nature is defined largely by the *imago Dei*, and the *imago Dei* is defined proleptically by Jesus' Easter resurrection.

Humanity's "essential and original nature is to be found, therefore, not in Adam but in Christ," argues Karl Barth forcefully. "In Adam we can only find it prefigured. Adam can therefore be interpreted only in light of Christ and not the other way around."³² True humanity has yet to become true humanity; it will become true only in God's promised resurrection when each of us becomes fully Christlike. Just as Jesus Christ rose from the dead on the first Easter to embody both the image of God and the image of the true human being, so also will we rise into Christ's double image.

This requires a proleptic anthropology. Proleptically, the person of faith today is *simul justus et peccator*. Yet, as justified by faith, he or she anticipates full godlikeness in God's future. If human dignity is based on human godlikeness, then it must be based on a prolepsis of a godlikeness which will attain its fullness only in the eschatological consummation. When we confer godlikeness on sinful persons today, we are borrowing redeemed reality from God's tomorrow. In short, immanent dignity derives from imminent dignity.

This proleptic approach to anthropology seeks the *imago Dei* not in the old *Adam* but in the new *Adam*, not in the old creation but in the new one, not archonically but eschatologically. With obvious excitement Paul proclaims, "the gospel of the glory of Christ, who is the image of God" (εἰκὼν τὸ θεοῦ; 2 Cor. 4:4b). The term εἰκὼν (icon) is used both of Christ and of the person who has faith in Christ, and Paul describes us as "being transformed into the same image" (2 Cor. 3:18; see Rom. 8:29). The Christ of whom he speaks is the Easter Christ, the risen Christ, the first fruits of those having fallen asleep (1 Cor. 15:20, 48), the advent of the new creation. Christ as the divine image is our prototype. We live now as the *imago Dei* insofar as we live in him, insofar as we participate in the reality of the resurrection.

This leads UCC theologian Brent Waters to define dignity as something conferred before it becomes immanent. "Human dignity is not an inherent quality, but is derived from the gift of grace given by God in Christ."³³ Conferring dignity as a gift of grace upon those in our world today who are not treated with inherent worth is the moral mission of Christ's disciples and of the citizens of each modern nation as well. The biblical command to love God and love one's neighbor takes the form of dignity conferral. It is both a religious and a political mission to confer dignity on the poor, the marginalized, and all victims of injustice. When this mission is accomplished, those upon whom dignity was conferred can then enjoy it, claim it, and demand justice under the law. Today's theologians rightly refer to this *dignity conferral as liberation*.³⁴

Conclusion: liberation as the conferral of dignity

My understanding of liberation as dignity conferral is eschatologically dependent. The eschatology required here dares not be of the escapist type, but rather of the transformational type. "Liberation theology emerges in Latin America claiming that there is no pie in the sky without pie on earth," Filipe Maia reminds us.³⁵ What happens in Latin America provides inspiration for the work of the church in the remainder of the world.

"Members of the body of Christ are called to embody the hope in the promised future of God, where suffering and death shall be no more," says feminist theologian Deanna Thompson, drawing on the eschatological promise. "This is the eschatological horizon opened up by God's gift of justification and the resurrection promise of new life given in the midst of our current sinful existence."³⁶

I recommend that we piece together a liberation ethic with dignity conferral to construct a political theology conditioned by the eschatological proviso, the proviso that the ground of being grants us existence retroactively from God's consummate future. The theologian of hope who most directly connects Christian hope with the liberation mission is Jesuit Johannes Metz. "When the Church is faced with modern political systems, she must emphasize her critical, liberating function again and again, to make it clear that [human] history as a whole stands under God's eschatological proviso."³⁷ A political theology which focuses on liberation will hold up a vision of global community inspired by God's law in the first use and also rely on the second use to judge the social order when it denies dignity in any quarter.³⁸

In sum, the *mission of the church today is to provide religious substance to political forms so that the body politic orients itself toward the protection and conferral of dignity on behalf of all of its citizens. Law is the means by which the state accomplishes this mission.*

Notes

- 1 For the further implications of this argument, see Ted Peters, "Dignity," in *Encyclopedia of Science, Technology, and Ethics*, ed. Carl Mitcham 2 (New York: Macmillan, Thomson, Gale, 2005), 528–530; Ted Peters, "Cells, Souls, and Dignity: A Theological Assessment," Boston College Law School Law and Religion Program Matters of Life and Death: Selected Publications (2006–2007): 15–36.
- 2 2 Matthew 11:4–6 (New Revised Standard Version, Anglicised (NRSVA)).
- 3 Tshenuwani Simon Farisani, "South Africa: Unasked Questions and Unquestionable Answers," *Journal of Law & Religion* 2 (1987): 265.
- 4 Martin Luther, *The Annotated Luther*, eds., Hans J. Hillerbrand, Kirs I. Stjerna, and Timothy J. Wengert, 5 vols. (Minneapolis, MN: Fortress Press, 2015), 2, 17.

- 5 Is it reasonable to think of immanent dignity as relational? According to philosopher Jürgen Habermas, "human dignity ... is, in a strict moral and legal sense, connected with this relational symmetry. It is not a property like intelligence or blue eyes, that one might 'possess' by nature; it rather indicates the kind of 'inviolability' which comes to have a significance only in interpersonal relations of mutual respect, in the egalitarian dealings among persons." Jürgen Habermas, *The Future of Human Nature* (Cambridge, UK and Malden, MA: Blackwell Polity, 2003), 33.
- 6 In 1486, Giovanni Pico della Mirandola delivered his address, "Oration on the Dignity of Man," which kicked off Renaissance Humanism in Western Europe. "Man is, with complete justice, considered and called a great miracle and a being worthy of all admiration." Giovanni Pico della Mirandola. "Oration on the Dignity of Man," (1486). Accessed November 6, 2017. <http://bactra.org/Mirandola/>. The dignity lauded by Mirandola referenced the human race in distinction from brutes below and angels above; dignity did not refer to the incalculable worth of the individual human person. That development would come later.
- 7 Immanuel Kant, *Groundwork of the Metaphysics of Morals*, trans. H. J. Paton (New York: Harper, 1948), 96. The concept of dignity stands within a larger framework of ethical reflection that theologians would refer to as *agape*, as disinterested love—that is, love for the sake of the other rather than for the sake of furthering one's own interests. For philosopher Kant, what we now know as the principle of dignity is embedded within a set of categorical imperatives. These moral imperatives are called "categorical" because they transcend the self-interests of the one who answers their call. First, Kant enjoins us to act only according to a maxim which we can also wish to be a universal law—that is, a law that would apply to ourselves and others equally. "*Handle nur nach derjenigen Maxime, durch die du zugleich wollen kannst, dass sie ein allgemeines Gesetz werde.*" Immanuel Kant, *Grundlegung zur Metaphysik der Sitten, Immanuel Kant Werke in Sechs Bänden*, ed. Wilhelm Weischedel IV (Darmstadt: Wissenschaftliche Buchgesellschaft, 1998), 51. Second, he enjoins us to act so that we treat humanity, not only in our own person but also in the person of all others, never as a mere means but always as an end. "*Handle so, dass du die Menschheit, sowohl in deiner Person, als in der Person eines jeden andern, jederzeit zugleich als Zweck, niemals bloss als Mittel brauchst.*" Ibid., 61. Third, Kant enjoins us to act so that all maxims we establish for ourselves as law will cohere with a possible kingdom of goals like a law of nature. "*Alle Maximen aus eigener Gesetzgebung zu einem möglichen Reiche der Zwecke, als einem Reiche der natur, zusammenstimmen sollen.*" Ibid., 61. My appropriation of Kant here has to do solely with the moral relationship that produces dignity. Kant's model of the individual moral agent as autonomous or sovereign apart from such a relationship, however, is problematic for feminist theorists. Kantian moralism is so principled and austere that the idea that the philosopher Kant could be "wedded to 'the moral law' and nothing else, neither family, nor faith, nor nation—is entirely unreal," according to Jean Bethke Elshtain. Jean Bethke Elshtain, *Sovereignty, God, State, and Self* (New York: Basic Books, 2008), 176.
- 8 The Declaration of Independence (1776). Accessed November 6, 2017. www.ushistory.org/Declaration/document/.
- 9 G.A. Res. 217 (III) A, Universal Declaration of Human Rights, art. 2 (Dec. 10, 1948). The *Universal Declaration of Human Rights* was actually about rights; dignity was assumed and implied. See the interesting account of Eleanor Roosevelt's work in Gary M. Simpson, "Innovating National Sovereignty and the Just War Tradition: The Responsibility to Protect, the Universal Declaration of Human Rights, and the Anticipatory, Interruptive, and Resiliently Empathetic Eleanor Roosevelt," *Word and World* 34, no. 4 (Fall 2014): 349–57.
- Dignity has become an international criterion by which the behavior of nation states is measured. For example, note how a prosecutor of the International Criminal Court words his complaint: "Members of US armed forces appear to have subjected at least 61 detained persons to torture, cruel treatment, outrages upon personal dignity on the territory of Afghanistan between 1 May 2003 and 31 December 2014." An outrage against personal dignity is deemed a crime. Mike Corder, "ICC Prosecutors: US Forces May Have Committed War Crimes," *The Associated Press*, November 15, 2016. Accessed November 6, 2017. <https://apnews.com/7ebe643c029d4e01b4a2c794118b3b1e/icc-prosecutors-us-forces-may-have-committed-war-crimes>.
- 10 Gaymon Bennett, *Technicians of Human Dignity: Bodies, Souls, and the Making of Intrinsic Worth* (New York: Fordham University Press, 2016), 42.
- 11 See generally Glenn Hughes, "The Concept of Dignity in the Universal Declaration of Human Rights," *Journal of Religious Ethics* 39 (March 2011): 1.

- 12 See generally Peters, "Dignity."
- 13 Pope Paul VI, *Gaudium et Spes: Pastoral Constitution on the Church In the Modern World*, The Vatican (1965) §16. Accessed November 6, 2017. www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_cons_19651207_gaudium-et-spes_en.html.
- 14 Bennett, *Technicians of Human Dignity*, 4.
- 15 *Ibid.*, 8.
- 16 *Ibid.*, 30.
- 17 *Gaudium et Spes* §39.
- 18 Bennett, *Technicians of Human Dignity*, 71.
- 19 For Luther, God is double handed. God's left hand presents to us the law; the right hand extends to us grace. Craig Nesson sees a continuity between the law in its first two uses and other polar doublets in Luther's thinking: two kinds of righteousness, reason, will, and works. "The first use of the law functions as God's way of ordering and structuring the world in the left hand strategy, while the second use of the law functions to expose and condemn sin in preparation for proclamation of the gospel in the right hand strategy." Craig L. Nesson, "Law, Righteousness, Reason, Will, and Works: Civil and Theological Uses," *Currents in Theology and Mission* 41, no. 1 (February 2014): 52. Nesson comes close to saying that the second use of the law represents God's right hand, whereas it seems to me that Luther intends to put the gospel of grace in the right hand. Nesson comes close to confusing law and gospel. *Ibid.*
- 20 *The Annotated Luther*, vol. 2: 133–134.
- 21 Robert Benne, "How Should Modern Lutherans Try to Shape Secular Law?" in Ronald W. Duty, and Marie A. Failing, eds., *On Secular Governance: Lutheran Perspectives on Contemporary Legal Issues* (Grand Rapids, MI: Wm. B. Eerdmans, 2016), 328–340. Robert Benne ascribes prophetic judgment to the gospel rather than the law. *Ibid.*, 335. I believe this is a mistake, because it is the law which judges and the gospel which forgives. Benne risks turning the gospel into law and dissolving the dialectic of law and gospel. Bradley Wendel gets it right. "The law stands against the gospel as something that accuses us, against which we cannot stand, but the gospel frees us from this condemnation." W. Bradley Wendel, "Nomos and Narrative in Civil Law and Theological Ethics," in Ronald W. Duty, and Marie A. Failing, eds., *On Secular Governance: Lutheran Perspectives on Contemporary Legal Issues* (Grand Rapids, MI: Wm. B. Eerdmans, 2016), 13.
- 22 Martin Luther, *Word and Sacrament*, George V. Schick, trans., American Edition of *Luther's Works* (hereafter *LW*), eds. Jaroslav Pelikan, and Helmut T. Lehmann, 55 vols. (Minneapolis, MN: Fortress Press and St. Louis, MO: Concordia Publishing Company, 1955–1986). *LW* 45, 130.
- 23 Robert Kolb and Timothy J. Wengert eds., *The Book of Concord: The Confessions of the Evangelical Lutheran Church* (Minneapolis, MN: Fortress Press, 2000), 49.
- 24 Bernard Lohse, *Martin Luther's Theology: Its Historical and Systematic Development* (Minneapolis, MN: Fortress Press, 1999), 271.
- 25 Intuitively, we human beings feel a sense of duty, an attraction to justice accompanied by an obligation to uphold justice. This sense of duty rises to articulation as law, as both an invitation to pursue justice and a judgment when we fall short. "This sense of obligation is, in fact, the claim which the essential nature of man makes upon him in his present sinful state. The virtue which corresponds to the true nature of man therefore appears to sinful man in the form of law." Reinhold Niebuhr, *The Nature and Destiny of Man* (London, Westminster John Knox Press, 1996) vol. 1: 272. Our conscience becomes the voice of the law within the soul. "Man's uneasy conscience is, in other words, and expression of the law written in his own heart." *Ibid.*, vol. 1: 274.
- 26 "Natural law refers to what reason can discover about rectitude in human choosing; these discoveries are not the product of revelation or the decrees of authority ... Natural law is antecedent to all human choosing." Gerard W. Bradley, "Natural Law," in Michael W. McConnell, Robert F. Cochran, Jr., and Angela C. Carmella, eds., *Christian Perspectives on Legal Thought* (New Haven, CT: Yale University Press, 2001), 277.
- 27 Luther, *Word and Sacrament*, *LW* 35, 168.
- 28 John Millbank, *Beyond the Secular Order* (Oxford: Wiley Blackwell, 2013), 119. As Carl-Henric Grenholm points out in Chapter 2 of this volume, pp. 21–22, the Lutheran Reformers viewed positive law as responsible to a higher morality embedded in natural law; they would not approve of cutting the tie between positive law and morality.

- 29 Philip Melancthon, *Loci Communes* in *Library of Christian Classics*, XIX, ed. Wilhelm Pauck (Louisville, KY: Westminster/John Knox Press, 1969), 52–53.
- 30 Ibid., 53.
- 31 Wolfhart Pannenberg, *Ethics*, trans. Keith Crim (Philadelphia, PA: Westminster, 1981), 50. Few say it more beautifully than John Witte. “The Bible teaches that time is linear, not cyclical. Biblical history moves forward from a sin-trampled garden to a golden city, from a fallen world to a perfect end-time.” John Witte, “God’s Joust, God’s Justice: An Illustration from the History of Marriage Law,” in Michael W. McConnell, Robert F. Cochran, Jr., and Angela C. Carmella, eds., *Christian Perspectives on Legal Thought* (New Haven, CT: Yale University Press, 2001), 407.
- 32 Karl Barth, *Christ and Adam: Man and Humanity in Romans 5*, trans. T.A. Smail (New York: Collier Books, 1956), 39–40. The human race finds its unity—including the dignity of women—in the one Christ. “A feminist theologian of the cross works to deter theologies of glory that suppress and oppress women,” contends Mary Streufert, “for the promise that we are all justified by grace through faith means that all humanity is found in Christ Jesus.” Mary J. Streufert, “The Person of Christ from a Feminist Perspective of Human and Divine, Male and Female” in Mary J. Streufert, eds., *Transformative Lutheran Theologies: Feminist, Womanist, and Mujerista Perspectives* (Minneapolis, MN: Fortress Press, 2010), 148.
- 33 Brent Waters, “Saving Us from Ourselves: Christology, Anthropology and the Seduction of Post-human Medicine,” in Celia Deane-Drummond, and Peter Manley Scott, eds., *Future Perfect? God, Medicine and Human Identity* (London: T. & T. Clark International, 2006), 190. Waters grounds dignity in the incarnation, in redemption. It is much more common in Christian theology to ground dignity in creation. One way is to appeal to *creatio ex nihilo*, wherein the very creation of the world is a gift of divine grace. “In short, creation from nothing dictates that *everything* is of immediate (i.e., noninstrumental) concern to God insofar as it exists at all, and what is of concern to God cannot be a matter of indifference to us who are called to life in communion with God.” Ian McFarland, *From Nothing: A Theology of Creation* (Louisville, KY: Westminster John Knox Press, 2014), 185.
- 34 Dignity conferral is the essence of liberation, I contend, without oversimplifying the complexities. Sometimes the claim must trump the lack of conferral. “Human dignity cannot be conferred from one human to another, and it cannot be engendered through development,” contends South African theologian Retief Müller. Retief Müller, “Historiography and Cross-cultural Research into African Indigenous Christianity (AIC): A Challenge to Human Dignity,” *Studies in World Christianity* 19, no. 1 (2014): 5–24. During the period when white religion dominated, black South Africans lacked dignity due to a false consciousness that reinforced racial stratification. The implication is this: white society is not in a position to confer dignity; black people will have to claim it on their own. Ibid.
- 35 Maia, Filipe Maia, “With What Can We Compare the Kingdom of God? Latin American Liberation Theology and the Challenge of Political Projects,” *Union Seminary Quarterly Review* 64, nos. 2–3 (2013): 124–137.
- 36 Deanna A. Thompson, “Hoping for More: How Eschatology Matters for Lutheran Feminist Theologies,” in Mary J. Streufert, ed., *Transformative Lutheran Theologies* (Minneapolis, MN: Fortress Press, 2010), 232.
- 37 See generally Johannes B. Metz, *Theology of the World*, trans. William Glen-Doepel (New York: Herder and Herder, 1969), 118. Political theology in our postcolonial period must employ the first use of the law to promote a single global community, and it must employ the second use in the form of prophetic judgment against institutions and cultural habits which deny human dignity. According to Paul Chung, “postcolonial public theology assuming transformative ethical activity is future-oriented, sharpening its ethical direction in the spirit of *metanoia* from the wrongdoing in the past toward God’s promised new activity in our midst. Paul S. Chung, *Postcolonial Public Theology* (Eugene, OR: Cascade Books, 2016), 7. Tillich, among others, retrieved the Protestant Principle from the Reformation to render political critique. “Theology—both Reformation theology and prophetic theology—is also the description of *the new reality*. But this description always has an element of expectation, or eschatology, or looking at that which is not yet and will come.” Paul Tillich, “The Recovery of the Prophetic Tradition in the Reformation” in Carl Heinz Ratschow, ed., *Main Works/Hauptwerke* (Berlin and New York: De Gruyter, 1989) vol. 6, 338.

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- 38 According to William T. Cavanaugh, “the dominant mode of political theology in the West since World War I has been critical. Christian political theology since Barth has generally taken for granted and even celebrated the fact that the church no longer occupies a position of privilege and coercive power in most places. Liberation theology and the other influential movements it has inspired have not ceased to call upon the church to abandon its last vestiges of privilege and take its position firmly among the marginalized. It is not, for all that, any less a political theology.” William T. Cavanaugh, “Am I Impossible? A Political Theologian’s Response to Kahn’s *Political Theology*,” *Political Theology* 13, no. 6 (December, 2012): 739.