

COMMUNICATIVE FREEDOM?

*Wolfgang Huber's critical engagement of
modernity*



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DECLARATION

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*Opgedra aan ma Drienie, pa Andreas,
Mari (en Gérard) en Coenie.*

OPSOMMING

In hierdie studie word Wolfgang Huber se konsep 'kommunikatiewe vryheid' krities geëvalueer. Daar word geargumenteer dat kommunikatiewe vryheid klassieke Protestantse vryheidsbegrippe herartikuleer ten einde 'n kritiese interaksie met moderniteit te fasiliteer.

Dat kommunikatiewe vryheid nie 'n poging is om 'n nuwe vryheidskonsep te ontwikkel nie, maar dat dit getrou bly aan die Reformasie se herontdekking van Christelike vryheid, word geïllustreer aan die hand van die belang van Paulus en Martin Luther se vryheidsbegrippe vir die konsep. Daar word ook aangedui tot watter mate die tradisie van die Belydende Kerk in Duitsland bydra tot Huber se kommunikatiewe vryheid deur die invloed van Dietrich Bonhoeffer en Heinz Eduard Tödt te ondersoek.

Die basiese teologiese bewegings van die konsep dui op die ooreenstemming daarvan met klassieke Protestantse begrippe van vryheid. Huber ontwikkel veral drie teologiese dimensies van kommunikatiewe vryheid. In 'n eerste plek het die konsep 'n *onvervreembare* dimensie, aangesien dit deur God se inisiatief gekonstitueer word en nie van menslike vermoëns afhang nie. Terselfdertyd het kommunikatiewe vryheid 'n *persoonlike* dimensie. Die vryheid wat deur God gekonstitueer is, kan slegs in tussenmenslike verhoudings gerealiseer word. Die persoonlike dimensie van kommunikatiewe vryheid impliseer dat menslike individualiteit en sosialiteit nie geskei kan word nie. Huber integreer ook die realiteit van sonde in die konsep van kommunikatiewe vryheid deur daaraan daaraan uitdrukking te gee dat vryheid altyd slegs voorlopig gerealiseer word. Huber ontwikkel die voorlopige karakter van die realisering van vryheid egter nie as rede tot apatie nie, maar as 'n oproep tot hoopvolle aksie, aangesien dit die waarnemingsvermoë vir bronne van onvryheid verskerp.

In die daaropvolgende afdelings word die implikasies van hierdie basiese teologiese bewegings ontwikkel as kommunikatiewe vryheid se kritiese interaksie met moderniteit.

In Hoofstuk 2 word die mate waartoe kommunikatiewe vryheid as bevestiging van moderniteit dien, ondersoek. Kommunikatiewe vryheid se bevestiging van die sentrale rol van die individu en van moderne samelewings se institusionele raamwerk – veral sekularisasie, demokrasie en pluralisasie – dien as basis vir die ondersoek. In Hoofstuk 3 word ondersoek ingestel na hoe kommunikatiewe vryheid bydra tot die vernuwing van moderniteit, met spesifieke klem op die kritiek daarvan op die moderne vertrouwe in vooruitgang, die oproep tot geregtigheid en die belang van dialoog. Die studie word afgesluit met enkele opmerkings rakende kommunikatiewe vryheid se interaksie met moderniteit vanuit 'n Suid-Afrikaanse perspektief.

ABSTRACT

This study is a critical evaluation of the concept 'communicative freedom' in the work of the theologian Wolfgang Huber. It is argued that his rearticulation of the Reformation's understanding of freedom is a critical engagement of modernity. Communicative freedom is therefore developed as a critical Christian concept of freedom.

It is shown how Huber's concept of communicative freedom is to be understood as a contemporary expression of classic Protestant views of freedom. In terms of the concept's content it is shown to stay true to some of the Reformation's basic theological convictions. Huber understands the concept to consist of three dimensions. It is *inalienable* as it is constituted by God and is therefore not the result of human achievements or abilities. The freedom that is constituted by God's initiative can be realised only in interpersonal relationships and therefore its inalienable dimension forms the basis of its *personal* dimension. Communicative freedom does not separate human individuality and sociality from one another but emphasises their shared origin. Lastly the reality of sin is incorporated into the concept by recognising the provisional nature of freedom's realisation. It is shown that this self-critical character of communicative freedom does not imply resignation but that Huber develops it as a *call to action*.

It is argued that Huber does not articulate this Christian understanding of freedom as a goal in itself, but as a means by which to engage modernity. The implications of these theological dimensions of communicative freedom are then developed as both Huber's critical affirmation of the modernist project as well as his contribution to modernity's renewal.

Communicative freedom serves as *critical affirmation* of modernity by the way in which it engages the role of the individual and the role society plays in enabling different individuals to co-exist. This concept is shown to enable the responsible realisation of freedom in the context of secularisation, democracy and pluralism. Communicative freedom also contributes to the *renewal* of modernity, namely by

means of its reinterpretation of progress, the way it contributes to the restoration of a comprehensive form of justice and its focus on the importance of dialogue. The dissertation concludes with some comments concerning the engagement of modernity by communicative freedom from a South African perspective.

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INTRODUCTORY REMARKS

This study is an investigation into the place and role of communicative freedom in the work of the German theologian Wolfgang Huber. In this introductory section Wolfgang Huber will be introduced and the relevance of freedom within which context this study is conducted will be sketched. This will form the background for introducing the aim of this study and the method by means of which it will be reached.

1. WOLFGANG HUBER

Wolfgang Huber is one of the world's foremost public theologians, as his high regard in German society,¹ his excellence in the academy² and his profound influence in the Evangelical Church in Germany (EKD) illustrate. As a highly respected public figure, an honorary professor in Berlin, bishop of the EKD in Berlin-Brandenburg-Silesian Upper Lusatia and chairperson of the EKD's council he not only develops his academic theology but he also publicly practises it. His involvement in public life, especially in questions regarding social cohesion, integration of minorities, religious tolerance, bioethics, legal ethics and political ethics, signifies the contextuality and scope of his theology.

He has published extensively on a wide range of theological themes. His most important publications include *Kirche und Öffentlichkeit* (1973), *Menschenrechte: Perspektiven einer menschlichen Welt* (1977, written with Heinz Eduard Tödt), *Kirche* (1979), *Der Streit um die Wahrheit und die Fähigkeit zum Frieden: vier Kapitel ökumenische Theologie* (1980), *Folgen christlicher Freiheit: Ethik und Theorie der*

¹ Huber is quoted often in newspapers and magazines and from time to time appears on German television.

² Huber studied at the universities of Heidelberg, Göttingen and Tübingen, worked as a minister in Württemberg, was appointed at the Forschungsstätte der Evangelischen Studiengemeinschaft in Heidelberg (1968) and became its director in 1973. In 1980 he was appointed as Professor of Social Ethics at the University of Marburg, and in 1984 he became Professor of Systematic Theology at the University of Heidelberg. Since 1994 he has been the bishop of the EKD in Berlin-Brandenburg-Silesian Upper Lusatia, and in 2003 he was chosen as the chairperson of the EKD's council.

Kirche im Horizont der Barmer theologischen Erklärung (1983), *Protestantismus und Protest* (1987), *Konflikt und Konsens: Studien zur Ethik der Verantwortung* (1990), *Die tägliche Gewalt: gegen den Ausverkauf der Menschenwürde* (1993), *Gerechtigkeit und Recht* (1996), *Kirche in der Zeitenwende: gesellschaftlicher Wandel und Erneuerung der Kirche* (1999) and more recently the essays *Das Ende der Person? Zur Spannung zwischen Ethik und Gentechnologie* (2001), *Rechtfertigung und Recht: Über die christlichen Wurzeln der europäischen Rechtskultur* (2001) and his more popularly written book *Der christliche Glaube* (2008). Apart from his responsibilities as bishop, academic and eminent public figure, and the publications listed above, Huber continues to deliver an astounding number of speeches, lectures, columns and sermons each year.³

His theology and public involvement are grounded in the conviction that Christianity is the religion that advocates life-enabling freedom (e.g. Huber, 1990a:135–157).⁴ Huber (1992a:115) uses the concept ‘communicative freedom’, which he encountered in the work of the philosopher Michael Theunissen in the late 1970s (Huber, 1985:9), to denote his understanding of freedom.

Huber (1996c:61) understands communicative freedom to be a rearticulation of the Reformation’s rediscovery of freedom, as is also clear in his extensive use of Martin Luther’s theology to substantiate the concept.⁵ Huber (1991:672) is of the opinion

³ Cf. Bibliography.

⁴ Freedom is an important theme in virtually all of Huber’s most important books. In *Menschenrechte: Perspektiven einer menschlichen Welt* (co-written with Heinz Eduard Tödt, 1977) the connection between freedom and human dignity is developed as point of connection between Christianity and modern theories of human rights; in *Folgen christlicher Freiheit: Ethik und Theorie der Kirche im Horizont der Barmer theologischen Erklärung* (2nd ed., 1985) especially the implications freedom has for ethics and ecclesiology are developed; in *Protestantismus und Protest* (1987) the public and political implications of the Reformation’s understanding of freedom are investigated; in *Konflikt und Konsens. Studien zur Ethik der Verantwortung* (1990) Huber develops his characteristic connection between freedom and responsibility further; in *Die tägliche Gewalt: gegen den Ausverkauf der Menschenwürde* (1993) the realisation of freedom in a global context and the necessity of global responsibility and dialogue are important emphases; in *Gerechtigkeit und Recht. Grundlinien christlicher Rechtsethik* (1996) human dignity as point of connection between freedom and justice is developed as one the book’s important themes; in *Kirche in der Zeitenwende: gesellschaftlicher Wandel und Erneuerung der Kirche* (1999) the implications of freedom for the current (German) context are investigated; and in *Rechtfertigung und Recht: über die christlichen Wurzeln der europäischen Rechtskultur* (2001) the Reformation’s focus on the inalienable freedom of all people forms the basis for Huber’s discussion of the European juridical system. Freedom furthermore forms an element of many speeches and sermons Huber delivers.

⁵ Cf. e.g. *Kirche in der Zeitenwende* (1999), and the published version of his inaugural lecture at the Humboldt University in Berlin, “Christliche Freiheit in der freiheitlichen Gesellschaft” (1996c). In a

that the Reformation used Christian resources in such a way as to articulate a concept of freedom that connects individuality with sociality and freedom with responsibility and takes the freedom of conscience seriously (Huber & Graf, 1991:672). The basis of this comprehensive concept is God's gracious bestowal of freedom by means of the justification of the sinner (Huber, 2001h).

Communicative freedom is at the same time a critical concept, and can be understood as engaging modernity (cf. Huber, 1990d:57–65; 2004c; 2007b). The contribution that Christianity, and Protestantism in particular, made to the development of modernity (cf. Huber, 1990d:32–33; 1996b:246ff; 2001h:12ff; 2008b:40ff) as well as its current position in modern societies⁶ (cf. e.g. Huber, 1990c:11–26; 1994a:167–172; 1999:44–66; 2005e) require its interaction with modernity. Huber (cf. e.g. 1994a:167–172) regards the discourse on freedom as one of the primary ways by means of which this interaction can take place.

great number of lectures and speeches Huber employs Luther's work on freedom as an important element of his argument. Cf. the breadth of topics in following speeches in which Huber uses the Reformation and specifically Luther to substantiate his argument on freedom: "Evangelisch im 21. Jahrhundert" (2007b), "Der Mensch ist zur Arbeit geboren wie der Vogel zum Fliegen. Hat das protestantische Arbeitsethos noch eine Zukunft?" (2007j), "Glaube und Vernunft" (2007t), "Gemeinschaft gestalten – Evangelisches Profil in Europa" (2006i), "Von der Freiheit der Kinder Gottes – Plädoyer für eine selbstbewusste Kirche" (2006r), "Evangelisch – profiliert – wertvoll" (2006t), "Lesen lernen – Zur Wiederentdeckung einer kulturellen Grundkompetenz aus evangelischer Perspektive" (2006z), "Die Herausforderungen für die Theologie in einem pluralistischen Europa aus ökumenischer Perspektive - Eine evangelische Stellungnahme" (2006dd), "Beheimatung im Eigenen – Respekt vor dem Anderen. Zum kulturellen Auftrag der Medien" (2005c), "Der Auftrag der Kirchen in einem Zusammenwachsenden Europa" (2005d), "Der Zukunft auf der Spur" (2005k), "Unvereinbare Gegensätze? Scharia und säkulare Recht" (2005q), "In deinem Licht schauen wir das Licht – Quellen und Perspektiven christlicher Spiritualität" (2005s), "Der Beruf zur Politik – Zwanzig Jahre Demokratiedenkschrift der EKD" (2005w), "Demokratie wagen – Der Protestantismus im politischen Wandel 1965 – 1985" (2005bb), "Protestantismus – Abgesang oder Zukunftsmodell?" (2004c), "Die Tugend des Glaubens" (2004i), "Europa als Wertegemeinschaft – Seine christlichen Grundlagen Gestern, Heute, Morgen" (2001b), "Unantastbare Menschenwürde – Gilt sie von Anfang an?" (2001e) and "Die Rolle der Kirchen als intermediärer Institutionen in der Gesellschaft" (2000a).

⁶ Modern societies are understood as those societies profoundly influenced by modernity, especially in their institutional structures. According to Beck *et al.* (2001:20–21) these societies can be described in terms of the six characteristics of classic modernity, namely (a) states are demarcated by a specific notion of geographical boundaries; (b) the individual has central importance in society, as the institutionalisation of rights and duties indicates; (c) capitalism, in whichever form, is the primary system by means of which the economy is organised; (d) resources from nature are used to fuel societal progress; (e) society is organised and its progress planned by means of a scientific rationality; and (f) these societies are characterised by functional differentiation. In this regard it should also be noted, however, that a revision of 'classic modernity' is taking place and that modern societies are also those societies challenged by a further five processes (Beck *et al.*, 2001:22–24), namely (a) globalisation; (b) further individualisation; (c) the gender revolution; (d) the change of the employment structure and; (e) the political implications of the ecological crisis.

2. FREEDOM IN SOUTH AFRICA

This dissertation is also written within a context where the concept of freedom is of burning relevance, namely South Africa. The struggle against apartheid was characterised by the theme of liberation from oppressive and dehumanising political power as the Freedom Charter (Kliptown, 1955) shows. As one of the foundational documents of the struggle for liberation this document articulates the search for freedom for all as the primary aim of the fight against the political structures of the time.

Before continuing with its 10 programmatic statements⁷ the preamble of the Freedom Charter formulates the country's predicament in terms of a number of unfreedoms and societal injustices⁸ and regards the creation of a "democratic state, based on the will of all the people" as the guarantor of freedom. The preamble concludes by setting societal freedom as an important aim of the struggle movement: "These freedoms we will fight for, side by side, throughout our lives, until we have won our liberty" (Freedom Charter, 1955).

However, despite South Africa's relatively stable transition and a number of years of democratic rule, the search for freedom for all is still relevant. An already beleaguered President Thabo Mbeki (2006) articulated the continued need for a discourse on freedom in the Nelson Mandela Memorial Lecture he delivered at the University of the Witwatersrand in 2006:

⁷ These statements are the following: "The people shall govern!", "All national groups shall have equal rights!", "The people shall share in the country's wealth!", "The land shall be shared among those who work it!", "All shall be equal before the law!", "All shall enjoy equal human rights!", "There shall be work and security!", "The doors of learning and culture shall be opened!", "There shall be houses, security and comfort!" and "There shall be peace and friendship!".

⁸ "We, the People of South Africa, declare for all our country and the world to know: that South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people; that our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality; that our country will never be prosperous or free until all our people live in brotherhood, enjoying equal rights and opportunities; that only a democratic state, based on the will of all the people, can secure to all their birthright without distinction of colour, race, sex or belief; and therefore, we, the people of South Africa, black and white together equals, countrymen and brothers adopt this Freedom Charter; and we pledge ourselves to strive together, sparing neither strength nor courage, until the democratic changes here set out have been won."

[T]he meaning of freedom has come to be defined not by the seemingly ethereal and therefore intangible gift of liberty, but by the designer labels on the clothes we wear, the cars we drive, the spaciousness of our houses and our yards, their geographic location, the company we keep and what we do as part of that company.

In this speech he articulates societal concern over whether it is indeed possible to relate individual freedom with the betterment of society, and he hereby implicitly articulates the tension between the struggle for a free society and maintaining freedom in a society where every individual is guaranteed certain rights and freedoms. He then continues by stating that regaining the connection between the free individual and a free society is necessary for ensuring the humane and peaceful co-existence of a diversity of people, especially in the context of a world characterised by inequality:

The conflicts we see today and have seen in many parts of the world should themselves communicate the daily message to us that the construction of cohesive human society concerns much more than the attainment of high economic growth rates, important as this objective is. ... Indeed, as we South Africans grapple with our own challenges, billions of the poor and the marginalised across the globe see the world ever evolving into a more sinister, cold and bitter place: this is the world that is gradually defined by increasing racism, xenophobia, ethnic animosity, religious conflicts, and the scourge of terrorism (Mbeki, 2006:12).

As freedom and the struggle for a comprehensive and constructive understanding thereof is also of relevance in the South African society, this study is therefore written with the South African context in mind. It is the researcher's conviction that investigating the role of communicative freedom in the work of an influential theorist like Huber can be of great assistance for a better understanding of the challenges and possible ways forward in the southern African context.

3. AIM OF THE STUDY

The *primary aim* of this research project is to investigate the place and role of communicative freedom in the theology of Wolfgang Huber. As Huber develops communicative freedom as a critical concept (cf. e.g. Huber, 1990c:11–26; 1994a:167–172; 1999:44–66; 2005e) it is the view of the researcher that investigating the way in which the theological content of the concept engages its socio-historical context serves as meaningful interpretative instrument by means of which to structure the concept and place it within Huber’s theology. However, it is the researcher’s firm conviction that the temptation to present a critique of Huber’s social ethics as such should be withstood. A number of reasons can be given. Most notably the reader should be reminded that Huber’s theological project has not been concluded yet and that a complete overview of his work is not available. Added to this, Huber might just still want to systematise or contribute meaningfully to his own social ethics – and he will theoretically soon have more time to do so – which will make a critique of his social ethics as a whole redundant quicker than any researcher would like his work to be superceded. Another reason is that the style of criticism that is adopted in this study is wilfully meant to be constructive, i.e. to critique Huber in the way in which it is systematised and by means of the argument that is constructed. In a few places the researcher regarded it as necessary to engage Huber head-on with a counter-opinion, but mostly the style that is adopted is that of constructive criticism. “Constructive” is therefore also understood in the sense of constructing what is understood as Huber’s most important contribution to the discourse on freedom in contexts other than Germany. Furthermore, this mode of criticism is meant to complement the conscious attempt at engaging a theological project that is still developing.

The research project will therefore consist of two movements. In a first movement (Chapter 1) the concept’s significant theological sources will be investigated. It is argued that understanding the way in which Huber utilises the apostle Paul, Martin Luther, Dietrich Bonhoeffer and Heinz Eduard Tödt substantiates Huber’s claim (1996c:61) that communicative freedom is the rearticulation of the rediscovery of freedom by the Reformation and will allow one to place the concept in its theological

context. In the second movement (Chapter 2 and Chapter 3) the way in which communicative freedom engages modernity will be investigated. In Chapter 2, those dimensions of classic modernity that the concept affirms will be examined. The focus will be specifically on how it affirms the individual and modernity's structuring of human sociality. In Chapter 3, the contribution of communicative freedom to the renewal of modernity will be investigated. This will be done by investigating how communicative freedom engages progress, the tension between freedom and equality and finally how it can be realised in a diverse and integrated world.

The *secondary aim* of this study is to present Huber's work on freedom in such a manner that its relevance for the context within which it is written, namely South Africa, is clear. Theoretically there are many ways in which Huber's current corpus of work can be engaged. The use of communicative freedom therefore does not only reflect the importance of freedom in his work, but is the expression of the researcher's view that this concept provides for the most meaningful way in which to relate his work to the South African context. The secondary aim will therefore not be reached by explicitly referring to the South African context, as it also does not fall within the parameters set by this study's thesis.

As the South African society can broadly be described as a society that understands itself in modernist terms, the secondary aim will further be reached by developing communicative freedom as an engagement of modernity. The conclusion of the study will include some further areas of relevance for South Africa and it will include some critical remarks formulated from this perspective. The aim of these remarks is not meant to fulfil the study's secondary aim, but to address some broad, mostly conceptual, issues that emerged from the argument. Therefore the last section is also entitled "Some further remarks" as the argument itself has already been concluded. The main arena where the relevance of specific themes will be developed, however, is not the last section but the academic work that will result from this study.

4. METHOD OF RESEARCH

The research will be conducted by means of studying Huber's written work and the speeches and sermons available to the researcher. In addition, extended contact with one of Huber's pre-eminent students, Prof. Dr Heinrich Bedford-Strohm (University of Bamberg), and with Huber himself serves as background for the study of his literature.

As Huber's thought is still developing, and as he is expected to write even more prolifically after his retirement in 2009, it is important to note that this study is not an attempt at systematising and reviewing Huber's theology as such. Much rather should it be understood as an attempt born in the South African context to use one of Huber's central theological themes to contribute, in the first instance, to academic theology and, secondly, to the discourse on freedom in southern Africa.

CHAPTER 1

ARTICULATING FREEDOM ANEW

*The theological sources of communicative
freedom*

1. INTRODUCTION

Freedom is a key concept ... in the biblical witness. According to this witness, freedom is God's great gift to humankind. ... To protect the entrusted gift of freedom and to use the liberation from sin responsibly are God's purposes for humankind (Huber, 2007b).⁹

With this statement made in his keynote address at the EKD's Future Congress held in Wittenberg in January 2007 and in his capacity as bishop, Wolfgang Huber (2007b) articulates two of his closely connected theological convictions: The Bible testifies to the central importance of freedom for human existence,¹⁰ and Christianity is the religion of freedom.¹¹ As bishop of the EKD in Berlin-Brandenburg-Silesian Upper Lusatia and chairperson of the EKD's council he emphatically argues that the church and theology can only face the future when it stays true to its founding and sustaining core, namely its biblically grounded freedom.

This programmatic statement can be understood as the convergence of the importance of freedom in German Protestantism with Huber's own theological convictions. His keynote address is to be read together with the EKD's memorandum, *Kirche der Freiheit* (EKD, 2006a), which preceded this Congress. The memorandum represents the way in which Christianity has developed as the religion

⁹ "Freiheit ist ein Schlüsselbegriff ... des biblischen Zeugnisses. Diesem Zeugnis gemäß ist Freiheit die große Gabe Gottes an den Menschen. ... Die ihm als Geschenk anvertraute Freiheit zu bewahren, die in der Befreiung aus der Sünde erneuerte Freiheit verantwortlich zu gebrauchen, ist Gottes Auftrag an den Menschen."

¹⁰ As will be shown in more detail later in this chapter, Huber reads Paul's work as primarily testifying to the freedom brought about by Christ and understands him to contribute to unlocking the Bible as the call to freedom (cf. e.g. Huber, 1996c:105; 1999:167175).

¹¹ In this regard, see e.g. his article "Kirche als Raum und Anwalt der Freiheit" in *Folgen christlicher Freiheit* (Huber, 1985:205–216). Huber also describes Christian ethics in terms of freedom. Already in 1979 he delivered the programmatic lecture "Freiheit und Institution. Sozialethik als Ethik kommunikativer Freiheit" in which he expounded his view on ethics (as mentioned by Huber himself in 2007r). The conviction with which he describes Christianity as the religion of freedom has stayed the same. In the speech "Freiheit und soziale Verantwortung. Eine sozialetische Perspektive" (2007r) he delivered in Marburg in 2007 he stated, e.g.: "Freiheit ist ein Grundthema des christlichen Glaubens. Freilich ist der Freiheitsbegriff für die Theologie nicht nur im Verständnis des Menschen, sondern im Begriff Gottes verankert."

of freedom in Germany but at the same time also reveals the theological correspondence between Huber's work and these developments in Germany.¹²

As chairperson of the commission that was responsible for the memorandum (the so-called *Perspektivkommission*) Huber probably played a meaningful role in the document's composition. The document perceives itself to be the application of the founding freedom of Christianity to a challenging context.¹³ According to this document, societal realities and projected challenges should not to be seen as crises but should be embraced as chances to be church more faithfully (EKD, 2006a:14ff),¹⁴ because Christians are free to rely on God's grace and they can therefore put their hope in God's comfort (EKD, 2006a:32).¹⁵ God's grace enables the responsible realisation of their inalienable freedom (EKD, 2006a:13).¹⁶ Echoes of Huber's theology of freedom are especially clear in the description of the realisation of freedom: It includes the willingness to take responsibility for oneself and for others. Freedom is not to be misunderstood as protecting oneself against the freedom of others but is the willingness to commit oneself to others (EKD, 2006a:13): "[The commitment out of freedom] becomes concrete in the willingness to broaden one's view, over and above one's own interests. It becomes concrete in the willingness to compromise and cooperate."¹⁷

¹² In his keynote speech at the Future Congress he calls freedom the watchword to understand the form German Lutheranism should take on in the 21st century (2007b).

¹³ In his introduction to the document Huber identifies the most significant of the challenges that face the church as demographic changes, financial losses, the late effects of fewer church members, relatively high levels of unemployment and increasing global competition (*Kirche der Freiheit*, 2006:7). It is estimated that the EKD's members will decrease from 26.2 million (2002) to 17.6 million (2030) (*Kirche der Freiheit*, 2006:22).

¹⁴ In Huber's view, Christianity should never shy away from societal realities by means of cultural pessimism (e.g. in 2008a) but reality should be interpreted level-headedly (cf. e.g. 1999:41–96, 181). In Prague in 2005, e.g., Huber delivered a speech with the theme "Zur Hoffnung eingeladen" (2005p) in which he refuted the possibility of hopelessness by describing Christian hope as the answer to the realisation of God's promises: "Unsere Hoffnung auf das Kommende ist die Antwort auf Gottes Verheißungen. Sie nimmt seine Versprechen ernst, sie nimmt Gott beim Wort. Darum ist das Gegenteil von Hoffnung auch nicht Mutlosigkeit, Ängstlichkeit oder Pessimismus, sondern eben Hoffnungslosigkeit."

¹⁵ In 1985:216 Huber describes freedom as movement, and specifically the movement away from human attempts to constitute freedom to trust in God's sovereign constitution of freedom.

¹⁶ In 1990a:143–144 Huber states in terms of Bonhoeffer's theology that God's liberation compels Christians to make responsible use of their freedom by taking responsibility for others.

¹⁷ "Es wird konkret in der Bereitschaft zur Blickerweiterung über eigene Interessenlagen hinaus. Es wird konkret in der Bereitschaft zum Kompromiss und zur Kooperation."

In this speech, Huber stresses the importance the concept of freedom has for Christianity and regards attending “the school of the beginnings”,¹⁸ i.e. the Reformation, as necessary for understanding its importance. It is the argument of this chapter that attending the school of the beginnings is a theme that does not only characterise Huber’s work as the bishop or the reaction of the Evangelical Church in Germany to its current challenges but that in developing the concept of communicative freedom, Huber aims at rearticulating the rediscovery of freedom by the Reformation anew.¹⁹

The theologians Huber chooses to exemplify the Christian interpretation of freedom reveal his adherence to the classic Protestant sources. For Huber (1996c:105–106; 1999:167ff; 2006r), the apostle Paul and Martin Luther are the ‘historical highlights’ of this tradition. He understands Paul to have laid the foundation for understanding the role of freedom within Christianity, and he understands Luther’s rediscovery of freedom in Paul’s writings to be one of its most significant interpretations. It is therefore no coincidence that the EKD’s Future Congress was held in Wittenberg. Indeed, when asking what it means to be a ‘church of freedom’ it is important to once again place oneself “under Martin Luther’s pulpit, he who preached ... in the *Stadtkirche* on the freedom of a Christian” (Huber, 2007b).²⁰

In this chapter significant theological sources that form the concept of communicative freedom will be investigated. As Huber’s theology is still developing²¹ and because

¹⁸ In his recent speeches Huber makes use of the concept “school of the beginnings” relatively often, and in speeches with as diverse themes as “In Verantwortung vor Gott und den Menschen” (2002a), “Hat der Glaube noch Zukunft?” (2003b), “Der christliche Glaube und die politische Kultur in Europa” (2004h), “Religion – Politik – Gewalt” (2005b), “Religionsfreiheit und Toleranz – Wie aktuell ist der Augsburger Religionsfriede?” (2005aa), “Nachfolge heute” (2006d), “Gemeinschaft gestalten – Evangelisches Profil in Europa” (2006i), “Die Religionen und der säkulare Staat” (2006j), “Zukunft gestalten – Erwartungen an Religion und Glaube” (2006k), “Die Herausforderungen für die Theologie in einem pluralistischen Europa aus ökumenischer Perspektive - Eine evangelische Stellungnahme” (2006dd) and “Dietrich Bonhoeffer – ein evangelischer Heiliger?” (2007k).

¹⁹ In Huber’s important article “Protestantismus und die Ambivalenz der Moderne”, published in the book *Religion der Freiheit. Protestantismus in der Moderne* which was edited by Jürgen Moltmann, Huber strongly grounds the concept of communicative freedom in the understanding of freedom by the Reformation, and he does this in direct opposition to Moltmann’s view (1990d:61).

²⁰ “Wer im Jahre 2007 zu einem Zukunftskongress nach Wittenberg einlädt, der will mit den Vätern und Müttern der Reformation in die Zukunft gehen; er will erneut in die Schule der Anfänge gehen; er will sich unter die Kanzel Martin Luthers setzen, der hier in der Stadtkirche über die Freiheit eines Christenmenschen predigte ...”

²¹ As bishop, Huber himself is of the opinion that he is increasingly coming to terms with the ‘inside’, or the essence, of theology (Huber, 2008d).

he refrains from systematising his work²² this is no attempt at a definitive identification of Huber's most important theological sources. The investigation will consistently be kept within the confines of the scope of this dissertation, namely the way in which the concept of communicative freedom functions in Huber's work and engages modernity. It is also not an attempt at engaging the numerous debates regarding these theologians and themes within their work, as such attempts may well merit their own extensive studies.

It should be noted, however, that Huber understands himself to be influenced by a number of different theological traditions.²³ His dissertation on the Eucharist in the early church (1966) grounded him in the theology of the church fathers, and he still views this as an important point of orientation. Another significant influence is Bonhoeffer and the Confessing Church tradition. While still in school Huber was already fascinated by Bonhoeffer's *Nachfolge* (Huber, 2008d). During this time he was also confronted with Barth's work, but he continued to have a qualified acceptance of Barth's theology. In his own opinion, he was never as critical against the so-called liberal stream as Barth was and indeed supported viewpoints opposing Barth's on some occasions. This is mostly due to the fact that Huber was also the student of some 'liberal' teachers, which gave him the opportunity to appreciate this side of the German theological spectrum (2008d).

Of all his teachers Heinz Eduard Tödt arguably exerted the most significant influence on Huber. Tödt's use of the term 'communicative freedom' (Schuhmacher, 2006:235; 255–256), his development of human dignity (Schuhmacher, 2006:235–238) as basis for responsible actions (Schuhmacher, 2006:239–242; 290–291) and his extensive use of Bonhoeffer (Schuhmacher, 2006:168–209) may be the most important of a much wider range of theological themes and figures of thought Huber shares with him.

²² Most of his important works were explicitly written within specific contexts, cf. e.g. *Kirche in der Zeitenwende* (written as response to the current-day challenges the church faces) and *Folgen christlicher Freiheit* (essays collected to commemorate the Barmen Theological Declaration). Even *Gerechtigkeit und Recht* and *Rechtfertigung und Recht* are focused on very specific contextual (although more academic) questions. Cf. also the contextuality of *Protestantismus und Protest* (1987), *Friedensethik* (1990b, co-written with H-R Reuter) and *Die tägliche Gewalt: gegen den Ausverkauf der Menschenwürde* (1993a).

²³ The following paragraph is the result of a personal discussion with Huber on the 12th of June 2008 (2008d).

We shall now turn to the first main step in the dissertation's argument by investigating the theological location and the contours of the concept of communicative freedom. We shall do this by discussing some of the most important theologians whose work Huber employs in structuring communicative freedom. The emphases Huber places in his interpretation of these theologians' work and the implications of their work for the concept of communicative freedom will form the basis of our discussion. It will not be attempted to give an exhaustive account of each of these theologians' (mostly magisterial) work.

2. PAUL: THE ARCHETYPICAL INTERPRETER OF FREEDOM

When considering the theological sources of communicative freedom, it is clear that Huber aims to stay rooted in the Bible²⁴ and its interpretation by the church as community of faith.²⁵ Particularly important as biblical source for the concept of communicative freedom is the apostle Paul's archetypical exposition of Christian freedom. For Huber, Paul convincingly and immensely influentially expounded and

²⁴ Apart from Huber's regular unambiguous use of the Bible, it is noteworthy that in some of his important works he uses biblical formulas to structure his argument. The most recent example of this is certainly *Der christliche Glaube* (2008b). The book consists of three parts, namely 'Faith', 'Hope' and 'Love', clearly using the triad originating from Romans 13:4. In another sense his rootedness in the Bible is also made clear by his insistence to often motivate his understanding of a concept in terms of the biblical testimony thereof. In this regard it may be noted that his explication of justice in *Gerechtigkeit und Recht* (1996b:146–183) is dependent on the section describing justice in both the Old and the New Testament (1996b:160–166).

²⁵ Huber's decision to accept the position as bishop of Berlin-Brandenburg-Silesian Upper Lusatia and leaving the academic community of Heidelberg (in 1994) signifies his loyalty towards a theology based in the church. Apart from the many lectures he delivers and other responsibilities as chairperson of the council of the EKD, Huber continues to deliver a sermon virtually every Sunday of the year. On the EKD's website he articulates the importance of the church as community of faith for his theological project: "Auch wenn ich als Bischof in vielen Gremien sitze und von dort aus versuche, Entscheidungen im Kreis der Kirchenleitung oder des Diakonischen Rates zu treffen, liegt mir sehr viel an dem Kontakt mit den Menschen in den Gemeinden. Ihnen das Evangelium auszulegen, ist eine der schönsten Aufgaben meines Amtes, nahezu an jedem Sonntag und häufig auch während der Woche. An vielen Sonntagen des Jahres halte ich zwei Gottesdienste. Manchmal liegen die Orte sehr weit auseinander, wenn ich am Vormittag in der Uckermark bin und am Abend in Berlin. Wenn im Anschluss an den Gottesdienst noch ein wenig Zeit bleibt, kommt es oftmals zu sehr guten Gesprächen mit Gemeindegliedern. Die Erfahrungen aus diesen Begegnungen sind für mich eine wichtige Hilfe, wenn es in der Woche darum geht, den künftigen Weg unserer Kirche mitzubestimmen" (Evangelische Kirche Berlin-Brandenburg-schlesische Oberlausitz, 2008).

applied freedom as a concept central to the Christian gospel, and especially Luther's interpretation of Paul's view on freedom fulfils a central function in Huber's work.²⁶ Along with Luther, Huber designates Paul as a "historical highlight of the Christian understanding of freedom" and Paul's understanding of freedom – especially in his letter to the Galatians – forms the backbone of Huber's most important descriptions of communicative freedom (Huber, 1996c:105; 1999:169). Huber understands Paul to interpret the gospel as the 'call to freedom', a theme Huber picks up in his own interpretation of the Bible (Huber, 1996c:105).²⁷

Huber understands Paul's exposition of freedom as the archetype of the biblical view on freedom. Apart from calling Paul a "historical highlight of the Christian

²⁶ Apart from Paul's view on freedom, Huber also makes use of Paul extensively concerning the implications of Christian ethics for responsible legal ethics. Cf. *Gerechtigkeit und Recht* (1996b), esp. 92ff, 131ff, 163f, 172ff.

²⁷ Huber does not use Paul in isolation from the Old Testament, but keeps Paul's work on freedom in line with its sources in Old Testament. In this regard Jeremy Punt's dissertation on freedom in Paul's theology (1999) assists in understanding Paul's sources and the way he utilised them in developing freedom. Punt (1999:250) shows that one of the most important traditions concerning freedom in the Old Testament is the exodus tradition, whereby YHWH is understood as the one who liberates his people from bondage. Freedom in the Old Testament therefore has slavery or imprisonment as an important background. Later, during and after Israel's exile, liberation from foreign powers markedly grew in importance. The influence of these foreign powers also led to some changes in the concept of freedom. The continued dominance by foreign powers, the continued absence of a temple and the growing influence of Greek philosophy led to freedom gaining a spiritual element (Punt, 1999:251). What was never abandoned, however, was Israel's belief in God's constitution of freedom, which also had political implications: Only YHWH can truly liberate his people, and only YHWH is their true leader. The Jewish viewpoint, and its belief in theocracy in particular, was in stark contrast to the democratising tendencies in Antiquity. However, the Greek word ἐλευθερία, the word mostly used to denote freedom, was used in different ways, which provided for some form of continuity between Judaist and Hellenist conceptions of freedom. Especially three meanings were in use, namely freedom as "the contrast with the bondage of a slave", freedom as "democracy (free from tyranny, despotism)" and freedom as "independence of the state (free from external foes, foreigners)" (Schlier, as cited in Punt, 1999:252).

Punt (1999:252–254) goes on to show that ἐλευθερία effectively encompassed both the individual and corporate elements of being human. Freedom from slavery was seen as the primary way of distinguishing Greeks from barbarians and was the only way in which humans could live their life to the full. Being free was also a prerequisite for partaking in communal life. Whilst individual freedom was necessary for positive self-conception, it was also necessary for the political, economic and cultural interaction of the individual (Punt, 1999:254). Punt can therefore state the following (1999:257): "This freedom/liberation was both on an individual and corporate/constitutional level a concrete political concept, not some free-floating state of affairs. ... Simply put: freedom/liberation was not so much being in a certain (political) position than not being in another (enslaved)." Paul integrated elements of both Greek Antiquity and the Jewish tradition into his articulation of freedom, as he also understood himself to inhabit both worlds. Although he, for example, did not promote the rigid theocracy that was present in the Old Testament but rather held to the Greeks' democratising tendencies, he continued to emphasise God's role in the liberation and dignity of his people. On the other hand he did not subscribe to the negative view on freedom (always freedom 'from' something) that was very popular in Greek Antiquity but worked with a more comprehensive view on freedom. Possibly the strongest motivation for this was the fact that he believed freedom to be grounded in a sovereign act of God. God's sovereign constitution of freedom can therefore be seen as one of the strongest impulses from Paul's thought that Huber incorporates in his own thought.

understanding of freedom” Huber (1985:117) also implies in *Folgen christlicher Freiheit* that Paul’s work on freedom is representative of that of the whole of the New Testament.²⁸ Huber nonetheless engages Paul’s work in an overt manner relatively infrequently. When he does discuss Paul’s work on freedom, however, it becomes clear that it forms the basis for his understanding of freedom and that Paul’s theology is implied whenever Huber discusses the meaning and implications of freedom.

Although freedom is expounded in a number of different ways in the New Testament and indeed in Paul’s work,²⁹ Huber is of the opinion that one of its most important expositions can be found in Paul’s letter to the Galatians (1985:11). In Galatians Huber (1985:117–119, 1996c:105) identifies four basic movements in Paul’s understanding of freedom. These Pauline movements appear time and again in Huber’s work, although he mostly does not refer to them as such.

Firstly, freedom is *bestowed* by God and therefore it is not dependent on human achievements. Huber quotes Galatians 5:1 to illustrate this dimension, and in particular the first part of the verse: “For freedom Christ has set us free ...” (NRSV). For Huber (1985:117), the close connection Paul makes here between the work of Christ and the bestowal of freedom is of the utmost importance for a Christian understanding of freedom. Freedom is mediated only by Christ and Christ’s work is therefore aimed at nothing less than enabling freedom. What this freedom Christ mediates entails is not expounded systematically in either Galatians or the rest of the Bible. It is rather described in terms of the bondages from which God liberates his people with the focus on the fact that it is God’s initiative and not human abilities that constitute freedom.

In accordance with a strong line of interpretation within the Lutheran tradition, Huber understands the freedom that is bestowed by Christ as having a fourfold character,

²⁸ In his article “Die Verbindlichkeit der Freiheit. Über das Verhältnis von Verbindlichkeit und Freiheit in der evangelischen Ethik” (1993b) Huber quotes Rendtorff to motivate his conviction that freedom is indeed the central concept in the New Testament: “Die zentrale Frage theologischer Ethik ist die [Frage] nach der Freiheit des Menschen, so wie sie das Kernstück christlicher Lehre seit dem NT ist ...” (Huber 1993b:70).

²⁹ Cf. e.g. Jones’ discussion (1987:13ff) in *“Freiheit” in den Briefen des Apostels Paulus. Eine historische, exegetische und religionsgeschichtliche Studie* (Göttingen: Vandenhoeck & Ruprecht).

namely liberation from the law, sin, self-deception and death (1985:117).³⁰ Huber connects the liberation from each of these realities closely to one another.

He understands *law* as the principal way through which humanity wants to justify itself before God. In Christ, God makes clear his sovereign decision to liberate humanity from its attempts to create and protect ultimate meaning. By freeing humanity from its attempts to achieve freedom on its own, humanity is liberated from the power of *sin* itself. This implies liberation from the *deception* that people can instil final meaning into their lives, a deception that turns human life into a lie. Lastly, by being liberated from the law, sin and deception humanity has no reason to fear *death* as it has no ultimate power over human existence anymore. As Paul understands freedom as grounded in the life, death and resurrection of Christ (Huber, 1985:117), not even political or personal experiences of oppression can annul freedom. God's bestowal of freedom is therefore the constitutive act of freeing His people, and it is grounded in Christ's resurrection as victory over deathly powers.

Galatians 5:1 continues with "Stand firm [in this freedom]" (NRSV), which Huber understands to be a second characteristic of freedom. Christ does not only bestow freedom but He also *empowers* believers to be free. Particularly amidst experiences that may seem to contradict Christ's bestowal of freedom, Paul emphasises this second dimension of freedom. Although intimately connected with the bestowal of freedom, this second characteristic recognises that the constitution of freedom is not to be equated with its realisation. God's gracious bestowal of freedom requires of believers to realise this freedom within specific socio-historical contexts. Rather than stifling criticism against oppression, such a conception of freedom enables critical interaction and proactive attempts at realising freedom (Huber, 1985:117). When noting that God also empowers to freedom, one therefore acknowledges the 'critical potential' of Christian freedom.

Thirdly, Huber identifies Paul's command that liberated Christians should not allow themselves to be submitted again to "a yoke of slavery" (Gal. 5:1) as the *exhortation*

³⁰ In *Gerechtigkeit und Recht* Huber (1996b:172) expresses the "Befreiung von den Mächten der Sünde, der Täuschung und des Todes" within an eschatological frame of reference and views this as the liberation that will be brought about when freedom is ultimately realised. This final realisation of freedom he connects with an eschatological vision for the consummation of justice, namely when "die Differenzen zwischen den Menschen ... ihre trennende Bedeutung [verlieren], ... [wo die Differenzen] als bereichernde Vielfalt zur Geltung kommen [können]".

to freedom. God's bestowal of freedom does not simply enable its contextual realisation but also demands it in the face of continued challenges. The realisation of freedom is continuously endangered by the same powers from which believers are liberated, and most significantly from original sin (Huber, 1985:118). In Paul's theology the realisation of freedom is therefore never a static reality but is bestowed to enable a dynamic interaction in the centre of believers' contexts. As Paul also writes in Romans 8, Christian existence is always within the still fragmentary realisation of God's will for reality.

Therefore, freedom is, fourthly, also *promised*. Huber understands Paul's theology to be permeated by an acute eschatological or even apocalyptic consciousness as he acknowledges throughout his work that freedom will not be fully realised in present times but that God will consummate freedom at the Last Judgement. This means that the realisation of freedom is always provisional and open to revision due to the ultimate promise by which it is orientated (Huber, 1985:118).

Huber (1985:117-119) understands these four dimensions to form the basis of biblical freedom and definitive of Paul's understanding of freedom. However, one may be tempted to misunderstand these dimensions as implying an individualist understanding of freedom that legitimates a division between individual freedom constituted by God and realisation of freedom in community. Huber (1985:118) is of the opinion that this is not the case as Paul's work on freedom connects human individuality and sociality.

Freedom reaches its boundary when the individual's inalienable freedom is used to justify separation from one's neighbour. Huber regards Galatians 5:13 as an apt illustration of how Paul delineates freedom: "For you were called to freedom, brothers and sisters; *only do not use your freedom as an opportunity for self-indulgence, but through love become slaves to one another.*" According to Paul, freedom does not separate people from one another but can only be realised in community (Huber, 1999:169). Freedom is therefore not restricted by forgoing one's rights, but forgoing one's rights is indeed the articulation of real freedom. This impulse in Paul's theology is of paramount importance in Huber's understanding of freedom as communicative freedom and will consequently be developed in more

detail in the discussion on his concept of communicative freedom concluding this chapter.

Huber understands Paul to interpret Christ's life, death and resurrection as the constitution of, empowerment and exhortation to and promise of freedom (e.g. in Huber, 1999:169). This serves as expression of his conviction that freedom is one of the basic concepts of Christianity and of the importance of the biblical witness (and by implication the church) for his theological project (e.g. Huber, 1985:113).

3. MARTIN LUTHER: THE CLASSIC REDISCOVERER OF FREEDOM

For Huber (1996c:105–106; 1999:169–170), the two historical highlights in the interpretation of Christian freedom are the apostle Paul and Martin Luther. Whereas Paul functions as the archetype of Christian freedom, Luther's rediscovery of the freedom of a Christian serves as Huber's foundational interpretation of the meaning of Christian freedom. Huber regards Luther as one of the first theologians to relate Christian freedom constructively to the development of modern society. Luther's connection between the social and individual components of freedom and between its private and public dimensions is of importance for Huber's work on freedom. The following discussion is aimed at tracing the contours of Huber's usage of Luther, which will be investigated by means of three dimensions of freedom present in Luther's work. For Huber's understanding of freedom particularly the way in which Luther relates God's bestowal of freedom to the individual person and the realisation of freedom in society is significant and it will therefore form the basis for our discussion.

When using Luther to develop communicative freedom, Huber recognises the ambivalence of the work and reception of Luther, and that hermeneutical decisions need to be taken in order to interpret his work responsibly. As the case is with any thinker of Luther's stature, his work has been used for various purposes and in various different contexts. This is mostly due to the breadth and nearly incomparable

influence of his work, but partly also due to some inherent ambivalences it presents. We shall start this discussion, therefore, by investigating how Huber views the ambivalences in Luther's work and its reception.

3.1 Which Luther?

Huber (1990a:80) acknowledges that a number of different interpretations of Luther's work have been used in many different contexts.³¹ During the Protestant Orthodoxy of the 17th century, for example, Luther was honoured for being the great teacher who re-established the importance of the Bible and the different states ordered by God, namely the spiritual, worldly and marital. It was believed that by protecting and maintaining these states the heritage of the Reformation would be honoured and therefore these states were forcefully emphasised. The Pietistic movement used Luther's thought to confirm the ethical implications of the gospel and focused on the unity between conversion and personal improvement. During the Enlightenment, Luther's renewed focus on individual autonomy, his brave search for truth and his assumed liberation of true religion from the church were highlighted as the core of his theology.

Huber regards different interpretations legitimate only to the extent that it stays true to the broader thrust of Luther's work. For Huber attempts at using Luther's theology to either legitimate political regimes or to lessen Christianity's public relevance are in contradiction with the thrust of his work. In *Protestantismus und Protest* Huber (1987:65ff) shows that Luther's theology does not imply privatised religion but often requires concrete political action. This he does by connecting theologies of liberation with freedom in Luther's theology, and showing that the Protestant concept of

³¹ Huber makes use of Luther in a wide range of contexts. In "In Konflikten einen Weg finden – Beratung im Feld von Ehe, Familie, Schwangerschaft als Aufgabe der Kirche" (2000c) he quotes Luther in the context of challenges families face; in "Hat das protestantische Arbeitsethos noch eine Zukunft?" (2000d) Luther's contribution to the Protestant work ethic is honoured; in "Die Herausforderungen für die Theologie in einem pluralistischen Europa aus ökumenischer Perspektive – Eine evangelische Stellungnahme" (2006dd) the fact that Luther was a lecturer at a university is partly used as motivation to appreciate the positive attitude of Protestantism towards academic theology. Huber also makes use of Luther significantly in terms of his contribution to the discussion on human dignity and freedom, such as in *Rechtfertigung und Recht* (Huber, 2001h) and in less well-known speeches such as "Das Ende der Person? Zur Spannung zwischen Ethik und Gentechnologie" (2001g) and "Dass der Mensch mehr ist als seine Taten. Das christliche Menschenbild im Licht der Rechtfertigungsbotschaft" (2007m).

freedom Luther's work expresses is incompatible with (political) oppression (Huber, 1987:65) but is realised in solidarity (Huber, 1987:67).³²

In *Konflikt und Konsens* Huber (1990a:81ff) discusses Luther's misuse in recent German history as the attempt to either legitimate a political regime or to privatise Protestantism's critical impulses. Some commentators understood the founding of the German Empire in 1871, for example, as the first political realisation of the Lutheran tradition. With the founding of the German Empire, what was seen as typical Lutheran civil obedience got its true object, and in this time research on Luther experienced exponential growth. The elements in Luther's theology that taught the importance of civil obedience were emphasised disproportionately. In this new Empire the 'German Luther' was born. The 'German Luther' paved the way for a century during which this Luther was used in even more disturbing ways (1990a:81–86).

In 1933, the 450th anniversary of Luther's birth, the *Deutsche Christen* (who were practically fully aligned to the National Socialist German Workers' Party) planned a range of events and publications celebrating Luther and the political order of the day, including a 'Protestant Day', followed by an 'Empire-Luther Day' as well as an extensive commemorative volume titled *Martin Luther, deutscher Kämpfer* (Martin Luther, the German Fighter). On the grounds of Luther being the founder of the Evangelical Church in Germany, the founder of the German language and literature and the initiator of German unity, the *Deutsche Christen* even attempted to have his birth date made into a public holiday. On the 15th of August 1933, Adolf Hitler was requested to become the patron of this day, because Luther was seen to have been the first spiritual *Führer*. However, both attempts failed, primarily due to Hitler's attempt to retain good relations with the Vatican.

³² In this book Huber (1987:59–68) develops freedom as liberation by means of three perspectives, namely (a) "Christliche Freiheit ... ist Befreiung vom Zwang zur Selbstrechtfertigung" (1987:65); (b) "Für reformatorisches Verständnis sind Freiheit und Unterdrückung unvereinbar" (1987:65); and (c) "Für den christlichen Glauben gehören Freiheit und Liebe zusammen. ... Freiheit verwirklicht sich in der Solidarität, nicht in der Konkurrenz" (1987:67). In this context he also refers to Latin American liberation theology as was programmatically articulated by Gustavo Gutiérrez in *A Theology of Liberation* (Maryknoll, New York: Orbis Books, 1973).

However, not only political opportunism can be blamed for the misuse of Luther's work. Huber also acknowledges that its multi-faceted character and its scope contribute to its susceptibility for misuse. It was especially the anti-Semitic notes in Luther's theology that struck a chord in some quarters. The so-called Curse Theory that was deduced from Luther's work was of great influence (Huber, 1990a:87). According to this theory the 'mysterious curse' that has rested on the Jews for centuries is in fact a curse they have placed on themselves. Through their rejection of Christ, the Jews are ensuring themselves being continuously cursed. According to Huber (1990a:87), especially two of Luther's social-ethical viewpoints contributed to his misuse, namely that Jews do not know what real work means and do in fact not want to do real work and that Jews promote usury.³³

During this time it was not noted, however, that the anti-Semitic notes in his work were in continuity with such suggestions in scholastic theology and the humanistic writings of the 15th century. It was also not noted that anti-Semitism in Luther's work form a discrepancy within the broader thrust of his work (Huber 1990a:88). As was the case with other radical applications of Luther's theology, the unwillingness to interpret his theology in a nuanced and responsible way can be seen as the most important reason for its perversion.

In the light of the breadth, scope and ambivalence of Luther's work, Huber (1990a:90) formulates his own position on the use of Luther. He chooses to use Luther's theology not simply as a cultural heirloom but as a theological challenge. In modern-day Germany the responsible interpretation and application of such an important theorist is as great a challenge as what it was before. Huber (1987:53) understands the central challenge of Luther's theology as rearticulating his radical rediscovery of Christian freedom.

Huber (1987:52–53) understands Luther's connection between three dimensions of freedom as definitive of his rediscovery of biblical freedom. The freedom of the individual conscience serves as hinge between the freedom of faith that is

³³ In this regard Huber's justification for Luther's view on the devil (1987:50) is also partly applicable, namely that he was, in many respects, "ein zutiefst mittelalterlicher Mensch" and that the challenge of distinguishing between the 'essence' of his work and what might be regarded as its historical circumstances should not be underestimated.

constituted by God and the freedom of the Christian in society.³⁴ In the following sections the researcher will describe these dimensions in more detail, the first being the freedom of faith as the basis of Christian freedom.

3.2 The basic freedom of a Christian: The freedom of faith

Luther's most famous statement about freedom, and indeed the most succinct summary of communicative freedom, is to be found in his treatise on freedom, *Von der Freiheit eines Christenmenschen* (1520):³⁵ "A Christian is a free master over all things and subject to nobody. A Christian is a helpful servant and subject to all."³⁶

The first of these two statements radicalises a conception of freedom common to Luther's time, namely freedom understood as the control over others (Huber, 1985:210). Especially the Greeks understood the essence of freedom as the power of masters over their servants (Huber, 1985:209). In terms of Luther's theology,

³⁴ Cf. e.g. Huber 1992a:115. In this article, entitled "Ökumenische Situation und protestantisches Prinzip", Huber uses what he interprets as Luther's connection between faith's freedom, the freedom of conscience and freedom in society as the pinnacle of Protestantism's view on freedom in general: "Die Diskussion über die Freiheit als Grundimpuls und Prinzip des Protestantismus hat ihre Spitze ... also gerade darin, daß die zugesagte Freiheit des Glaubens, die wahrgenommene Freiheit des Gewissens sowie die verfaßte Gestalt der Freiheit in Kirche, Gesellschaft und Staat in einem unauflöselichen Zusammenhang gesehen werden."

³⁵ Huber notably and prominently makes use of Luther's double thesis in *Kirche in der Zeitenwende* (1999), "Christliche Freiheit in der freiheitlichen Gesellschaft" (1996c) and in important lectures such as "Evangelisch im 21. Jahrhundert" (2007b). He also cites Luther's double thesis in many other lectures and speeches. Although these lectures and speeches span a great range of topics Huber's interpretation of the double thesis nearly always follows the contours that are set out in this section. Cf. e.g. the speech concerning the Protestant work ethos, "Der Mensch ist zur Arbeit geboren wie der Vogel zum Fliegen. Hat das protestantische Arbeitsethos noch eine Zukunft?" (2007j); his speeches on the renewed importance of (cultural) virtues such as "Lesen lernen – Zur Wiederentdeckung einer kulturellen Grundkompetenz aus evangelischer Perspektive" (2006z), "Beheimatung im Eigenen – Respekt vor dem Anderen. Zum kulturellen Auftrag der Medien" (2005c), "Der Zukunft auf der Spur" (2005k), "In deinem Lichte schauen wir das Licht – Quellen und Perspektiven christlicher Spiritualität" (2005s), "Die Tugend des Glaubens" (2004i), "Europa als Wertegemeinschaft – Seine christlichen Grundlagen Gestern, Heute, Morgen" (2001b); his speeches on the public role of the (Evangelical) church such as "Gemeinschaft gestalten – Evangelisches Profil in Europa" (2006i), "Von der Freiheit der Kinder Gottes – Plädoyer für eine selbstbewusste Kirche" (2006r), "Evangelisch – profiliert – wertvoll" (2006t), "Die Herausforderungen für die Theologie in einem pluralistischen Europa aus ökumenischer Perspektive – Eine evangelische Stellungnahme" (2006dd), "Der Auftrag der Kirchen in einem zusammenwachsenden Europa" (2005d), "Unvereinbare Gegensätze? Scharia und säkulare Recht" (2005q), "Der Beruf zur Politik – Zwanzig Jahre Demokratiedenkschrift der EKD" (2005w), "Demokratie wagen – Der Protestantismus im politischen Wandel 1965 – 1985" (2005bb), "Protestantismus – Abgesang oder Zukunftsmodell?" (2004c), "Unantastbare Menschenwürde – Gilt sie von Anfang an?" (2001e) and "Die Rolle der Kirchen als intermediärer Institutionen in der Gesellschaft" (2000a).

³⁶ "Ein Christenmensch ist ein freier Herr über alle Dinge und niemand untertan. Ein Christenmensch ist dienstbarer Knecht aller Dinge und jedermann untertan."

however, the first thesis is indicative of the fact that the Christian is not at the disposal of any centre of power. Importantly, the Christian is also not victim of his or her own sin. This thesis confirms the existence of the Christian as grounded in God's gracious bestowal of dignity and in this radical sense it can be said that the Christian is master over all things (Huber, 1999:170). Nothing can ensure or endanger the righteousness of the Christian before God, which is why the Christian is free (Huber, 1985:210).

Luther transcends the popular understanding of freedom further by qualifying the first thesis. As Jüngel (1978:55) also shows, the first thesis implies power relations where the master and the servant fulfil distinctly different roles. Luther dialectically unifies these two roles in the person of the Christian. His seemingly paradoxical second thesis emphasises the close connection between freedom and service in the Christian tradition, as seen also in Calvin's famous statement, "To serve God is the highest freedom" (cited in Huber, 1987:53). The 'paradox' is allayed when one enquires into the grounds for the first thesis. The freedom of faith frees the Christian for service, exactly because there is no reason to realise freedom by controlling others (Huber, 1985:210). For Luther, freedom is not grounded in control over oneself or others but it is rather understood as identity grounded in God's initiative, paradigmatically confirmed by his incarnation (Huber, 1985:210).

Freedom and service therefore do not exclude one another, but each is implied by the other. The relationship with God includes the relationship with other persons, a concept in Luther's theology that Huber develops further in the concept of communicative freedom. Luther already emphasises, although somewhat unsystematically and within a different socio-historical context, the inalienable connection between the individual and the community by indicating how personal self-determination implies both the relationship with God and with other persons (Huber, 1999:170; cf. also 1990d:61).

Some scholars pose the critical question as to whether the distinction between master and servant is not to be correlated with Luther's distinction between *geistliche* and the *leibliche* dimensions of being human, or the *innerer Mensch* and the *äußerlicher Mensch*, which may seem to imply a dichotomous anthropology (cf.

Jüngel 1978:56ff). These scholars argue that the question as to 'where' the 'essence' of the person is to be situated cannot be sufficiently answered by such an anthropology.³⁷ A close reading of the way Huber employs Luther reveals that the question concerning the 'meaning' or 'essence' of reality is radically reformulated in Luther's theology.

God's alien righteousness is understood as the measure and integrating principle of the individual and of human existence as such (Huber, 2001h:23ff). The distinction between master and servant in Luther's concept of freedom therefore serves as expression of the human condition but not of humanity's worth (Huber, 2004d). Jüngel (1978:73–77) responds to this criticism in a similar manner by showing that Luther consistently takes the unity of the person as starting point and that he uses the distinction between the outer and inner person to describe Christ's renewing work. Luther does not correlate the external person with being servant, and the inner person with being free (Jüngel 1978:71). The distinction rather serves to place the eschatological tension of being human within the reality of Christ's victory over sin (cf. Huber, 1996b:171-172 and Jüngel, 1978:74). In characterising the inner person as the 'new' or the 'spiritual' person Christ's recreating presence within the life of the believer is underlined (Jüngel, 1978:75). This implies that the freedom of faith enables the believer to participate in God's renewing work and liberates the believer to serve others by unifying the roles of 'master' and 'servant'.

The multi-faceted understanding of freedom in Luther's theology is illustrated by his understanding of the *sacraments*. In two sermons dating from 1519, Luther uses the sacraments of baptism and the Eucharist to show how the individual and communal moments of freedom are intricately connected (Huber, 1990d:61–63; 1992a:117–

³⁷ In this regard it can be asked whether a distinction between these two dimensions of being human does not lead to a situation where an unbridgeable gap develops between "act and actor, person and praxis" (Jüngel, 1978:60). Jüngel (1978:60) therefore writes: "Unter der 'wirklichen Unfreiheit' versteht die Kritiker ganz selbstverständlich die gesellschaftliche Unfreiheit. Dabei ist vorausgesetzt, daß der 'innere Mensch' gegenüber den äußeren Dingen zumindest weniger 'wirklich' ist. ... Das wahre menschliche Subjekt ist niemals das Subjekt der Praxis. Damit ist in einem bisher ungekannten Masse die Person von der Verantwortung für ihre Praxis entlastet, in eins aber auch frei geworden für jede Art von Praxis: die in ihrer inneren Freiheit und Fülle ruhende Person kann sich nun erst ganz in die äußere Praxis stürzen, da sie weiß, daß ihr darin im Grunde doch nichts geschehen kann. Mit der Trennung von Tat und Täter, Person und Praxis ist auch schon die 'doppelte Moral' gesetzt, die als Trennung von 'Amt' und 'Person' einen der Grundpfeiler der lutherischen Ethik bildet."

118).³⁸ Luther understands baptism as the individual moment of Christian existence, as baptism signifies the birth of the new person and a lifelong process of renewal. The act of baptism appropriates God's grace by signifying that it can neither be brought about nor be invalidated by the person. The act of baptism enables the individual believer to receive God's liberation from sin within earthly confines, and this liberation is therefore appropriated by the daily renunciation of sin (Huber, 1990d:62). Baptism accentuates the personal element of being a Christian and symbolises the comprehensive individuality that freedom brings about.

The Eucharist symbolises the sociality that freedom leads to (Huber, 1990d:63). It symbolises the communal element by representing the communal appropriation and realisation of salvation. The bread and wine are signs of partaking in Christ and His earthly body. According to Luther, the Eucharist establishes the church as a community where its members do not keep life and its gifts for themselves but share everything (Huber, 1990d:62).³⁹ The result is a community of openness and acceptance, where those in need can bring their needs without fear, and where those with the ability to help can bring their resources freely in service communal life.

Luther therefore grounds his understanding of freedom in Christ's life and death (Huber, 1990d:63). Christ's incarnation opened the possibility for real freedom, transcending categories of human power. Baptism drowns the old person who tries to secure freedom by human means and frees the Christian to rest in community. The bread and wine are then the signs of this community, grounded in the death and resurrection of Christ, a community of equals aiming to serve and make the death of the old person and the birth of a new community increasingly visible.

Huber connects this comprehensive freedom of which the sacraments testify with Luther's *ecclesiology*. Luther understands the church as the congregation of those

³⁸ Cf. also how Luther understood baptism as not in the first place the sign of a true Christian but of the true church (Huber, 1990a:332). In his article "Auf dem Weg zu einer Kirche der offenen Grenzen" Huber (1990a:321–345) uses this impulse to show how Luther's work supports an ecclesiology that is not orientated by the boundaries of the church but by its being.

³⁹ Huber interestingly only refers to the sharing of spiritual goods: "Das Abendmahl begründet eine Gemeinschaft, in der keiner etwas für sie behält, weil alle *geistlichen Güter* (researcher's italics) miteinander geteilt werden ..." (Huber 1990d:63).

who are holy in faith (“Gemeinde oder Sammlung der Heiligen im Glauben”). He distinguishes between spiritual and earthly Christianity by acknowledging that the congregants are holy only ‘in faith’. His aim is not to distinguish between a so-called visible and invisible church but rather to emphasise the theological basis of the church (Huber, 1990a:332). The freedom to be church relieves the community of believers of the burden to set its boundaries because God grounds the holiness of the church (1990a:332).

Therefore, the connection between the real church and the church of faith is not dependent on external characteristics but on Christ. This is also the deepest reason for Luther’s insistence on the real church being recognisable only by the preaching of the gospel and the sacraments.⁴⁰ The implication for his sacramentology is that the sacraments do not primarily serve as characteristics of true membership of the church but rather serve to characterise the true church. Again it is God’s action, as the sacraments testify, that constitutes the true church and true membership (Huber, 1990a:333). The basis of Luther’s ecclesiology is the freedom instituted and maintained by God. This enables the church to have ‘open boundaries’ and focus its attention on its being rather than on its boundaries (Huber, 1990a:334).

The implications of Luther’s view on freedom are, however, not simply of ecclesiastical relevance. In addition to the freedom of faith, Huber also develops the public relevance of Luther’s freedom (cf. Huber, 1987). Huber understands Luther’s view on freedom as to coordinate three fundamental dimensions of freedom with one another, an important articulation Huber integrates with his broader theological project. According to this view, Christian freedom connects the freedom of faith that was discussed in this section, the freedom safeguarded by the conscience and the responsible realisation of freedom in society with one another (Huber, 1996c:108). As attention has already been devoted to the first of these dimensions, the second will now be investigated, namely Luther’s view on freedom of conscience (*Gewissensfreiheit*), which functions as the hinge between the first and third dimensions of freedom.

⁴⁰ “Where one sees baptism, the bread [i.e. Eucharist] and the gospel, wherever and with who it may be, there the church undoubtedly is” (cited in Huber, 1990a:333). [“Wo du nämlich siehst, daß Taufe, Brot und Evangelium sind, an welchem Ort auch immer, bei welchen Personen auch immer, dort ist unzweifelhaft die Kirche.”]

3.3 The hinge between the freedom of faith and freedom in society: Freedom of conscience

Huber understands Luther's concept of Christian freedom as not simply of theological relevance but as also having significant political implications. Huber (1987:56) is of the opinion that Luther's interpretation of freedom forms one of the building blocks for human rights and the freedom of conscience, religion and expression.⁴¹ As was indicated in the previous section, this does not mean that Luther's public influence was only constructive. Especially his focus on the importance of obedience to the authorities (*Obrigkeitsgehorsam*) has caused Luther to be made the advocate of unqualified obedience to authorities in some circles (cf. Huber, 1990a: 81).

These scholars regard the way in which civil obedience was introduced to the German psyche as the greatest political effect of the Reformation, and in particular of Luther (Huber, 1987:50). Luther brought the word *Obrigkeit* (a word referring especially to political authority) into the German language (Huber, 1987:50–51). Controversially, it was Luther who told the farmers who rebelled against oppressive authorities to stop all violence and to simply submit themselves to these authorities. At the same time Luther encouraged the princes to react with as much force as possible. During this conflict, Luther (cited in Huber, 1987:50) was recorded as saying, "What wonderful times we live in, times during which a prince can earn heaven easier by spilling blood than others can by praying".⁴²

Huber (1987:50) attributes this glaring contradiction of Luther's focus on the freedom of the individual conscience to his medieval worldview. Luther understood the world as the place where God and the devil are battling one another, and it was the role of Christian princes to take part in this battle by using whatever means they may have

⁴¹ Huber (2000b) meaningfully regards Luther's insistence on the freedom of conscience as not only designating the boundary of the power of the state but also that of the actions of the church: "Die weltliche Obrigkeit fand ihre Grenze, wie Luther schon einschärfte, an der Freiheit des Gewissens; aber auch für die Kirche galt, dass sie ihrem Wahrheitsanspruch nur durch das Wort, nicht aber durch Zwang Resonanz verschaffen durfte."

⁴² "Solch' wunderliche Zeiten sind jetzt, daß ein Fürst den Himmel mit Blutvergießen verdienen kann, besser den andere mit Beten."

had. Luther most likely understood the farmers' rebellion as an outbreak of the latent evil within them.

Despite these ambivalences, Huber regards Luther as the defender of the freedom of the individual conscience. For Luther the individual conscience forms the hinge between God's bestowed freedom (Huber, 1993a:24) and the responsible use of this freedom in society (Huber, 1996c:108). In continuation with the humanistic ideas of his time Luther regarded the individual conscience as absolutely free and deemed it impossible to act against one's conscience (cf. Huber, 1996c:108). This is illustrated in Luther's famous, albeit possibly apocryphal, speech delivered in 1521 in Worms where he stated that it is impossible for him to act against his conscience.⁴³ In this regard Luther's thought served as an important precursor to modern theories of the freedom of religion, expression and conscience (cf. Huber, 1996b:136-142 and 2001h:12-18).

However, Huber (1996c:108) notes that the conscience is not liberated to an arbitrary type of freedom, but that it is directed by the Word of God. In the speech Luther delivered in Worms he also states that his conscience is 'compelled' by the Word of God (Huber, 1987:60). God's alien righteousness 'imprisons' the conscience of the free person by enabling freedom to be realised in service to others.⁴⁴ The freedom of conscience therefore expresses the freedom of faith but as *Verbindlichkeit* ('commitment' or 'obligation') (Huber, 1993b:70-80) and not primarily as autonomy or individuality (Huber, 1993b:71).⁴⁵

⁴³ Cf. the speech as cited in Huber, 1987:60: "Wenn ich nicht durch das Zeugnis der Heiligen Schrift oder Gründe der Vernunft überwunden werde, denn weder dem Papst noch den Konzilien allein vermag ich zu glauben, da es feststeht, daß sie wiederholt geirrt und sich selbst widersprochen haben, so halte ich mich überwunden durch die Schrift, auf die ich mich gestützt habe, so ist mein Gewissen in Gottes Wort gefangen, und darum kann und will ich nichts widerrufen, weil gegen das Gewissen zu handeln weder sicher noch lauter ist. Gott helfe mir!"

⁴⁴ Cf. Reinhard Brandt's detailed discussion on justification as the liberation of the human conscience, i. e. the human will, in *Die ermögliche Freiheit: Sprachkritische Rekonstruktion der Lehre vom unfreien Willen* (Hannover: Luterisches Verlagshaus, 1992).

⁴⁵ Huber (1993b:71) expresses the ethical implications of this *Verbindlichkeit* as follows: "[D]er theologischen Einsicht, daß menschliche Freiheit nicht durch menschliches Handeln hervorgebracht wird, sondern in der Wirklichkeit Gottes wurzelt, hat eine responsorische Konzeption menschlicher Autonomie zur Folge. Und aus dieser Verknüpfung resultiert, daß die Ethik des Gerechten – in der Einschränkungen individueller Rechte nur um der individuellen Rechte anderer willen erfolgen dürfen, also dem Grundsatz des distributiven Vorteils entsprechen müssen – konstruktiv auf eine Ethik des Guten bezogen wird, in der menschliche Freiheit als kommunikative Freiheit zu ihrem Ziel kommt. Von einer solchen Ethik ließe sich sagen, sie habe die Spannung zwischen Verbindlichkeit und

This freed conscience of the Christian has a specific character, namely that of a resurrected conscience. Luther made this point memorably: “To wake up one’s conscience is nothing less than raising the dead” (Huber, 1987:62).⁴⁶ Put in other words it can be said that understanding the use of the conscience as the ‘raising of the dead’, signifies its self-critical character. The conscience serves as hinge between the faith of freedom and faith in society amidst the tension of sin, salvation and consummation. This tension was especially tangible in Luther’s time, as the devil and his powers were understood as material forces competing with God for the soul of the individual. Luther therefore understood the conscience as being either controlled by God or by the devil, and consequently only the resurrected conscience of the Christian can be understood as a trustworthy hinge. A clear conscience is never a condition due to human achievement but is always the conscience acquitted by God, in the process of being fully freed (Huber, 1987:62).

The emphasis Luther places on the liberation of the individual conscience therefore does not imply ethical individualism. According to Huber (1996c:108–109) Luther understands the conscience as the hinge between the freedom of faith and responsibility in society as it is both liberated and directed by the righteousness of God. The freed conscience of the Christian enables public responsibility by connecting God’s Word with the context within which it must be realised. Whenever any political power does not respect the freedom of conscience, Luther understood that authority to have reached the boundary of its power (1987:52). The legitimacy of any authority is dependent on the extent to which it serves freedom of conscience. Wherever any authority acts in a way that disregards freedom and the fact that fundamentally it cannot be guaranteed by any human authority, such an authority oversteps its mandate (Huber, 1987:56). In such instances, the fundamentally free conscience of the Christian enables and forces reaction in order to restore a society based on the inalienable freedom of individuals.

We have now seen how Huber understands Luther’s conception of the freedom of conscience to form the hinge between the freedom of faith and responsibility in

Freiheit darin konstruktiv gelöst, daß die *Verbindlichkeit der Freiheit* selbst zu ihrem entscheidenden Thema geworden ist.”

⁴⁶ “Die Gewissen aufzurichten und zu ermuntern, ist nichts anderes als Tote auferwecken.”

society. This section will be concluded by elaborating on Luther's understanding of the public realisation of freedom. The public character of freedom is especially relevant in Luther's so-called 'doctrine of the two regiments' (*Lehre von den zwei Reichen*). In the following section, this doctrine will be employed to investigate this third element of Luther's understanding of freedom.

3.4 Freedom in society: Luther and the two regiments

When considering the public implications of Luther's concept of freedom, some would refer to Luther's doctrine of the two regiments to discredit his political ethics. This would surely be done by understanding this 'doctrine' as legitimating an unbridgeable division between the political and religious spheres in society. Such an argument might then be further motivated by Weber's distinction between the *Brüderlichkeitsethik* (brotherly ethic) of Christianity and the *Eigengesetzlichkeit* (autonomy) of other societal spheres, and even by the abovementioned 'Lutheran' *Obrigkeitsgehorsam*.

According to Huber (1985:42ff) such opinions ignore the fact that Luther's reference to two regiments does not form part of a worked-out doctrine but is used rather unsystematically, and is closely linked to other distinctions that Luther makes. The kingdom of God and the kingdom of the world, the spiritual and earthly regiments, the *status ecclesiasticus*, *status politicus* and *status oeconomicus* of the Christian are all distinctions to be used in conjunction with one another (cf. Huber, 1985:41). Attempting to understand the connection between these themes in Luther's theology responsibly is aided considerably by noting the history of interpretation of this doctrine (Huber, 1990:94–97; 1985:42–46; 62–67).⁴⁷

Although acknowledging and making use of Luther's distinction between different kingdoms or regiments are nothing new, understanding these distinctions as a doctrine is a relatively recent development.⁴⁸ In 1932 reference was still made to

⁴⁷ Cf. Eberhard Jüngel, "Zwei Schwerter – Zwei Reiche. Die Trennung der Mächte der Reformation" in *Ganz Werden* (Tübingen: Mohr Siebeck, 2003).

⁴⁸ Cf. Huber (1985:53–70) in his article "'Eigengesetzlichkeit' und 'Lehre von den zwei Reichen'" in *Folgen christlicher Freiheit*. Cf. also e.g. a classic study such as Paul Althaus, *Die Ethik Martin*

Luther's "so-called Two-Spheres Theory".⁴⁹ It was only after the struggle between church and state from the 1920s up to the 1940s that Luther's 'doctrine' of the two regiments emerged. In 1921 Emanuel Hirsch made use of this distinction in Luther's theology to construct a theory on the relationship between politics and religion by emphasising the legitimacy of a division. In the *Dritte Reich*, the meaning of politics changed in order to assume the all-encompassing character the totalitarian state gave to it.

Politics increasingly became the dominant force in society. It gained a religious dimension, in the sense that the politics of the day aimed at giving an exhaustive and authoritative interpretation of reality. Although separated from politics, thoughts championed by the likes of Hirsch enabled the church to be the "religious soul of the religiously laden unity of the nation" while at the same time disabling it to be of public relevance and to deliver prophetic critique (Huber, 1990a:95). This doctrine therefore effectively led to the uncritical service of the church to the politics of the day by means of the supposed independence of the state from society.

The first systematic explication of this doctrine was Harald Diem's dissertation that appeared only in 1938, titled "Luther's doctrine of the two kingdoms, investigated from the perspective of his understanding of the Sermon on the Mount" (cf. Huber, 2006b; 2006d; 2007k). Diem attempted to oppose the over-importance of the worldly regiment as well as the assumed autonomy of especially the political sphere by reading the doctrine in terms of Luther's theology. His conclusion was that the two regiments or kingdoms are, according to Luther, not completely separate but that differentiation is necessary in order to constructively connect these spheres. The original question Luther posed in this regard was how the Sermon on the Mount is of relevance also for the worldly regiment. He resolved this question by identifying the office of preaching as the most important way in which the two regiments are connected. It is in preaching that God's Word speaks, through which the Holy Spirit resurrects both the individual as well as the communal conscience.

Luthers (Gütersloh: Gütersloher Verlagshaus, 1965) or a more recent study such as Ulrich Duchrow, *Christenheit und Weltverantwortung* (Stuttgart, 1983).

⁴⁹ Huber (1990a:94) refers to E. Wolf's "lutherischen sog. Zwei-Sphären-Theorie".

According to Huber, this study, along with other important studies and controversies,⁵⁰ made clear that Luther understood both regiments as the battleground for God's clash with the forces of evil and that he used these regiments to emphasise God's relationship with his creation. Consequently, God's relationship with the whole of his creation has implications for Christians, in particular the way in which they take part in realising his will. Luther does not privatise or individualise freedom but understands the freed conscience as bound by the will of God and therefore only free to the extent that it serves others. This basic movement in itself contradicts any reading of Luther that sees his work as promoting an absolute separation between the political and religious.

The Reformation as such, and Luther in particular, therefore never understood the freedom of faith to only refer to the 'spiritual' dimension of a person or of reality, but understood it as having concrete public implications. Huber (1990d:51) regards Luther's understanding of freedom not as an 'ideology that stabilises society' but as the 'impetus for developing culture and politics further'. Huber's interpretation of Luther's *Lehre von den zwei Reichen* (1985:42–46; 62–67) holds that God's sovereignty frees the resurrected conscience to convinced and faithful actions in society, for the whole of society is under God's control. The way in which the freed conscience is to interpret the public relevance of the freedom of faith depends differs in different contexts.

Huber (e.g. in 1990d:57ff and 1996c:113ff) understands his own theological project and in particular his work on freedom as the continuation of this impulse from the Reformation, as we shall see in the discussion of the concept of communicative freedom.

⁵⁰ E.g. that of Barth and Althaus in 1921, cf. Huber 1985:59–60.

4. DIETRICH BONHOEFFER: REALISING FREEDOM FOR OTHERS

The theologian Dietrich Bonhoeffer is one of the previous century's most notable defenders of Christian freedom, and at the same time one of Huber's important influences in developing communicative freedom. Bonhoeffer influences Huber significantly both as one of the Confessing Church's most prominent representatives and as an exemplar of how theology should be embodied.⁵¹ Bonhoeffer's strong focus on the embodiment of Christian truth is articulated strikingly in a lecture he delivered in Finkelwald (cited in Huber, 2006n):

The truth the church bears witness to is neither the result of deductions, nor is it the mediation of a certain doctrine. This truth takes place.⁵² It creates its own form of existence. It is [therefore] possible for the church to preach the pure doctrine, with it nevertheless being untrue.⁵³

Like Huber, also Bonhoeffer did not fear the historical processes of his time.⁵⁴ Huber (e.g. in 2006l) regards Bonhoeffer's often radical criticism of religion a result of his intimate knowledge of Germany's modern classes. Growing up in a family of Germany's enlightened elite that kept a critical distance from the church, Bonhoeffer intimately knew many of the tenets of modernity and the secularisation of his time.⁵⁵

⁵¹ Huber is, e.g., the spokesperson of the editors who publish Bonhoeffer's work (Evangelische Kirche Berlin-Brandenburg-schlesische Oberlausitz, 2008).

⁵² This sentence is deceptively difficult to translate and loses much of its elegance in English.

⁵³ "Die Wahrheit, von der die Kirche Zeugnis ablegt, ist nicht das Resultat von Deduktionen, sie ist nicht die Vermittlung eines bestimmten Lehrbestandes. Sie ist geschehende Wahrheit. Sie erschafft sich ihre Existenzform. Es ist möglich, dass die Kirche die reine Lehre predigt und dass sie dennoch unwahr ist."

⁵⁴ Also Huber is wary of demonising processes of societal change. Cf. e.g. Huber's comment on individualisation in his article "Christliche Freiheit in der freiheitlichen Gesellschaft" (1996c:114): "Nicht darum geht es, die Individualisierungsprozesse der Gegenwart zu dämonisieren. Sondern es geht darum, angesichts der gegenwärtigen gesellschaftlichen Entwicklungsdynamik Individualität und Sozialität, Selbstbestimmung und Solidarität in eine neue Balance zu bringen."

⁵⁵ In his lecture "Mündigkeit und Macht – Dietrich Bonhoeffers Anspruch an Kirche und Gesellschaft heute", Huber (2006l) sketches Bonhoeffer's family background and especially their place within the elite of his day. Huber regards Bonhoeffer's criticism towards power to have been born in this context and regards this context to have initiated Bonhoeffer's democratic convictions: "In behüteten Verhältnissen war der in Breslau geborene Dietrich Im Berliner Grunewald wohnte die Familie in einem Umkreis, in dem sich intellektueller Weitblick mit der Bereitschaft verband, an der Gestaltung von Gesellschaft und Politik teilzunehmen. Die Harnacks, Delbrücks, Dohnanyis und Bonhoeffers, deren Kinder sich bereits in der Schulzeit befreundeten, gehörten zu den tragenden Schichten des

He believed that faithful Christianity embraces life and that secularisation and processes of democratisation should be accepted and integrated in the centre of the lives of Christians.⁵⁶ For Huber, Bonhoeffer's connection between freedom and responsibility serves as a helpful instrument by means of which to translate the Luther's conviction that justification and faithful service belong together.⁵⁷

In this section, contours of Bonhoeffer's theology of freedom most relevant for Huber's work on communicative freedom will be investigated. The first part will concern Bonhoeffer's understanding of the relation between Christianity and religion. In the second section, the ecclesiological and ethical implications of this discussion will be investigated. In the last part of this section Bonhoeffer's suggestion that the realisation of freedom can be understood as a learning process will be examined.⁵⁸

ausgehenden Kaiserreichs wie der beginnenden Weimarer Republik. Die loyalen Mitarbeiter des wilhelminischen Preußen entwickelten sich zu Vernunftrepublikanern, die Deutschlands Eigenständigkeit bewahren, aber auch seinen Platz im Kreis der modernen demokratischen Staaten sichern wollten."

⁵⁶ Cf. e.g. Huber 2006n where Huber outlines the implications of Bonhoeffer's understanding of "Sein in Christus" as "eine neue Schöpfung", namely the typical Bonhoefferian suspension of the division between a religious and profane sphere: "Er folgert daraus, dass in Christus nicht eine neue Religion gestiftet, sondern ein Stück Welt neu geschaffen wird. Es liegt also das Pfingstgeschehen nicht in erster Linie in einer neuen Religiosität, sondern es ist die Botschaft von einer neuen Schöpfungstat Gottes. Und das heißt: Das ganze Leben wird mit Beschlag belegt. Es geht nicht einmal um eine Vorordnung des Religiösen vor dem Profanen, sondern um eine Vorordnung des Tuns Gottes vor dem Religiösen und dem Profanen."

⁵⁷ On the 4th of February 2006 Huber (2006n) delivered the speech "Das Vermächtnis Dietrich Bonhoeffers und die Wiederkehr der Religion", celebrating what would have been Bonhoeffer's 100th birthday. In this lecture he connects the existential character of Bonhoeffer's theology with his famous encounter with the Sermon on the Mount. This encounter Huber regards as Bonhoeffer's deepened concern with issues regarding freedom and justice: "Bonhoeffers Vorbildwirkung hat ohne Zweifel damit zu tun, dass Lebensgeschichte und Theologie sich in seinem Fall besonders eng miteinander verbinden. ... Ihm lag die Begegnung mit der Bergpredigt zu Grunde, die ihm, wie er selbst bezeugt, im Alter von 26 Jahren widerfuhr. In der Zeit seines Lebens, in der die akademische Wirksamkeit im Vordergrund stand, noch vor Hitlers Machtergreifung, begegnete er der Bergpredigt in einer Weise wie nie zuvor. Diese Begegnung machte ihn, wie er in selbstkritischer Abgrenzung gegenüber vorausliegenden Phasen seines Lebens sagte, zum Christen. Und sie gab zugleich seiner ethischen Haltung eine Klarheit, die sich zwar schon angebahnt, aber noch nicht im Letzten durchgesetzt hatte. Die Verpflichtung auf Frieden und Gerechtigkeit wurde nun zum bestimmenden Grundmotiv."

⁵⁸ Cf. also John de Gruchy (ed.), *Bonhoeffer for a new day: Theology in a time of transition* (Grand Rapids: Eerdmans, 1997); Keith Clements, *Freiheit wozu? Dietrich Bonhoeffer als ständige Herausforderung* (Bonn: Paul Rügenstein, 1991); and Clifford Green, *Freiheit zur Mitmenschlichkeit: Dietrich Bonhoeffers Theologie der Sozialität*, Gütersloh: Gütersloher Verlagshaus, 2004).

4.1 Freedom from religion

4.1.1 Religion as the historical garment of Christianity

Huber regards Bonhoeffer's work to be characterised by his frequent return to the question of "what Christianity is and who Christ is for us today" (cf. Huber, 2007k; 1987:31).⁵⁹ Bonhoeffer was convinced that this question could not be answered by using pious religious words, because religion has no legitimate role to play in a modern world. At the end of his life he radicalised this train of thought by claiming that religionless Christianity is the only form of Christianity that will be able to survive modernity.⁶⁰ In order to understand these radical statements better, it is important to note how Bonhoeffer understood religion.⁶¹

For Bonhoeffer, 'religion' was nothing more than a historical garment with which Western society dressed Christianity and the form Christianity as (Western) religion took on increasingly contradicted its essence (Huber, 1987:38; 1985:193ff). According to Bonhoeffer, this historically formed expression is characterised by at least four elements (Huber, 2006n; 1987:38; 1985:193ff). Firstly, God's transcendence is understood in spatial terms. This means that the 'place' where God primarily exists is in his other-worldly kingdom.⁶² Secondly, religion individualises humanity's relationship with God, implying that God is primarily in a direct relationship with his individual followers. Thirdly, God is invoked as a *deus ex machina*, namely as something that fills the gaps (still) left by scientific knowledge. In this sense, God's existence serves simply to explain the inexplicable. Lastly,

⁵⁹ In his first letter concerning this theme Bonhoeffer asks who Christ – or indeed Christianity – is for people as a way in which to start deconstructing the "abgetrennten Raum der Innerlichkeit oder des Gewissens" (Huber, 2007k).

⁶⁰ For more on these impulses, cf. e.g. Huber's lecture "Das Vermächtnis Dietrich Bonhoeffers und die Wiederkehr der Religion" (2006n).

⁶¹ Concerning the *Wirkungsgeschichte* of Bonhoeffer's work on freedom from religion, cf. Ernest Feil's article written for Huber's *Festschrift* "Zur Frage nach der 'Freiheit' und der 'Religion' im Interesse der 'Religionsfreiheit'. Überlegungen im Anschluss an menschenrechtliche und verfassungsrechtliche Bestimmungen" (in Reuter, H-R., Bedford-Strohm, H., Kuhlmann, H. & Lütcke, K-H. (eds.), *Freiheit verantworten: Festschrift für Wolfgang Huber zum 60. Geburtstag*, Gütersloh: Kaiser, Gütersloher Verl. Haus, 2002:421–432).

⁶² In German the word *Jenseits* is used to denote 'the other side'.

Bonhoeffer saw this historical garment as relegating religion to the private sphere of human existence. Hereby it denies faith public relevance.⁶³

He was convinced that such a type of Christianity does not correspond with the maturity and rationality of humanity⁶⁴ but disempowers believers by preparing them to live in a world that does not exist. However, the main reason Bonhoeffer advocated a religionless Christianity was because Christianity as religion contradicts the very essence of Christianity (Huber, 2006k; 2006n; 1985:195).

4.1.2 Religion as contradiction of the essence of Christianity

Bonhoeffer's belief that religion contradicts the essence of Christianity can be explained in two ways. The first, implicit reason is the strong influence of the Old Testament on Bonhoeffer's thought. Huber (1985:195) notes that during Bonhoeffer's time in the Tegel Prison the role of the Old Testament markedly increased in importance for him, and therefore the focus on integration of the different spheres of life and also the focus on the earthliness of life.

The second reason, and of the most importance for Bonhoeffer's theology, was articulated by Bonhoeffer himself. He understood the God image in Western religion as fundamentally in conflict with the way God made himself known (Huber, 2006k; 2006n).⁶⁵ The way in which his omnipotence is invoked in religious language is in contradiction with some of Christ's most central utterances in the New Testament. A religious view of God finds it difficult to truly integrate his self-revelation by means of

⁶³ Huber (1985:194) mitigates Bonhoeffer's critique against religion somewhat by stating that it should be read in its original context. In Bonhoeffer's time the differentiation of society and specifically the increased individualisation and privatisation of religion gained momentum. At the same time religion was given a societal function, especially in the way it legitimated centres of power in society.

⁶⁴ In the lecture "Dietrich Bonhoeffer – ein evangelischer Heiliger?" Huber (2007k) delivered in Rome he interestingly does not regard a 'rational' Christianity as in correspondence with human maturity, autonomy and rationality. With Bonhoeffer Huber regards the challenge as going back to the "Anfänge des Verstehens" in order for Christianity to again be discovered as "etwas Neues und Umwälzendes". Therefore Huber states, "Die Abkehr von der religiösen Gewandung des Christentums geschieht um seiner Substanz willen. Der Frieden Gottes und das Nahen seines Reiches sind entscheidend. Ein neuer Zugang zu Gerechtigkeit und Wahrheit tritt in den Blick. Eine Sprache sucht Bonhoeffer, die nach traditionellen Maßstäben vielleicht unreligiös ist, die aber befreiend und erlösend wirkt."

⁶⁵ In a number of speeches Huber describes the "Ohnmacht Christi im Leiden und am Kreuz" as the "Dreh- und Angelpunkt" of Bonhoeffer's understanding of God. See most notably "Das Vermächtnis Dietrich Bonhoeffers und die Wiederkehr der Religion" (2006n) and "Dietrich Bonhoeffer – ein evangelischer Heiliger?" (2007k).

Christ's powerlessness. Bonhoeffer used the Gethsemane scene to illustrate this: In this scene, as is the case in the rest of the New Testament, Jesus is presented as God's suffering Son, the incarnation of God's love (cf. Huber, 2006n). Bonhoeffer saw this scene as the reversal of everything the religious person expects from God. Bonhoeffer writes as follows:

On the cross, God allows himself to be forced out of the world, [on the cross] God is powerless and weak in the world. Only in this way is God with us, and does He help us. It is ... clear that Christ does not help us by means of His omnipotence, but by means of His powerlessness, [by means of]his suffering! The Bible shows us God's powerlessness and his suffering; only the suffering God can help us (cited in Huber, 2006l).⁶⁶

Bonhoeffer's insistence that Christianity should free itself from religion was grounded in a theology of Good Friday (Huber, 2006n). Christianity does not take believers away from the world, as Bonhoeffer believed religion does, but calls them to being human. Being human Bonhoeffer understood as being willing to take part in God's suffering, for taking part in God's suffering is the way to life (Huber, 1987:36).

Apart from the Gethsemane scene and Christ's death on the cross, the Sermon on the Mount also had a great influence on Bonhoeffer. He describes his study of the Sermon on the Mount in 1932 as something that changed his spirituality fundamentally (cf. Huber, 2004m; 2006b; 2006d; 2006l; 2007k). For the first time he read it as a liberating address that requires absolute obedience. He experienced becoming a Christian for the first time, as his focus shifted away from himself (Huber, 1987:32). After this encounter, he understood the Sermon on the Mount as showing the real meaning of righteousness and indicating the way to life.⁶⁷ For

⁶⁶ "Gott lässt sich aus der Welt herausdrängen ans Kreuz, Gott ist ohnmächtig und schwach in der Welt und gerade und nur so ist er bei uns und hilft er uns. Es ist ... ganz deutlich, dass Christus nicht hilft kraft seiner Allmacht, sondern kraft seiner Schwachheit, seines Leidens! ... Die Bibel weist den Menschen an die Ohnmacht und das Leiden Gottes; nur der leidende Gott kann helfen."

⁶⁷ Cf. in this regard e.g. the lecture Huber (2006b) delivered in honour of the *Weißer Rose* movement in Munich in 2006. In this lecture Huber correlates Bonhoeffer's ethic of responsibility with that of the Scholl-siblings.

Bonhoeffer, this meant that Christians should turn to those around them and intercede to achieve real justice and peace in the world.⁶⁸

Turning to others in freedom has implications especially for Bonhoeffer's ecclesiology and his ethics. Bonhoeffer believed that an authentic realisation of Christian freedom, liberated from religion, should therefore lead to the church as 'church for others' and ethics as 'ethics for others', characterised by responsibility and the willingness for substitutionary action. The ecclesiological and ethical implications of Bonhoeffer's work are of particular relevance for Huber's work on communicative freedom, and in the following section it will be investigated in more detail.

4.2 Free for others: Ethical and ecclesiological implications

4.2.1 Ecclesiological implications

Already in his doctoral dissertation, *Sanctorum Communio*, Bonhoeffer noted that Christ's suffering for the sake of the world should lead to a church "being there for others" (Huber, 1985:173).⁶⁹ Huber (2007k) goes on to show how Bonhoeffer changed the classic Christian *pro me* to *pro nobis*, therewith showing that Christ's substitutionary death was not simply 'for me' but also 'for us'. The corporate

⁶⁸ Huber (1987:29–32; 42–27) therefore also develops Bonhoeffer's suggestion for a "Konzil des Friedens" further. Huber (1987:43–47) identifies five sentences from Bonhoeffer's writings of 1934 to outline Bonhoeffer's possible council of freedom, namely (a) "Frieden soll sein, weil Christus in der Welt ist."; (b) "Es gibt keinen Weg zum Frieden auf dem Weg der Sicherheit"; (c) "Das ökumenische Konzil ist versammelt."; (d) "Müssen wir uns von den Heiden im Osten beschämen lassen?"; and (e) "Heute noch – wer weiß ob wir uns im nächsten Jahr noch wiederfinden". Concerning Huber's own work on peace, cf. *Friedensethik* (Huber & Reuter 1990b), co-written with Hans-Richard Reuter, *Die Streit um Wahrheit und die Fähigkeit zum Frieden* (1980:119–139) and also lectures in this regard, such as "Rückkehr zur Lehre vom gerechten Krieg? Aktuelle Entwicklungen in der evangelischen Friedensethik" (2004p).

⁶⁹ Huber (2006n) regards Bonhoeffer's ecclesiology as the central theme of his theology. Not only was his first major theological work *Sanctorum Communio* but in a programmatic lecture he gave in 1932 he also stated that the church is both the subject and the presupposition of theology (Huber, 2006n). Huber then quotes Bonhoeffer's interpretation of this lecture he delivered as motivation: "Da wurde es mir klar, dass das Leben eines Dieners Jesu Christi der Kirche gehören muss. Daraus zog er auch die berufliche Konsequenz, zunächst in der Gemeindefarbeit in London, dann aber vor allem in der Ausbildung der Vikare der Bekennenden Kirche. Diese Konzentration war darin begründet, dass ihm nun alles an der Erneuerung der Kirche und des Pfarrerstandes lag." Cf. Dietrich Bonhoeffer, *Sanctorum Communio. Ein dogmatische Untersuchung zur Soziologie der Kirche* (Munich: Chr. Kaiser Verlag, 1960).

dimension of Christian freedom played a definitive role in Bonhoeffer's work,⁷⁰ and Huber consequently regards the church as arguably the most important theme in Bonhoeffer's theology.⁷¹

In terms of the previous section it can be said that God's powerlessness on the cross implies that the church should be a community of solidarity. In *Folgen christlicher Freiheit* Huber (1985:172ff) explains how Bonhoeffer's conviction that the church is 'God's new will with humanity' serves as the most concise summary of Bonhoeffer's ecclesiology. By stating that the church is *God's new will with humanity*, God's relationship with humanity is expressed by his act of making the *communio peccatorum* into the *communio sanctorum*. The church as the community of justified sinners signifies God's will for humanity, as it expresses humanity's existence in terms of creation, sin, justification, sanctification and redemption.

For Bonhoeffer, the church is at the same time also God's *new will with humanity*. In a very real sense Bonhoeffer understood the church as 'the body of Christ', as Christ incarnates God's new will with humanity.⁷² Already in the early stages of his theology, Bonhoeffer described the church in terms of Christ's presence. He also, somewhat more controversially, described Christ in terms of the type of community He instituted. The church as 'church for others' therefore corresponds with Christ as 'the Person for others'.⁷³ He therefore paradigmatically states that the life, death and

⁷⁰ Cf. also Wayne Whitson Floyd (1997:55–56) in *The modern theologians*: "We are our relationships, Bonhoeffer was convinced, for we were *created* for community, brought into being reflecting the image of a God who is the relationship of Father, Son and Holy Spirit. In Christ ... we see both what *God* is like and who *we* are as well, and the God-human reveals that it is God's nature as well as our own to be *free for* encounter with an authentic 'other', desiring out of love to be loved in return, freely and without coercion or constraint."

⁷¹ In his speech "Dietrich Bonhoeffer – ein evangelischer Heiliger?" delivered in Rome Huber (2007k) – in his capacity as bishop – relates the central importance of the church for Bonhoeffer's theology to his first visit to Rome: "Die Wirklichkeit der Kirche wird, in Rom beginnend, für lange Zeit zum bestimmenden Thema der Theologie Dietrich Bonhoeffers. Wenige Jahre später wird der Einundzwanzigjährige der Theologischen Fakultät in Berlin eine Doktorarbeit vorlegen, die den Titel trägt: 'Sanctorum Communio. Eine dogmatische Untersuchung zur Soziologie der Kirche'. Und seine erste akademische Vorlesung wird bald darauf den Titel tragen: 'Das Wesen der Kirche'. Die Kirche ist für Bonhoeffer das Vorzeichen vor der Klammer jeder richtigen Theologie. Mit den vierzig Novizinnen und ihrem Gesang in Trinitá dei Monti hat das begonnen. Und mit dem 'Santo' der Kinder."

⁷² Bonhoeffer also states this in a more philosophical manner when he describes the church as "Christ existing as congregation".

⁷³ In his book *Kirche* Huber (1979:172–180) Huber takes up Bonhoeffer's terminology to also develop "Kirche für andere" as an element of his ecclesiology.

resurrection of Christ are not simply 'for me', but that Christ's substitutionary action is socially constituted.⁷⁴

According to Bonhoeffer confining Christ's redemptive work to the individual's relationship with God would imply a misunderstanding of Christ's incarnation. Huber (e.g. in 1996b:172) develops this impulse further by showing that Christ's incarnation conclusively proves that self-determination and life in community presuppose one another. This impulse can also be seen in Huber's concept of justice, and particularly in the way that he regards the position of a community's disadvantaged members as the criterion for measuring the wellbeing of society as a whole (Huber, 1999:192; 1996b:186).

4.2.2 *Ethical implications*

Christianity as 'being there for others' has important implications for Bonhoeffer's ethical project. Huber (e.g. 2006m) regards two concepts as having particular relevance for Bonhoeffer's ethics, namely responsibility and substitution (e.g. Huber, 2006m). Bonhoeffer embedded the concepts of responsibility and substitution into his ethics of responsibility. In the following succinct statement Huber (2007k) explains how Bonhoeffer understood the connection between responsibility and substitution:

It is remarkable how clear it is what moved Bonhoeffer: that Christian freedom leads to responsibility, that the individual should be willing to take

⁷⁴ Although Bonhoeffer's close connection between Christology and ecclesiology prevents his ecclesiology from becoming mere sociology of religion, there are also some dangers. In *Folgen christlicher Freiheit* Huber (1985:202–203) identifies some of these dangers. Arguably the greatest danger is that the difference between Christ and believers will not be made clear enough. This may lead to uncertainty as to how to understand the difference between the church as a form of Christ's revelation and the church as the community of believers. Huber (1985:202) is of the opinion that the relationship between Bonhoeffer's Christology and ecclesiology should be complemented by distinguishing between Christ as the primary subject of the church and believers as secondary subjects. This distinction acknowledges that believers in the first place need love, acceptance, service and forgiveness. Christ as primary subject of the church enables the continued liberation that enables believers to be there for other.

up this responsibility in a substitutionary manner, and that this responsibility includes the willingness to take over the guilt of others.⁷⁵

In his article “Sozialethik als Verantwortungsethik” (1990a:136–157) Huber gives one of his clearest explanations of his view on Bonhoeffer’s ethics. Specifically Bonhoeffer’s theological interpretation of responsibility is of importance for Huber’s work on freedom (1990a:143–144). In order to structure Bonhoeffer’s ethics he identifies two basic contexts of responsibility, namely responsibility *before* and responsibility *for*.

In this article Huber (1990a:143) identifies the basic form of responsibility in Bonhoeffer’s work as responsibility before God.⁷⁶ According to the Christian understanding of responsibility, God will ultimately hold humanity responsible for its actions. The language that characterises this sense is that of the Last Judgement. This basic sense focuses not so much on God’s judgement but rather emphasises the fact that responsibility functions in a framework much wider than the individual life. ‘Responsibility before’ corresponds with what Huber (1990a:144) calls the ‘answer structure’ of responsibility in Bonhoeffer’s ethics.⁷⁷ Responsibility is the complete answer in reaction to the reality given by God through Christ. It therefore concerns the whole of reality and is based on God’s actions in defining human reality.

The second context of responsibility is responsibility for others. Here the willingness for substitutionary action (*Stellvertretung*) comes into play.⁷⁸ Bonhoeffer’s Christology forms the background of this context of responsibility in his work: Christ

⁷⁵ “Umso erstaunlicher ist es, wie klar man im Rückblick erkennen kann, was Bonhoeffer bewegte: dass christlich verstandene Freiheit in die Verantwortung führt, dass diese Verantwortung die Bereitschaft zur Schuldübernahme einschließt.”

⁷⁶ Huber, interestingly, does not take this theme up in this form often. When he makes use of the Last Judgement it is more often to identify the criterion by means of which earthly justice will be measured rather than considering God as judge. In this regard, see especially *Gerechtigkeit und Recht* (1996b:161ff) and also *Kirche in der Zeitenwende* (1999:192).

⁷⁷ Cf. Oswald Bayer, *Freiheit als Antwort* (Tübingen: Mohr Siebeck, 1995) in which he considers the meaning of personhood in the light of God’s justification.

⁷⁸ For the theological background to the concept of *Stellvertretung*, cf. e.g. Christoff Gestrich, *Christentum und Stellvertretung* (Tübingen: Mohr Siebeck, 2001); Martin Bieler, *Befreiung der Freiheit: Zur Theologie der stellvertretenden Sühne* (Freiburg im Breisgau: Herder, 1996); and Helmut Gollwitzer, *Von der Stellvertretung Gottes: Christlicher Glaube in der Erfahrung der Verborgenheit Gottes* (Munich: Chr. Kaiser Verlag, 1967).

represents humanity before God and advocates on behalf of humanity, which is the basis for the substitutionary action of Christians on behalf of others (Huber, 2006b).⁷⁹ Christ took the initiative in addressing the predicament of humanity and in this way He freed the church to express its thankfulness in responsible actions. Reciprocity is therefore not a prerequisite for responsible action.⁸⁰ This Bonhoeffer illustrated by explaining the role of the father, teacher and statesman in terms of substitutionary action (Huber, 1990a:145). All three these roles are characterised by moments of asymmetry as others' causes are taken up on their behalf. Bonhoeffer regarded this moment of asymmetry as the great theme of Jesus' Sermon on the Mount: Pre-emptive action rather than reciprocity characterises Christian responsibility.

Huber integrates the themes of responsibility and substitutionary action in a number of ways in his theology. He develops responsibility, and particularly self-limitation, as the expression of freedom in many of his most important descriptions of communicative freedom, such as in *Kirche in der Zeitenwende* (1999:210-215), *Konflikt und Konsens* (1990a:193–194; 204–207), *Friedensethik* (1990b:243–246), “Die Verbindlichkeit der Freiheit” (1993b:70–81) and “Christliche Freiheit in der freiheitlichen Gesellschaft” (1996c:114–115). He applies responsibility as substitutionary action most often to his work on environmental ethics, namely as the duty of humanity to curb unsustainable actions on behalf of future generations (cf. e.g. Huber 1990a:154 and 1993a:170ff).

However, to connect freedom, responsibility and substitutionary actions still does not imply that freedom will be attained, as Bonhoeffer's life also showed. Especially in his more recent speeches and lectures Huber discusses freedom as something that has to be learnt. In this regard, Bonhoeffer's poem “Stationen auf dem Wege zur

⁷⁹ In his lecture “Flugblätter der Freiheit. Verantwortliches Handeln aus christlichen Wurzeln” Huber (2006b) uses Bonhoeffer's participation in the conspiracy to kill Hitler as example of how substitutionary action and taking over the guilt of others can imply one's alienation from the community of faith: “Mit seinem Eintritt in die Konspiration gegen Hitler begab Bonhoeffer sich weit aus dem Binnenbereich des christlichen Glaubens und der kirchlichen Tätigkeiten hinaus. Er trat hinein in das Inkognito der Verschwörung. Er übte sich in allen Künsten der Verstellung.”

⁸⁰ Cf. Bonhoeffer's conviction that an “uncompromising stand” regarding some convictions is sometimes necessary: “There are things for which an uncompromising stand is worthwhile. And it seems to me that peace and social justice, or Christ himself, are such things” (quoted in Huber 2006ff).

Freiheit”, provides for a last perspective on his contribution to Huber’s work on freedom.

4.3 Learning freedom

Bonhoeffer understood freedom not simply as a substance that needs to be acquired but also as a way of living.⁸¹ This corresponds with his conviction that faith is an act of life (*Lebensakt*)⁸² that concerns the whole person, within all of the complexities of life.⁸³ In his poem “Stationen auf dem Wege zur Freiheit”, written while in prison, one gains a better understanding of how he understood the process of becoming free (Huber, 2006b; 2006d; 2006l).

In this poem he identifies four stations one encounters *en route* to freedom, namely discipline, action, suffering and death.⁸⁴ In an outline he wrote for the poem, he describes discipline as “To learn to control oneself”, action as “To learn to act, to seize what is real, not to float in possibilities”, suffering as “To learn to suffer – to lay oneself in others’ hands” and death as “To learn to die – the highest feast on one’s way to freedom” (Huber, 2006d).⁸⁵

The poem starts with the connection Bonhoeffer makes between freedom and discipline. The fact that Bonhoeffer does not regard self-control as a restriction of freedom is a way of thinking that contradicts many current understandings of freedom. Huber (2006b) notes that realising one’s freedom in a certain manner

⁸¹ In his recent work, Huber also makes a connection between freedom as something that has to be learnt and virtue. Cf. in this regard “Flugblätter der Freiheit. Verantwortliches Handeln aus christlichen Wurzeln” (2006b), “Nachfolge Heute” (2006d) and “Von der Freiheit der Kinder Gottes – Plädoyer für eine selbstbewusste Kirche” (2006r). Cf. also the speech Huber (2006ff) delivered at the World Council of Churches’ 9th Assembly in Porto Alegre where he reminds the assembly that Bonhoeffer’s encouraged Christians “to pray, to do justice, and to wait on God”.

⁸² E.g. in his speech “Dietrich Bonhoeffer – ein evangelischer Heiliger?” (Huber 2007k).

⁸³ In this speech Huber (2007k) also connects faith as *Lebensakt* with interreligious dialogue: “Auch im Umgang mit der Wiederkehr der Religion bewähren sich der Respekt vor der Mündigkeit des Menschen und die Überzeugung, dass der Glaube ein Lebensakt ist, der den ganzen Menschen ergreift. Das ist das eine, was wir gerade heute – in einer Zeit der Wiederkehr der Religion – von Dietrich Bonhoeffer lernen können.”

⁸⁴ In German, these stations are *Zucht*, *Tat*, *Leiden* and *Tod*. In his planning of the poem these stations are clearly identifiable (in Huber, 2006d): “Zucht 1. Lerne dich selbst beherrschen / Tat 2. Lerne handeln. Das Wirkliche ergreifen, nicht im Möglichen schweben / Leiden 3. Lerne leiden – in andere Hände legen / Tod 4. Lerne sterben. Höchstes Fest auf dem Wege der Freiheit.”

⁸⁵ For more detail on Bonhoeffer’s poetry, cf. Jürgen Henkys, *Geheimnis der Freiheit: Die Gedichte Dietrich Bonhoeffers aus der Haft* (Gütersloh: Gütersloher Verlagshaus, 2005).

necessarily excludes other possibilities and freedom therefore always requires narrowing down the available alternatives. On the one hand, therefore, Bonhoeffer's connection between freedom and discipline is a statement of fact. On the other hand, we have seen that Bonhoeffer's view of freedom includes not simply the possibility to do what one wants, but his emphasis on being there for others implies a broader view. Freedom also implies taking responsibility for others and for life in community. In Huber's words (2006b), "When freedom does not simply grant the right to the enjoyment of life, but serves to create a sustainable form of life, then this form of life also includes the willingness to refrain [from one's 'rights']."⁸⁶

The next station, namely action, is easier to understand in terms of Bonhoeffer's theology. As he also stated in his draft, freedom exists not in the abstract but in realising it. The realisation of freedom is inextricably bound to the question how it responsibly takes up the cause of those who cannot take up their own. Bonhoeffer's biography illustrates how the risk comes into play with the obligation to take action. By being part of a conspiracy aiming to assassinate Hitler, Bonhoeffer found out the extent of taking up others' guilt and being part of actions contradicting one's own beliefs, as well as the potential of failure.

As is well known, the attempt to assassinate Hitler failed and eventually led to Bonhoeffer's execution. Although the poem ends with the stations of 'suffering' and 'death' Bonhoeffer did not understand the failure to realise freedom as reason to abandon the venture of learning freedom. Indeed, Bonhoeffer's theology shows that the shock of failure is part of the process of learning freedom. Suffering is not reason enough for hopelessness, for the responsible realisation of freedom is the duty of all Christians, irrespective of the outcome of their attempts (Huber, 2006d). Therefore Bonhoeffer was of the opinion that freedom will be understood completely only on the other side of death.

Consequently, the process of learning freedom does not end when no more possibilities to act seem to exist anymore. Suffering and death should not be

⁸⁶ Wenn Freiheit nicht nur die Lizenz zum Lebensgenuss erteilen, sondern eine auf Dauer verlässliche Lebensform darstellen soll, dann schließt diese Lebensform auch die Bereitschaft zum Verzicht ein."

understood as in opposition to freedom but are rather to be understood as stations *en route* to freedom. In a sense Bonhoeffer emphasised the inherently eschatological character of freedom as he neared the end of his life, and as we shall see this impulse is present in Huber's work on freedom. Huber (2006b) is of the opinion that the implications of especially the last station is that when no more possibilities to act exist anymore, learning freedom starts taking on characteristics of mysticism. When the actions of the individual cannot withstand external oppression anymore, the freedom God keeps intact and his special concern for the oppressed serve as last source of hope. With this hope Bonhoeffer also ends his poem:

Freedom, we have searched for you in discipline, and in acting, and in suffering. / Dying we recognise you now in the face of God.⁸⁷

5. HEINZ EDUARD TÖDT: CONNECTING FREEDOM, HUMAN DIGNITY AND RESPONSIBILITY

Although his work does not enjoy the international recognition of the other theologians who have been discussed, Heinz Eduard Tödt certainly counts as one of the important influences on Huber and the way he develops freedom. Their academic relationship started when they began to work together at the *Forschungsstätte der Evangelischen Studiengemeinschaft* (FEST) in Heidelberg in 1968. At that time Huber also chose to write his professorial dissertation (German: *Habilitationsschrift*) under Tödt's supervision, which he finished in 1972.⁸⁸ Huber and Tödt worked together on a number of projects, of which the book *Menschenrechte* (the first edition was published in 1977 by Kreuz-Verlag) is arguably the most well-known outcome.

Huber himself understands Tödt's most significant contribution to theology to be his work on theological ethics. In an appraisal delivered in honour of Tödt in Heidelberg ("Strukturen verantwortlichen Lebens. Die Bedeutung Heinz Eduard Tödts für die

⁸⁷ "Freiheit, dich suchten wir lange in Zucht und in Tat und in Leiden. / Sterbend erkennen wir nun im Angesicht Gottes dich selbst."

⁸⁸ The *Habilitationsschrift* was published in 1973 as *Kirche und Öffentlichkeit* by Ernst Klett Verlag.

theologische Ethik.”)⁸⁹, Huber identified six aspects of Tödt’s work he deemed important. *Firstly*, Tödt felt a strong sense of responsibility for his work as lecturer, which caused him to devote his attention often to the wellbeing and development of his students rather than to his own academic career.⁹⁰ *Secondly*, Tödt consistently orientated his work toward the biblical message, something that is also clear in Huber’s work. *Thirdly*, Tödt interpreted current reality to be influenced significantly by science and technology, which still is in need of orientation toward God and His revelation through Christ.⁹¹ Huber *fourthly* honoured Tödt’s focus on the necessity and possibility of human responsibility. *Fifthly* Huber honoured Tödt’s sensitivity to the process of moral deliberation, which should avoid the mistakes of both purely normative ethics as well as those of situational ethics. *Lastly* Huber identified Tödt’s focus on contemporary church history – in particular his focus on the work of Bonhoeffer – as one of the most important contributions he made. Faith can empower believers to socio-political resistance, especially when Christians are willing to take the position of the most defenceless (Huber, 1992b:250–251).

To sum up, Huber understands Tödt’s work to be characterised by two keywords: reality and responsibility (Huber, 1992b:241). As was the case with Bonhoeffer (and as is the case with Huber) Tödt’s work is characterised by respect for the specific contexts within which theology should be done. Huber’s general appreciation of Tödt’s work provides useful background information for investigating the role his theology plays in Huber’s work on freedom. It is meaningful to note Tödt’s influence regarding human dignity and its connection to communicative freedom, and his emphasis on responsibility.

5.1 Connecting freedom and human dignity

In Tödt’s concept of freedom, God is consistently understood as the initiator of freedom (Schuhmacher, 2006:235). Tödt binds Christian freedom to the sovereign

⁸⁹ Huber, 1992b, cf. also Schuhmacher 2006:402–404.

⁹⁰ In his foreword to Tödt’s *Perspektiven theologischer Ethik* (Munich: Kaiser) Huber states that Tödt chose to prepare lectures of a high quality above writing as many books as possible (Tödt, 1988:8).

⁹¹ In his book *Der Spielraum des Menschen: Theologische Orientierung in den Umstellungskrisen der modernen Welt* (Gütersloh: Gütersloher Verlagshaus), e.g., he describes the scientification of reality as reducing it to anthropocentric categories (1979:15).

act of God especially on the grounds of Galatians 5:1. Tödt makes use of the term 'communicative freedom' to designate its dependence on the act of God. Therefore 'communicative' is often used in conjunction with 'finite' as it expresses God's sovereignty. However, God's freedom does not create merely receptive subjects. Tödt regards God's freedom to underlie the maturity and autonomy of the modern person (Schuhmacher, 2006:233–235). This implies that the communicative character of freedom connects God's constituting action with the person's responsibility to realise freedom in relationship with others.

Like Huber also Tödt does not regard the maturity and autonomy of different individuals as the restriction of freedom but as its enablement. Christian freedom is realised in turning to one's neighbour, in grounded personal identity and in human sociality (Schuhmacher, 2006:256–257). Tödt therefore connects his anthropology closely with a comprehensive understanding of human freedom. The equal fundamental dignity of all people is based on the relationship God initiates with humanity (Schuhmacher, 2006:236).

However, as does Huber⁹², Tödt (1988:190) acknowledges the inherent tension in such a close connection between freedom and human dignity. The God-given dignity of all persons does not only justify the individuality of all but implies a fundamental equality of all persons. It does seem as if the over-emphasis of either individuality or equality can lead to disrespect for the other. A one-sided focus on the freedom of all can as easily lead to the perpetuation of societal injustice, as a one-side focus on equality can lead to egalitarianism and the disregard of personal freedom (Tödt, 1988:197–198).

In order to optimise both freedom and equality, Huber and Tödt consequently suggest a third concept, namely participation (Tödt, 1988:199; Huber & Tödt, 1977 93–96). Freedom can never stay an abstract concept, and the concept of participation forces the concept of freedom into realisation. At the same time participation prevents equality from becoming an egalitarian principle that disregards human diversity (Tödt, 1988:199). Tödt (1988:200) therefore responds to the

⁹² Huber develops the tension between freedom and equality in especially *Gerechtigkeit und Recht* (1996b).

inherent tension by acknowledging the necessity of both freedom and equality being realised within a specific context and he therefore makes use of this 'hermeneutical rule' to regulate the realisation of human dignity.

The integration of freedom, equality and participation Tödt (1979:92) understands to be the basic movement of modern theories of human rights and at the same time as the Christian contribution to the discourse on human rights (1979:95). When any one of these elements is neglected, human dignity itself is endangered and the church then has the duty to advocate for the comprehensive enablement of human dignity. This also implies that Tödt (1979:104) does not equate the Christian belief in the equal dignity of all persons with modern theories concerning human rights although he acknowledges significant analogies.

5.2 Emphasising responsibility

Although the term 'responsibility' has a strong Christian background, Tödt regards it as important that the term also be kept accessible outside a Christian frame of reference (Schuhmacher, 2006:290). He is of the opinion that an ethic of responsibility does not reduce the depth of ethics but that it connects all three different modes of ethical reflection that already Schleiermacher identified, namely virtue ethics, deontological ethics and situation ethics (the more consequentialist categories) (Tödt, 1979:50; 1988:44). He does concede that at first glance deontological ethics seems to be analytically much closer to an ethic of responsibility than is the case with the other two categories. However, important differences also exist between a deontological ethic and an ethic of responsibility (Tödt, 1988:44–45).

Within deontological ethics, reality is made into the material from which the consequent duty originates but without asking what this reality itself may mean. An ethic of responsibility, however, implies taking responsibility for the future (too), which means that reality and its possibilities should be engaged (Tödt, 1988:44). Tödt expounds the concept of responsibility in a theological manner by making use of Bonhoeffer's distinction between two dimensions of responsibility (Schuhmacher, 2006:291). On one level the question 'for who' or 'for what' (*wofür*)

responsibility should be taken has to be answered. This can include substitutionary actions on behalf of others or simply taking responsibility for a specific assignment. On a second level responsibility has to be taken 'before' or 'in the presence' of realities that transcend situational categories, for example God, 'history' or the self.⁹³

On a different level it should also be noted that Tödt makes a close connection between freedom, dignity and responsibility. The dignity bestowed by God implies for Tödt the ability and duty for responsible actions (Schuhmacher, 2006:239). Tödt understands the possibility of human responsibility to be a result of humanity created in the image of God (Schuhmacher, 2006:239). He understands God not to be 'jealous' of human autonomy but as the One who reconstitutes the freedom that has been lost (Tödt, 1979:26). Four areas of reference concern human responsibility, namely responsibility for other persons, for coming generations, for the earth and for the continued enabling of life of all living creatures (cf. Schuhmacher, 2006:240).⁹⁴

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Some of the most significant theological sources that influence Huber's work on freedom have been considered. In the following section the way in which Huber integrates these theologies into his concept of communicative freedom will be investigated.

⁹³ Schuhmacher's quote of Tödt's description of an ethic of responsibility in a course presented in 1972/73 illustrates his understanding succinctly: "Verantwortungsethik ... bezieht die voraussehbaren *Folgen* eines Verhaltens in die Urteilsfindung über die einzuschlagende Orientierung ein und akzeptiert nicht, daß eine gute Absicht von der Schuld für tatsächlich eintretende Folgen dispensiere (Gesinnungsethik). In dieser Ethik gibt es eine doppelte Verweisung, einmal auf das, wofür (einen anderen Menschen, eine Aufgabe) einer, und auf das, wovor (Gott, Selbst, 'Geschichte') einer Verantwortung übernimmt" (Schuhmacher, 2006:291).

⁹⁴ As will be clear later, Tödt's work on communicative freedom exhibits many similarities with that of Huber. Apart from their influence on one another, another reason for this is that many of Tödt's important ideas concerning freedom and human dignity were articulated in *Menschenrechte*, which was co-written by Huber.

6. WOLFGANG HUBER: ARTICULATING CHRISTIAN FREEDOM ANEW

6.1 Introduction

Huber's work is permeated by the conviction that freedom forms a central theme of Christian theology⁹⁵, and in some of his works he even seems to regard it as the central theme of Christian theology (e.g. 1993b:71).

For Huber, freedom is the 'Protestant principle' and of special relevance in modern societies (1990d:59). In his articles "Der Protestantismus und die Ambivalenz der Moderne" (1990d) and "Ökumenische Situation und protestantisches Prinzip" (1992a) Huber investigates the idea of freedom as the Protestant principle. He traces the question as to what the principle of Protestantism is through Karl Friedrich August Kahnis (1992a:109), Johann Philipp Gabler (1990d:51ff; 1992a:110), Georg Friedrich Wilhelm Hegel (1990d:52), Friedrich Schleiermacher (1990d:52ff), Friedrich Julius Stahl (1992a:113), Ernst Troeltsch (1990d:54ff), Paul Tillich (1990d:56; 1992a:114), Ernst Wolf (1996b:56) and Trutz Rendtorff (1990d:57ff). Those attempts either to individualise freedom or to equate Christian freedom with civil freedom in society Huber strongly opposes on the ground of its origins in the Reformation. He acknowledges that this Protestant principle has indeed had some tragic political consequences (Huber, 1992a:113), but holds that its basic movements should not be equated with its misinterpretations (Huber, 1990d:57).

In this section, the way in which Huber takes up the Protestant principle in his work will be investigated. First, the importance of freedom for his theology will be discussed, after which the concept of communicative freedom itself will then be investigated.

⁹⁵ Most notably in *Folgen christlicher Freiheit* (esp. 1985:113–127), *Protestantismus und Protest* (1987:49–68), "Der Protestantismus und die Ambivalenz der Moderne" (1990d), "Ökumenische Situation und protestantisches Prinzip. Eine Problemanzeige" (1992a), "Die Verbindlichkeit der Freiheit. Über das Verhältnis von Verbindlichkeit und Freiheit in der evangelischen Ethik" (1993b), "Öffentliche Kirche in pluralen Öffentlichkeiten" (1994a), "Christliche Freiheit in der freiheitlichen Gesellschaft" (1996c) and *Kirche in der Zeitenwende* (esp. 1999:163–214).

6.2 Freedom in Huber's theology

Even a cursory look at different dimensions of Huber's theology substantiates the expressed importance of freedom in his work. Huber views the main theme of *ethics in general*, for example, as reflecting on the implications of the basic freedom of humanity (1985:113). Christian ethics concerns the freedom to life, and ethics is therefore relevant for all of the different spheres of life (1993b:71). In his article "Freiheit und Institution. Sozialethik als Ethik kommunikativer Freiheit" (1985:113-127) Huber explicates the importance of freedom for his social ethics. The modern focus only on the individuality, rationality and autonomy of the person presupposes a negative understanding of freedom, which problematises the relationship of the individual to the community. Ethics based on a comprehensive Christian understanding of freedom should transcend the confines of the individual conscience and should recognise that social ethics is not simply a subdivision of ethics but that it is a dimension of all ethical reflection (Huber, 1985:115).

In Huber's *bioethics*, more specifically, the central role of freedom is articulated in a different manner, but it is just as central.⁹⁶ Here he makes use of the inalienable freedom, one can also say dignity, of the person to form his arguments concerning stem cell research, abortion, organ transplants and euthanasia.⁹⁷ The basis of his argument here is that the freedom bestowed by God should be respected, as must the task of humanity to realise its freedom in a responsible manner be respected. These impulses are closely connected to his *anthropology*. Indeed, his work on freedom and his anthropology seem to share the same content but concern different implications. Freedom forms the basis of human life and is bestowed by God, which implies that the core of human existence is its inalienable worth. In lectures such as "Dass der Mensch mehr ist als seine Taten. Das christliche Menschenbild im Licht

⁹⁶ Concerning Huber's bioethics, cf. Martin Honecker's article written in honour of Huber, "Bioethik und Schöpfungsglaube" (in Reuter, H-R., Bedford-Strohm, H., Kuhlmann, H. & Lütcke, K-H. (eds.), *Freiheit verantworten: Festschrift für Wolfgang Huber zum 60. Geburtstag*. Gütersloh: Kaiser, Gütersloher Verl. Haus, 2002: 580–593).

⁹⁷ In his bioethical speeches and lectures Huber virtually without exception take the inalienable dignity of the individual as starting point and then applies it to specific subjects. Cf. e.g "Unantastbare Menschenwürde – Gilt sie von Anfang an?" (2001e), "Was ist vertretbar? Ethische Probleme der Organplantation" (2001f), "Das Ende der Person? Zur Spannung zwischen Ethik und Gentechnologie" (2001g), "Wissenschaft und Verantwortung in unserer Zeit" (2002c), "Unsterblichkeit und Würde. Kant zu Ehren" (2004d) and "Der Tod – Grenze oder Macht? – Vortrag beim Tag der Geisteswissenschaften der Berlin-Brandenburgischen Akademie der Wissenschaften" (2004f).

der Rechtfertigungsbotschaft" (Huber, 2007m) and in a book such as *Rechtfertigung und Recht* (Huber, 2001h) Huber connects freedom and human dignity with God's gracious justification of the sinner. This impulse from the Reformation consistently underlies Huber's work on freedom and its implications for his anthropology.

Freedom is also of central importance for Huber's *ecclesiology*. His most often-used description of the church is the church as 'Raum und Anwalt der Freiheit' (1985:205–216). The church should be the place where freedom is paradigmatically experienced and renewed, and this should lead to the church being the advocate of freedom in society. In this regard the basic movement is that God's constitution of freedom is the basis of the existence of the church, and only when the church attempts to realise this freedom by being a 'space of lived freedom' can it also be an advocate for freedom in society. The diaconical engagement of the church is therefore only as credible as its lived life (Huber, 1985:212).

The *public dimension of Huber's theology*, furthermore, is also characterised by the central role freedom plays.⁹⁸ He understands freedom not simply as a central Christian concept but as a central concept in modern societies. The shared importance of freedom in Protestantism and modern societies is the instrument by means of which he engages the public sphere. The result is that the respect for the freedom of conscience of others – especially of those who may have opinions differing from one's own – forms a basic presupposition of his public theology (Huber, 1990a:137). The importance of the freedom of conscience furthermore implies that one should be free to articulate one's own position in order to contribute to constructive dialogue in society. Neither a position of relativism nor one of universalism therefore corresponds with this fundamental freedom of conscience (1994a:171–172). In *Die tägliche Gewalt: gegen den Ausverkauf der Menschenwürde* (1994a) Huber suggests a position of 'relative universalism', that enables the articulation of particular convictions, beliefs and standpoints but places it within the framework of broader societal needs.

⁹⁸ In *Protestantismus und Protest* Huber (1987:9) states that his interest in political ethics, i.e. the public dimension of his theology, already characterised his work at the *Forschungsstätte der Evangelischen Studiengemeinschaft* (FEST) in Heidelberg and was also the primary reason for his participation in the German Church Conferences (*Deutsche Kirchentage*).

Rather than attempting to develop a new concept of freedom, however, Huber's theological project is aimed at unlocking the critical potential of Christian freedom within the context of the different spheres of modern societies.⁹⁹ In this way Huber consciously places himself in continuation of the Protestant tradition of interpreting freedom as the central concept within Christianity, initiated by Martin Luther. By faithfully testifying to the freedom God graciously bestows, Huber believes the church can be kept orientated to its essence whilst at the same time contributing to societal wellbeing, as he also stated at the Future Congress in Wittenberg:

Christian theology has struggled for the right understanding of freedom. Throughout all its phases, forms, routes and ramifications it has held on to the conviction that the Christian understanding of freedom has an indispensable contribution to make to the understanding and embodiment of freedom. Christian freedom will also be the only and decisive basis for us to be the church of freedom in the 21st century. In the light of all the uncertainties that lie ahead of us, we will be able to find orientation only by means of the freedom that God has given to use through Christ and that we accept in faith. We find orientation only in freedom given to us by God, towards ourselves and for our neighbours (Huber, 2007b).¹⁰⁰

⁹⁹ Huber suggests 'democratic communitarianism' as the position that should be taken in when attempting to articulating and realising freedom (Huber 1999:198). This concept allows for individuality and sociality to be connected with regard to public actions: "[D]ie mit diesem Begriff bezeichnete Konzeption [trägt] dem Tatbestand Rechnung, daß Freiheit der menschlichen Person und ihre Verantwortung gegenüber einer Gemeinschaft unlöslich zusammengehören. Rechte der einzelnen können nur solange bewahrt werden, wie auch für die Erhaltung und Weiterentwicklung der Gemeinschaft im ganzen Verantwortung übernommen wird" (Huber 1999:198).

¹⁰⁰ "Die christliche Theologie hat um das rechte Verständnis der Freiheit gerungen. Sie hat in allen ihren Phasen, Ausgestaltungen, Richtungen und Verästelungen festgehalten, dass das christliche Freiheitsverständnis einen unaufgebbaren Beitrag zum Verständnis und zur Gestaltung der Freiheit leistet. Diese christliche Freiheit wird auch die alleinige und entscheidende Basis sein, die uns als Kirche der Freiheit evangelisch im 21. Jahrhundert sein lässt. Bei aller Ungewissheit über die Wege, die vor uns liegen, werden wir den nötigen Mentalitätswandel nur in der Freiheit finden, die Gott uns in Jesus Christus schenkt und die wir im Glauben für uns gelten lassen. Orientierung finden wir in der Freiheit durch Gott, zu uns selbst und für unsere Nächsten."

6.3 The concept communicative freedom

Huber makes use of the term communicative freedom to denote the comprehensive and critical nature of the rediscovery of Christian freedom by the Reformation.¹⁰¹ This concept allows for the critical potential of Christian freedom to be unlocked and specifically aims both at liberating the Christian discourse on freedom from the private sphere of human existence and bridging the gap between individualised and overly communitarian understandings of freedom.

The term itself Huber originally encountered in the work of the philosopher Michael Theunissen, his friend and fellow member of the Social Democratic Party of Germany.¹⁰² Theunissen originally made use of communicative freedom in the context of Hegel's philosophy in his book *Sein und Schein: Die historische Funktion der Hegelschen Logik* (Frankfurt a.M., 1978).¹⁰³ Although Theunissen also lays emphasis on the role of 'the other' in the understanding of freedom, Huber makes little use of the original context of the term.

Together with Tödt, Huber was the first theologian to employ the term in a theological context. As scholar at the University of Heidelberg, Tödt also had contact with Theunissen, and he already used the term at least in 1979 in the then unpublished lecture "Versuch einer ethischen Theorie sittlicher Urteilsfindung" (it was published in 1988 as part of the book *Perspektiven theologischer Ethik*), which is the same year in which Huber initially delivered "Freiheit und Institution. Sozialethik als Ethik kommunikativer Freiheit" (published in *Folgen christlicher Freiheit*). However, in *Menschenrechte* (co-written by Huber and Tödt in 1977) Huber and Tödt make use of the concept, although somewhat hesitantly.¹⁰⁴ Here already one finds Huber's typical connection between Luther's double thesis on freedom as well as Paul's work

¹⁰¹ Huber (1987:54) indeed regards the Reformation as the rediscovery of Christian freedom, and he regards its rearticulation as necessarily having societal consequences: "Reformation ... heißt nichts anderes als die Wiederentdeckung der christlichen Freiheit. An die Reformation anzuknüpfen, heißt, Anschluss an diese gefährliche Entdeckung zu suchen."

¹⁰² Cf. e.g. Huber's dedication of *Folgen christlicher Freiheit: Ethik und Theorie der Kirche im Horizont der Barmer Theologischen Erklärung* to Theunissen (and Alfred Schindler) (1985:9).

¹⁰³ Schuhmacher describes Theunissen's use of the concept as follows: "Dieser Begriff meint eine Öffnung des sich selbst loslassenden Ich auf den anderen hin und das Konstituiertwerden des Selbst vom anderen her" (2006:255).

¹⁰⁴ Although freedom is an important theme in the book, it is referred to as 'communicative' freedom only on p. 164.

on freedom (although not his work in Galatians but in 1 Corinthians). Interestingly Theunissen's book in which he used communicative freedom for the first time was only published in 1978, which seems to cause Huber and Tödt's use of the term to precede what Huber designates as its original published context (Huber, 1985:118).¹⁰⁵

Against *privatised* interpretations of freedom Huber unites freedom as the Protestant principle with the founding political acuteness and consequences of Protestantism, namely the protest in 1529 against the emperor's oppressive religious policies (Huber, 1990d:50).¹⁰⁶ The Protestant understanding of freedom is therefore characterised by its public character, connecting different dimensions within and between persons and in society itself:

The discussion on freedom as Protestantism's basic impulse and principle is best expressed by the indissoluble connection between the freedom of faith, the freedom of conscience and freedom in the church, society and the state. In terms of its historical development, it is an unacceptable reduction when freedom is merely understood in an individualistic manner (Huber, 1992a:115).¹⁰⁷

Christian freedom always has a built-in critical capacity that allows it to maintain a critical distance from the institutionalisation of truth (cf. Tillich, cited in Huber, 1990d:55).¹⁰⁸ This ability to keep a critical distance from socio-historical reality Huber

¹⁰⁵ Huber and Tödt refer to the Herderkorrespondenz 30 (1976), p. 453 as the source for their use of the term communicative freedom in *Menschenrechte*.

¹⁰⁶ In *Der christliche Glaube* (2008b:174–175) Huber states the Christian responsibility to witness publicly in very strong terms: "Die christliche Kirche würde etwas Entscheidendes verfehlen, wenn sie sich aus der gesellschaftlichen Mitverantwortung verabschieden würde. Das Eintreten für Menschenwürde und Menschenrechte, die Mitverantwortung für Gerechtigkeit, Frieden und Nachhaltigkeit in ökologischer wie sozialer Hinsicht sind immer wieder auf neue Weise aktuell."

¹⁰⁷ "Die Diskussion über Freiheit als Grundimpuls und Prinzip des Protestantismus hat ihre Spitze ... also gerade darin, daß die zugesagte Freiheit des Glaubens, die wahrgenommene Freiheit des Gewissens sowie die verfaßte Gestalt der Freiheit in Kirche, Gesellschaft und Staat in einem unauflöselichen Zusammenhang gesehen werden. Es ist demgegenüber schon historisch eine unzulässige Verkürzung, wenn das Prinzip des Protestantismus in einem individualistisch gefaßten Freiheitsbegriff gefunden wird."

¹⁰⁸ Huber often speaks of the public dimension of Protestantism. In some of his works he even regards the influence of Christianity on culture – especially on European culture – as an expression of this public character. Although Huber acknowledges the distinction between Christianity and European culture it does at times seem not to be very clear. Cf. e.g. his speech "Protestantismus und Kultur am Beginn des 21. Jahrhunderts" (2000b): "Von seinen Anfängen an gibt es das Christentum

understands as the result of its embeddedness into an eschatological framework (Huber, 2001h:8). Communicative freedom asks for the commitment and faithful embodiment of God's ultimate consummation of freedom (Huber, 1999:200).

Huber also articulates the understanding of freedom by the Reformation as communicative freedom in reaction to *individualised* understandings of freedom. Indeed, he regards attempts by some contemporary theologians to use the legacy of the Reformation to over-emphasise human individuality as misusing this legacy (Huber, 1992a:115). He emphatically argues that the Reformation already emphasised the biblical connection between human individuality and sociality. Whereas a theologian like Jürgen Moltmann sees the close connection between sociality and individuality as a modern phenomenon, Huber (Huber, 1996c:61) grounds it in the meaning of freedom in Christianity itself:

My thesis is: Already the reformational understanding of freedom is characterised by the fact that individuality and sociality have the same source. The Reformation understands freedom as communicative freedom. If one wants to make use of notions from the Reformation, then one cannot simply place freedom and solidarity without any connection next to each other, or even play them off against each other. One should rather understand these concepts in terms of their indisputable connection.¹⁰⁹

When formulating the connection between individuality and sociality within current-day socio-historical realities, communicative freedom sets in motion dialogue with

nicht anders als in lebhafter Auseinandersetzung mit der Kultur. Die Entfaltung des christlichen Glaubens wäre nicht denkbar gewesen, wenn sich nicht die Glaubensbotschaft der christlichen Bibel mit der Kultur der griechisch-römischen Antike verbunden hätte. ... Ohne diese Verbindung könnte man nicht erklären, wie sich das kulturelle Gedächtnis Europas entwickelt hat. Denn christliche Bibel und antike Kultur zusammen bilden 'das Rückgrat des kulturellen Gedächtnisses der christlichen Welt des Mittelalters'. Schon immer werden Bestandteile des kulturellen Gedächtnisses in Frage gestellt. Einzelelemente wurden neu interpretiert. Der Streit um das Verhältnis zwischen Christentum und Kultur bahnt sich schon im Neuen Testament an. Bei den Apologeten des 2. Jahrhunderts zeigt sich bereits ein ausgeprägtes Bewusstsein dafür, dass die Wahrheit des christlichen Glaubens auf das Wahrheitsbewusstsein der eigenen Zeit bezogen werden muss."

¹⁰⁹ "Meine These heißt: Gerade das reformatorische Freiheitsverständnis ist durch die Gleichursprünglichkeit von Individualität und Sozialität gekennzeichnet. Die Reformation versteht Freiheit als kommunikative Freiheit. Will man die Impulse der Reformation in unserer Gegenwart aufnehmen, kann man Freiheit und Solidarität nicht beziehungslos nebeneinander stellen, oder gar gegeneinander ausspielen; man muß sie vielmehr in ihrem unlöslichen Zusammenhang sehen."

two significant traditions of interpreting freedom. When Huber emphasises the close connection between human sociality and human individuality (programmatically in 1985:117–119; 1990d:57–65; 1993a:71; 1996c:106) he is applying the Reformational understanding of freedom in order to bridge the distance between two important scholarly understandings of freedom, namely ‘negative freedom’ and ‘positive freedom’, as Isaiah Berlin has articulated these two concepts of freedom.¹¹⁰

In terms of its content, communicative freedom denotes an integration of two of the most important narratives of freedom, namely what Isaiah Berlin characterises as negative freedom and positive freedom in his famous inaugural lecture at the University of Oxford published as “Two Concepts of Liberty” (1958). The concept of negative freedom is grounded in the liberal intellectual tradition, according to which freedom is understood as the freedom of the individual from interference by others (Huber, 1996b:222). Concepts such as individuality, responsibility, rationality, dialogue and rights are of importance in this tradition. Exponents of positive freedom emphasise that individual freedom is always dependent on presuppositions that should be formulated and maintained in broader contexts (cf. e.g. the explanation in Huber, 1996b:222). Concepts such as sociality, justice, solidarity and equality are of importance in this tradition.

In this section the task is to situate Huber’s concept of freedom within the Christian sources that sustain it. The extent to which Huber’s work is in continuity with its sustaining sources is clear when one considers what he identifies as the three main movements of communicative freedom (especially in 1996c; 1999:167–176). It will be shown how Huber develops communicative freedom as, in the first place, initiated by God’s gracious initiative. God’s initiative, secondly, leads to the constitution of human dignity that does not isolate persons from one another but forms the origin of both human individuality and human sociality. Thirdly Huber acknowledges – in continuation of the legacy of the Reformation and the critical nature of communicative freedom – that freedom can only be realised within a specific historical context, which requires that the reality of human sinfulness should be taken seriously. It will be shown how the provisional and contextual nature of its realisation

¹¹⁰ Cf. Isaiah Berlin, *Two Concepts of Liberty* (Oxford: Oxford University Press, 1958) and *Political Ideas in the Romantic Age. Their Rise and Influence on Modern Thought* (London: Pimlico, 2006).

is developed as the call to continuous faithful and hopeful action. These three dimensions clearly reflect the focus of the Reformation on God's *grace* received within the reality of human *sin*, which leads to *thankful service*. In the next section it will be shown that Huber rearticulates these movements in such a way as to lay the foundation for the interaction with modernity.

6.3.1 *Constituted by God*

Communicative freedom is, in the first place, constituted by God's initiative, which gives it an inalienable character (Huber, 1985:211). Huber makes use of the Christian salvific history to describe its inalienable character.

He understands God's act of creation as the constitutive moment of freedom (1999:171). By creating humanity in his image God bestows human beings with an inalienable worth. Huber (1999:171) cites Michael Welker to show that in the first creation account in Genesis God's creative act is brought into connection with the creative abilities of humanity itself.¹¹¹ The giving of names to the animals and the cultivation of the earth signify the enabling character of freedom. God does not constitute freedom by creating passive and merely receptive human beings but enables humanity to apply its freedom. In *Der christliche Glaube* (2008b:37) Huber connects creation with God's self-limitation. Creation is not aimed at enabling arbitrary freedom, but in choosing to create a specific world God limits Godself. Huber takes up the concept *Zimzum* from Kabbalah to describe this self-limitation inherent to freedom. The creative freedom God bestows on humanity therefore does not imply mortal omnipotence but responsibility.¹¹²

¹¹¹ For a critical evaluation of Welker's theology, cf. Auke Compaan's doctoral dissertation, *Kreatiewe Pluralismes? 'n Kritiese analise van wet en evangelie in die denke van Michael Welker* (Stellenbosch: Stellenbosch University, 2002).

¹¹² Huber deconstructs the classical view of God's omnipotence with creation by introducing the theme of His self-limitation already in *Kirche in der Zeitenwende* (1999:219–220) but especially in *Der christliche Glaube*: "Das Bekenntnis zu Gott als dem Schöpfer verbindet sich immer wieder mit der Allmacht als göttlicher Eigenschaft. Wer die Welt ins Dasein ruft, verfügt über die Macht schlechthin – nämlich über die Macht dazu, dass aus Nichts Etwas wird. Aber in der Schöpfung entfaltet sich nicht nur Gottes Allmacht; in ihr zeigt sich vielmehr zugleich eine Selbstbegrenzung Gottes. ... Diese in der Kabbala entwickelte Lehre [Zimzum] besagt in ihrem Kern, dass zur Freiheit Gottes auch der Verzicht, die freiwillige Selbstzurücknahme gehört. In der Schöpfung legt Gott sich auf diese bestimmte Welt fest; er verzichtet auf die Verwirklichung anderer ... Welten" (Huber 2008b).

God also renews the bestowed freedom by means of his salvific initiative. Huber (1999:172; 1996b:107) shows that human directionlessness¹¹³ or relationlessness,¹¹⁴ in other words sin (Huber, 1996b:107), causes freedom to be endangered but that Christ's life, death and resurrection serve as the paradigmatic re-establishment of the inalienable character of freedom. By using terminology developed by Eberhard Jüngel¹¹⁵ Huber calls Christ the Truth that has power over life and death.¹¹⁶ The truth Christ incarnates is experienced as a liberating power for it liberates humanity from the 'basic lie of human existence':¹¹⁷ the conviction that humanity is able to produce life and meaning on its own. Christ therefore renews the gift of freedom that was constituted already with creation by reaffirming the basic truth of human existence, namely that human freedom is inalienable.

Huber (2008b:232ff) places God's liberation in perspective by connecting the salvation brought by Christ to its ultimate consummation (cf. also Huber, 1999:175). In this regard he distinguishes between empty expectation and grounded hope (Huber, 2008b:205ff). With Christ's incarnation as the living Truth the coming of God's kingdom already commenced, as Christ's resurrection confirmed (Huber, 2008b:222). Therefore even seemingly contradictory experiences do not contradict Christian hope. In Christ, God's willingness to suffer with his creation (*Leidensempfindlichkeit*) is shown to be the connection between 'God's eternity', in other words his coming kingdom, and the current imperfection of reality (Huber, 2008b:225). According to Huber, God's compassion leads Christianity to embark on

¹¹³ Huber uses this term from Hegel's work to denote sin.

¹¹⁴ In *Der christliche Glaube* Huber (2008b:69–73) partly revises his description of sin. Whereas he uses Hegel's term *Orientierungslosigkeit* in many of his earlier descriptions of sin, notably also in *Kirche in der Zeitenwende* (1999), he does not use it in *Der christliche Glaube*. Instead he describes sin as in the first instance being separated from God (2008b:69). He then explicates this separation as the negation of the three theological virtues of faith, hope and love by *Unversöhntheit*, *Hoffnungslosigkeit* and *Liebslosigkeit*. Separation from God therefore implies also the separation from fellow humans and sin ultimately leads to *Beziehungslosigkeit* (2008b:71).

¹¹⁵ Huber uses a set of arguments developed by Eberhard Jüngel in a speech delivered in 1992. For this argument, cf. also "Theologie und Kirchenleitung – Vortrag zu Ehren von Eberhard Jüngel, Tübingen" (2005n), "Nachfolge" (2006d); "Barmherzigkeit mit den Zweiflern – Überlegungen zum Weg unserer Kirche" (2006f), "Kirche im Aufbruch – Eine Zeitansage zum Kongresssthema der Arbeitsgemeinschaft Missionarische Dienste in Leipzig" (2006g) and "Gemeinschaft gestalten – Evangelisches Profil in Europa" (2006i).

¹¹⁶ Cf. also John 8:32 where Christ is identified as the Truth that liberates his people.

¹¹⁷ Huber uses the word *Lebenslüge*. Cf. e.g. "Nachfolge heute" (2006d) "Kirche im Aufbruch" (2006g) and "Gemeinschaft gestalten – Evangelisches Profil in Europa" (2006i).

a 'plan of action' (*Weltprogramm*) to express God's compassion in his world (Huber, 2008b:225).

Huber (2007b) can therefore describe the inalienable character of freedom as follows:

This is the core of the Christian freedom of faith: it is freedom from sin and freedom to praise God; it is grounded in God's grace and compassion, revealed in Christ's death and resurrection, testified to in Holy Scripture and appropriated in faith.¹¹⁸

Grounding communicative freedom in God's sovereign constitution thereof has profound implications for the way in which Huber works out the concept in the rest of his theology. One finds arguably one of the clearest expressions of the inalienability of communicative freedom in Huber's *anthropology*. In his book *Rechtfertigung und Recht* (2001h), Huber develops the implications of the justification brought about by Christ as the basis of human dignity. God's righteousness will always be an 'alien justice' and therefore God's sovereign act constitutes human existence, giving it an inalienable character (Huber, 2001h:23). Huber can therefore state the following:

That I am a person is not dependent on my deeds or – thank God – on my misdeeds. I can act responsibly because I am respected (by God) beyond my responsible actions. This is the most fundamental meaning of 'justification' (Huber, 2001g).¹¹⁹

By grounding human dignity in God's initiative Huber is consequently also able to relate his anthropology to the pre-statal character of human rights (Huber & Tödt, 1977:77–80) and to develop his political ethics in critical solidarity with the secularisation, democracy and pluralism of modern societies insofar as these

¹¹⁸ "Dies ist der Kern aller christlichen Glaubensfreiheit: Sie ist Freiheit von der Sünde und Freiheit zum Gotteslob; sie ist in Gottes Gnade und Barmherzigkeit gegründet, in Christi Sterben und Auferstehen offenbar, in der Heiligen Schrift bezeugt und im Glauben ergriffen."

¹¹⁹ "Daß ich Person bin, ist nicht abhängig von meinen Taten und deshalb Gott sei Dank auch nicht von meinen Untaten. Ich kann verantwortlich handeln, weil ich geachtet bin über all mein verantwortliches Handeln hinaus. Das ist der ganz elementare Sinn dessen, was wir mit dem Wort 'Rechtfertigung' beschreiben."

societies respect the inalienable character of human dignity (cf. Huber, 1987:74; 1990c:29; 2004h; 2004l; 2005w).

The fact that freedom is constituted by God has also implications for Huber's ecclesiology.¹²⁰ His most-used description of the church is the 'space and advocate of freedom' (*Raum und Anwalt der Freiheit*) (cf. especially Huber, 1985:205–216). The church can be the space of freedom only because Christ is its 'primary subject' (Huber, 1985: 202). The church is therefore the place where God's constitution and renewal of freedom are paradigmatically experienced and where this freedom is being realised in a fragmentary manner (Huber, 1996b:173).

The implications of God's sovereign constitution of freedom are furthermore clear in Huber's *ethics*. He regards ethics as contemplating the 'freedom to life' (Huber, 1985:115). The basis of this freedom is trust in God's bestowal of freedom (Huber, 2006r). Ethics does not concern trust in human abilities but is characterised by what Huber calls *Gelassenheit*, namely unperturbed trust in the liberation brought about by God (cf. Huber 2006b; 2006e; 2006s).¹²¹ In some of his writings Huber consequently describes ethics as realising thankfulness towards God (cf. e.g. Huber, 1990a:135). As is the case for Tödt (cf. Schuhmacher, 2006:240ff), Huber is of the opinion that an ethic of responsibility is the basic form that Christian thankfulness should take on (cf. Huber, 1990a:135–157).

Understanding freedom as grounded in God's sovereign act is in contradiction with many modern-day conceptions of freedom. Especially in Europe freedom was often understood as closely connected to power and especially the extent of one's power (Huber, 1985:119). The Greeks already understood society as consisting of slaves and masters, with freedom consequently being the privilege of those with the most

¹²⁰ Huber lays down the basic assumptions of his ecclesiology especially in his book *Kirche* (1979) but works out the relevance of freedom only in some of his more recent works, such as e.g. *Folgen christlicher Freiheit: Ethik und Theorie der Kirche im Horizont der Barmer Theologischen Erklärung* (1983), *Konflikt und Konsens. Studien zur Ethik der Verantwortung* (1990), *Gerechtigkeit und Recht* (1996) and *Kirche in der Zeitenwende: gesellschaftlicher Wandel und Erneuerung der Kirche* (1999).

¹²¹ Cf. e.g. Huber's lecture "Flugblätter der Freiheit. Verantwortliches Handeln aus christlichen Wurzeln" (2006b) where he states the following: "Wenn die Würde des Menschen nicht an dem hängt, was ihm selbst zu eigen ist oder von ihm selbst hervorgebracht wird, kann der Mensch seine Eigenschaften wie seine Leistungen mit der Gelassenheit betrachten, aus der heraus auch der Stolz auf Gelungenes allein menschliches Maß behält."

power, in other words the masters (Huber, 1985:209). Those who can exert power over others are therefore the only ones who can claim to be free.

Even in modern societies it is still the case that power over oneself, over other persons and over nature is understood as freedom (Huber, 1985:209). Underlying such understandings of freedom is the conviction that freedom is the result of human action and that one's freedom should be protected against the freedom of others. The concept of communicative freedom serves as a correction to such conceptions of freedom. The inalienable character of communicative freedom forms the basis for the way in which Huber understands communicative freedom to express the connection between human sociality and individuality (e.g. Huber, 1996c:105) and is the basic reason why socio-historical circumstances and sin lead to hopeful action and not desperation (e.g. Huber, 1990c:35).

6.3.2 *Relational*

God's constitution of freedom forms the basis for its personal character (Huber, 1999:168–170; 1996c:104–106).¹²² Not only are creation, salvation and redemption indications of God's initiative in the constitution of freedom but they are also relational concepts. Relationships initiated and maintained by God form the basis of communicative freedom.¹²³ Bonhoeffer's assertion that in Christ humans see that God is fundamentally for them (*pro nobis*) (cf. Huber, 2007k) not only gives expression to God's initiation of a relationship but at the same time gives expression to the fact that the human person is always a 'person in relationship' (*Person-in-Beziehung*) (Huber, 1996c:106).

¹²² Concerning the relational character of human dignity, cf. also Russel Botman (2003: 382) in "A cry for life in a global economic era" (in Welker, M & Alston, W. M. (eds.), *Reformed Theology. Identity and Ecumenicity*. Grand Rapids: Eerdmans): "The free individual lives competitively in a market that has become a law unto itself. The fundamentals of the market replace the fundamentals of the community. The anti-community aspect of globalisation ... must be confronted with a revisioning of ecclesiology in terms of the oikos narratives in the Bible. The oikos concept reveals God's intention for building or forming sustainable relationships of people in 'households', of created reality in 'ecosystems', and of churches in the 'ecumene'."

¹²³ Cf. Christoff Schwöbel, *Gott in Beziehung* (Tübingen: Mohr Siebeck, 2002) and in particular the section "Menschsein als Sein-in-Beziehung. Zwölf Thesen für eine christliche Anthropologie" (2002:193–226); and Stanley Rudman, *Concepts of person and Christian ethics* (Cambridge: Cambridge University Press, 1997:119–222).

God's bestowed freedom is therefore not a 'substance' in need of protection against the freedom of others but can only be realised relationally (cf. e.g. Huber, 2001a; 2007m). Huber describes freedom as 'movement, because it moves the person from the desire to control to the ability to serve (Huber, 1985:211). Huber therefore takes up the significance of Bonhoeffer's suggestion that the traditional interpretation of God's actions being 'for me' (*pro me*) be changed to 'for us' (*pro nobis*), for God's justification initiates relationships structured not according to the logic of self-preservation but according to the logic of self-giving trust in God's liberation (cf. Huber, 2005e; 2006b; 2006r).¹²⁴ By constituting freedom 'for us' God also reveals its true nature, namely that it means 'being there for others' (Huber, 1985:173). Communicative freedom therefore gives expression to the fact that freedom can only be realised by being there for others, which intimately connects its constitution and realisation with one another.¹²⁵ Praising God and serving others cannot be separated from one another but are united in communicative freedom (Huber, 2007b):

[Freedom] has its highest fulfilment when it leads to praise to the God who became human for us in Christ. A freedom that is grounded in God's incarnation and that has its fulfilment in praise ... is freedom that is given by God and confirmed in one's relationship with oneself and by interceding for others.¹²⁶

Of fundamental importance for Huber's concept of communicative freedom is therefore its relational character. Conceiving the understanding of freedom by the Reformation as fundamentally 'communicative' in character expresses Huber's conviction that the inalienable character of freedom is constituted in relationship with God and can only be experienced in interpersonal relationships. This relational

¹²⁴ Huber makes this point succinctly in his lectures "Glauben in der Welt – Die Säkularisierung und Zukunft der Kirchen" (2005e), "Flugblätter der Freiheit. Verantwortliches Handeln aus christlichen Wurzeln" (2006b), "Zukunft gestalten – Erwartungen an Religion und Glaube" (2006k) and "Von der Freiheit der Kinder Gottes – Plädoyer für eine selbstbewusste Kirche" (2006r).

¹²⁵ In other words, one can say that God's love implies loving one's neighbour, as Huber also states unequivocally: "Wer Gott liebt, liebt auch den Nächsten" (Huber, 2008b:250). Love indeed does not stand in contrast to freedom but serves freedom (2008b:267).

¹²⁶ "[Freiheit] kommt zu ihrer höchsten Erfüllung, wenn sie sich aufschwingt zum Lob Gottes, der in Jesus Christus uns zu Gute menschliche Gestalt annimmt. Eine in Gottes Menschwerdung begründete Freiheit, die im Lob Gottes ihre Erfüllung findet ... ist eine Freiheit, die sich ein Mensch von Gott schenken last, um sie im Verhältnis zu sich selbst wie im Eintreten für seinen Nächsten zu bewähren."

character is expressed by Huber's connection of two closely connected sets of concepts.

Firstly the concept of communicative freedom holds that human individuality and sociality are not in contradiction to one another but are both the result of God's bestowal of freedom (Huber, 2000a).¹²⁷ To give expression to this intimate connection Huber uses the term *Gleichursprünglichkeit* (most notably in 1990d:57–65).¹²⁸ This term refers to human individuality and sociality as having the 'same source', namely God's bestowal of freedom.¹²⁹

Although God's act of creation has already shown that individuality is meant to be realised and experienced in community, God's renewal of the gift of freedom by means of Christ's incarnation decisively showed that freedom can only be realised in the act of being there for one another (Huber, 1990d:60). Personal freedom implies being available to one's neighbour, for Christ's incarnation made clear that 'deathly competition' need not reign but that 'reciprocal openness' is the way to life (Huber, 1985:118).

Huber (1985:117–118) cites Paul's exposition of freedom in his letter to the Galatians to illustrate how freedom does not lead to individual isolation but to community. The call to freedom of the gospel should not be misunderstood as the call to 'individualistic' freedom, as Paul consistently adds a qualification to his description of Christian freedom. For example, in Galatians 5 he states that Christians are called to freedom, and this freedom implies that Christians are liberated from selfishness and enabled to serve one another in unconditional love. It is therefore to be understood in clear distinction from for example Kant's *lex*

¹²⁷ Cf. e.g. the importance of the responsible realisation of individuality in his speech "Die Rolle der Kirchen als intermediärer Institutionen in der Gesellschaft" (2000a): "Die Verwirklichung der eigenen Ziele, des eigenen Lebensplans, der eigenen Interessen soll – und kann – so erfolgen, dass darin die Verantwortung nicht nur für das eigene Leben, sondern für das gemeinsame Leben zur Geltung kommt."

¹²⁸ A number of philosophical attempts to reconcile individuality and sociality exist. Cf. e.g. Albert Keller, *Philosophie der Freiheit* (Graz: Verlagshaus Styria, 1994).

¹²⁹ See specifically Huber 1985:117–118; 1987:53–58; 1990d:105–107; 1996c:61–62; 1999:169–170 and the sections in this chapter concerning Paul and Luther.

*iustitiae*¹³⁰ as freedom does not isolate persons from one another but can only be realised in community and reciprocal understanding (Huber, 1996c:105).

The *Gleichursprünglichkeit* of individuality and sociality, *secondly*, implies the connection of a second set of concepts, namely freedom and responsibility. That the relational character of communicative freedom implies the connection between freedom and responsibility is made clear in Huber's exposition of Luther's famous double thesis.¹³¹ As was discussed in more detail earlier, Luther understood freedom as meaning being absolutely free from the power of others and being absolutely willing to serve others, as his double thesis illustrates: "A Christian is a free master over all things and subject to nobody. A Christian is a helpful servant and subject to all."¹³²

The first part of the thesis emphasises that freedom is grounded in the person, for freedom from the power of other implies a person endowed with inalienable worth. The second part of the thesis emphasises that this freedom can be realised only in service to others, which means that the freedom itself (as was indicated at the beginning of this section) does not correspond with individual isolation. In Huber's words (1999:170), "Voluntary holding back for the sake of others is not the restriction

¹³⁰ "Enter a condition in which what belongs to each can be secured to him/her against everyone else."

¹³¹ This thesis may even be regarded as one of the catchphrases of communicative freedom, as Huber uses it very often, especially in his capacity as bishop. In a great number of these speeches Huber also uses Luther's double thesis to draw the Protestant profile in understanding freedom as communicative freedom. Cf. e.g. the following speeches: "Evangelisch im 21. Jahrhundert" (2007b), "Der Mensch ist zur Arbeit geboren wie der Vogel zum Fliegen. Hat das protestantische Arbeitsethos noch eine Zukunft?" (2007j), "Glaube und Vernunft" (2007t), "Gemeinschaft gestalten – Evangelisches Profil in Europa" (2006i), "Von der Freiheit der Kinder Gottes – Plädoyer für eine selbstbewusste Kirche" (2006r), "Evangelisch – profiliert – wertvoll" (2006t), "Lesen lernen – Zur Wiederentdeckung einer kulturellen Grundkompetenz aus evangelischer Perspektive" (2006z), "Die Herausforderungen für die Theologie in einem pluralistischen Europa aus ökumenischer Perspektive – Eine evangelische Stellungnahme" (2006dd), "Beheimatung im Eigenen – Respekt vor dem Anderen. Zum kulturellen Auftrag der Medien" (2005c), "Der Auftrag der Kirchen in einem Zusammenwachsenden Europa" (2005d), "Der Zukunft auf der Spur" (2005k), "Unvereinbare Gegensätze? Scharia und säkulare Recht" (2005q), "In deinem Lichte schauen wir das Licht – Quellen und Perspektiven christlicher Spiritualität" (2005s), "Der Beruf zur Politik – Zwanzig Jahre Demokratiedenschrift der EKD" (2005w), "Demokratie wagen – Der Protestantismus im politischen Wandel 1965 – 1985" (2005bb), "Protestantismus – Abgesang oder Zukunftsmodell?" (2004c), "Die Tugend des Glaubens" (2004i), "Europa als Wertegemeinschaft – Seine christlichen Grundlagen Gestern, Heute, Morgen" (2001b), "Unantastbare Menschenwürde – Gilt sie von Anfang an?" (2001e) and "Die Rolle der Kirchen als intermediärer Institutionen in der Gesellschaft" (2000a).

¹³² "Ein Christenmensch ist ein freier Herr über alle Dinge und niemanden untertan. Ein Christenmensch ist dienstbarer Knecht aller Dinge und jedermann untertan."

of freedom but its expression. Self-determination and recognition of others, love for oneself and love for one's neighbour belong together."¹³³

Huber regards the Barmen Theological Declaration as a modern formulation of Luther's description of the unity between freedom and responsibility (Huber, 1985:7).¹³⁴ Apart from Huber's connection to Barmen being indicative of his affinity to the *Bekennende Kirche* tradition, its content also illustrates Huber's continuity with the development of theology of freedom within Christianity. Huber makes a connection between his work and Barmen especially by means of the second and fourth theses of the declaration.

In the second thesis, for example, it is made clear that the joyous liberation of the Christian leads to free and thankful service to others.¹³⁵ Because Christ is "God's assurance of the forgiveness of all our sins" Christians are liberated to "free, grateful service to his creatures" as part of their "joyful deliverance from the godless shackles of this world" (EKD 2006c). The fourth thesis has the consequent theory of the church in mind when it is emphasised how the form of existence of the church is grounded in God's grace: The message the church preaches is the same message that grounds the existence of the church and therefore necessarily opens the church to others.¹³⁶ Communicative freedom indeed grounds a community within which "dominion of some over the others" does not function but where the "whole congregation" is called to live in reciprocal respect for one another (EKD 2006c). Communicative freedom is indeed more than a 'condition' in which people are set up against one another, but it is a 'process' by means of which life can be lived with

¹³³ "Die freiwillige Selbstzurücknahme um der andern willen erscheint nicht als Einschränkung der Freiheit, sondern als deren Ausdruck. Selbstbestimmung and Anerkennung des andern, Liebe zu sich selbst und Liebe zum Nächsten gehören zusammen."

¹³⁴ One of Huber's most important collections of essays concerns the connection between ethics and ecclesiology in the light of the Barmen Theological Declaration; cf. *Folgen christlicher Freiheit: Ethik und Theorie der Kirche im Horizont der Barmer theologischen Erklärung* (Huber 1985). For helpful background to Barmen, cf. Ernst Wolf, *Barmen: Kirche zwischen Versuchung und Gnade* (2nd ed., Munich: Chr Kaiser, 1984).

¹³⁵ "Wie Jesus Christus Gottes Zuspruch der Vergebung aller unserer Sünden ist, so und mit gleichem Ernst ist er auch Gottes kräftiger Anspruch auf unser ganzes Leben; durch ihn widerfährt uns frohe Befreiung aus den gottlosen Bindungen dieser Welt zu freiem dankbarem Dienst an seinen Geschöpfen."

¹³⁶ "Der Auftrag der Kirche, in welchem ihre Freiheit gründet, besteht darin, an Christi Statt und also im Dienst seines eigenen Wortes und Werkes durch Predigt und Sakrament die Botschaft von der freien Gnade Gottes auszurichten an alles Volk."

others (Huber, 1999:169).¹³⁷ Huber therefore continues by stating, “According to the Christian understanding freedom is realised in a community of unreserved respect and love. Freedom’s true place is in community and reciprocal understanding; freedom indeed has a communicative character.”¹³⁸

In terms of Luther’s formulation it can therefore be said that the resurrection of the conscience of the individual is not the call to individualism but forms the hinge between God’s bestowal of freedom and its realisation in relationships (Huber, 1987:62).

6.3.3 A call to action

Huber, lastly, develops communicative freedom in the context of human sin (cf. 1996c:107–109; 1999:173–176).¹³⁹ Huber regards the consciousness of sin as a call to action instead of leading to resignation.¹⁴⁰ This corresponds with the constructive and positive nature Huber’s theological project as such. Already in an earlier work such as *Kirche und Öffentlichkeit* (1973) his research is not merely a descriptive endeavour, but an attempt to engage societal reality. Also in *Protestantismus und Protest* (1987) and *Konflikt und Konsens* (1990) it is clear that Huber recognises the extent and depth of societal challenges as a means by which to develop an appropriate way forward. The way Huber incorporates sin into communicative freedom presents the same structure, namely as a presupposition of the human condition that requires self-criticism and hopeful action.

¹³⁷ “Freiheit ist mehr als ein Zustand, in dem man das Seine *gegen* jede andern gesichert weiß; sie ist ein Prozeß, in dem das Leben *mit* andern gelingt.”

¹³⁸ “Freiheit verwirklicht sich nach christlichem Verständnis in der Gemeinschaft von Menschen, die einander in vorbehaltloser Anerkennung und Liebe begegnen. Freiheit hat ihren genuinen Ort in Gemeinschaft und wechselseitiger Verständigung; sie trägt also kommunikativen Charakter.”

¹³⁹ Some criticism levelled against Huber’s work is that he seems to give disproportionately little attention to the role of sin. This may partly be seen in the length of this last section. It is therefore also noteworthy that in *Der christliche Glaube* (2008b:53–77) Huber devotes a whole section to the question of suffering, evil, sin and guilt and integrates it into his argument.

¹⁴⁰ Cf. Hans Joas’ article in Huber’s *Festschrift*, “Der Wert der Freiheit und die Erfahrung der Unfreiheit” (in Reuter, H.-R., Bedford-Strohm, H., Kuhlmann, H. & Lütcke, K.-H. (eds.); *Freiheit verantworten: Festschrift für Wolfgang Huber zum 60. Geburtstag*. Gütersloh: Kaiser, Gütersloher Verl. Haus. 2002:446-455); as well as Michael Theunissen in “Freiheit und Schuld – Freiheit und Sünde” (2002:343–356).

Like Hegel, Huber (1999:174) is of the opinion that Christianity cannot be the religion of freedom if the reality of sin is not taken seriously. For Huber (1996c:107) sin implies more than mere moral failings but forms part of the human condition. He therefore regards humanity as fundamentally prone to directionlessness¹⁴¹ or relationlessness¹⁴². Put in other terms, this means that Huber takes original sin as one of the presuppositions of the human condition.

Situating sin in the human condition is, of course, by no means a widely accepted position to take in. Although a number of different arguments can be lodged against such a position, Huber develops a response to specifically one line of argumentation, namely that original sin implies indifference towards structural injustice and inhumanity (1996c:108).¹⁴³ Huber shows that communicative freedom's self-critical and provisional character enables action.

Being conscious of original sin means, *firstly*, that God's bestowal of freedom can never lead to self-righteousness, for communicative freedom sharpens self-criticism to recognise one's own tendency to disregard God's bestowal of freedom (Huber 1987:54). Its self-critical nature is expressed, for example in the double movement in Huber's ecclesiology (cf. e.g. 1985:211): the church's ability to be advocate for freedom in society is renewed every Sunday by its experience and reminder of God's liberation. Put in another way, the necessity of self-criticism is grounded in a distinction between present reality and God's future. Sin sharpens the attention for the fact that freedom's current realisation can at most be provisional or a 'parable' of

¹⁴¹ Huber uses this term from Hegel's work to denote sin.

¹⁴² In *Der christliche Glaube* (2008b:69-73) he also partly revises his description of sin. Whereas he Hegel's term "Orientierungslosigkeit" in most of his descriptions of sin, notably also in *Kirche in der Zeitenwende* (1999) he does not use it in *Der christliche Glaube*. Instead he describes sin as in the first instance being separated from God (2008b:69). He then explicates this separation as the negation of the three theological virtues of faith, hope and love by "Unversöhntheit", "Hoffnungslosigkeit" and "Lieblosigkeit". Separation from God therefore implies also the separation from fellow humans and sin ultimately leads to "Beziehungslosigkeit" (2008b:71).

¹⁴³ For some recent discussions on the topic, and in particular concerning original sin, cf. Christiane Tietz-Steiding, *Freiheit zu sich selbst: Entfaltung eines christlichen Begriffs von Selbstannahme* (Tübingen, 2004); Timothy Carter, *Paul and the power of sin: Redefining "beyond the pale"* (Cambridge: Cambridge University Press, 2002); Anselm Schubert, *Das Ende der Sünde: Anthropologie und Erbsünde zwischen Reformation und Aufklärung* (Göttingen: Vandenhoeck & Ruprecht, 2000); Alistair McFayden, *Bound to sin: Abuse, Holocaust, and the Christian doctrine of sin* (Cambridge: Cambridge University Press, 2000); Raymund Schwager, *Brauchen wir einen Sündenbock? Gewalt und Erlösung in den biblischen Schriften* (Taur: Kulturverlag, 1994); and Ted Peters, *Sin: Radical evil in soul and society* (Grand Rapids: Eerdmans, 1994).

real freedom,¹⁴⁴ and therefore calls for the continuous faithful advocacy for freedom (Huber 1990c:35). Huber therefore regards the acceptance of original sin, *secondly*, to uncover – and not to conceal – structural forms of un-freedom and injustice as the distinction between God’s future and present realities is constantly kept in mind (cf. Huber 1999:174ff).

Recognising sin as an indication of the difference between current reality and God’s future, *thirdly*, does not lead to resignation. Huber (e.g. in 2008b:77) regards the consciousness of sin as a call to action.¹⁴⁵ Indeed, the provisional character of freedom serves as an impetus for action. He states (Huber 1999:175):

The ability to recognise sin as the reason for not being free sharpens one’s attention for the despotism that causes avoidable societal unfreedom. ... A comprehensive theological understanding of freedom is characterised by distinguishing between faith’s bestowed freedom and the responsibility for freedom in society and the state and at the same time connecting it.¹⁴⁶

The way in which Huber integrates realism regarding the human condition into his understanding of freedom is clear in a book such as *Protestantismus und Protest* (1987). This book takes the willingness and ability of Protestantism to keep a critical distance from the political realisation of freedom as starting point. According to Huber no system, not even democracy, can count on the complete adherence of

¹⁴⁴ In *Gerechtigkeit und Recht* Huber (1996b:173) uses the term "parable of justice" to describe the provisional realisation of justice.

¹⁴⁵ Cf. in this regard Isaiah Berlin’s (1958:57) striking formulation from his famous lecture “Two concepts of liberty” delivered in Oxford: “It may be that the ideal of freedom to live as one wishes – and the pluralism of values connected with it – is only the late fruit of our declining capitalist civilisation ... Principles are not less sacred because their duration cannot be guaranteed. Indeed, the very desire for guarantees that our values are eternal and secure in some objective heaven is perhaps only a craving for the certainties of childhood or the absolute values of our primitive past. ‘To realise the relative validity of one’s convictions’, said an admirable writer ... ‘and yet to stand for them unflinchingly, is what distinguishes a civilised man [sic] from a barbarian.’ To demand more than this is perhaps a deep and incurable metaphysical need; but to allow it to guide one’s practice is a symptom of an equally deep, and far more dangerous, moral and political immaturity.”

¹⁴⁶ “Die Wahrnehmungsfähigkeit für die Sünde als Ursache der Unfreiheit schärft auch die Aufmerksamkeit für die gesellschaftliche Willkür, die Menschen in vermeidbarer Unfreiheit hält. ... Ein umfassendes theologisches Freiheitsverständnis ist gerade dadurch gekennzeichnet, daß es die zugesagte Freiheit des Glaubens und die Verantwortung für die Freiheit in Gesellschaft und Staat voneinander unterscheidet und zugleich miteinander verknüpft.”

Protestantism but can at most expect 'critical solidarity' (cf. Huber, 1987:75). Huber's critique of progress (1990d:37ff) and modern applications of justice (1996b:155) is also based on the conviction that human attempts at attaining complete freedom cannot be trusted completely but are in constant need of reevaluation.

7. SUMMARY

In this chapter the theological location of communicative freedom was investigated. It was shown that Huber does not attempt to develop a new concept of freedom but that he regards communicative freedom as an expression of the Reformational rediscovery of freedom. This was illustrated by the prominent role the theologies of the apostle Paul and Martin Luther play in Huber's understanding of communicative freedom.

It was shown, furthermore, that especially Dietrich Bonhoeffer and Heinz Eduard Tödt assist Huber in rearticulating the Protestant understanding of freedom in such a way that it takes the challenges of modern times seriously. In this sense the centre of their contribution possibly lies in their work on the connection between freedom and responsibility. It was shown that specifically Tödt's work on the connection between freedom, human dignity and responsibility presents a close correspondence with that of Huber, as they even started using the term communicative freedom more or less contemporaneously. From Huber's uses of Bonhoeffer and Tödt one can therefore conclude that the Confessing Church tradition serves as an important influence on how Huber understands Paul and Luther's work on freedom to be rearticulated in modern societies.¹⁴⁷

¹⁴⁷ It should be noted, however, that these theologians are by no means the only ones whose work, and specifically whose work on freedom, is integrated into the concept of communicative freedom. The aim of this chapter was to investigate the theological location of communicative freedom and not to list all the theologians Huber makes use of. The aim of this dissertation is also not to investigate the whole of Huber's work and identify all of his influences but to examine his work on communicative freedom. It is the case that Huber, for example, also often makes use of Friedrich Schleiermacher's work. Cf. e.g. his use of Schleiermacher in *Folgen christlicher Freiheit* (1985:206–207) and his use of Schleiermacher in *Kirche in der Zeitenwende* (1999:128–132) in order to differentiate between different forms of human action. He notably also makes use of Hegel's work but usually as a motivation for his own line of argumentation and rarely as a substantial significant element of the argument itself. In his article "Freiheit und Institution. Sozialethik als Ethik kommunikativer Freiheit" (1985:113–127), e.g., Huber's argues for the connection between communicative freedom and social

It was then shown that Huber develops communicative freedom from classic Reformational themes, namely God's grace, thankful service and sin. He articulates these classic themes in a way that allows for the engagement of current socio-historical realities. One therefore saw that communicative freedom incorporates these themes by forming a critical concept that bridges both privatised and individualised understandings of freedom.

A *first conclusion* to be drawn is therefore that communicative freedom can be understood as the rearticulation of Luther's interpretation of freedom in Paul's theology, with the theology of the Confessing Church playing a significant role.

The *second conclusion* concerns the nature of communicative freedom. By virtue of being a rearticulation of the classic Protestant understanding of freedom, it is also to be understood as a critical concept aimed at engaging its socio-historical context.

This chapter will be used as basis by means of which to investigate this critical character of communicative freedom further. Huber explicitly identifies the socio-historical context within which he rearticulates the classic Protestant understanding of freedom as that of modernity, and he understands it as the duty of Protestantism to take the project of modernity further by contributing to both its affirmation and its renewal (Huber, 1990d:47). The second and third chapters will concern the way in which communicative freedom engages modernity. The next chapter will investigate its critical affirmation of some central tenets, and the third will investigate the contribution of communicative freedom to the renewal of modernity.

ethics and uses Hegel's work to understand Bonhoeffer's argumentation in *Sanctorum Communio* better.

CHAPTER 2

AFFIRMING THE INDIVIDUAL AND MODERN SOCIETY

*How communicative freedom critically
affirms modernity*

1. INTRODUCTION

In the previous chapter it was shown that Huber develops communicative freedom as a contemporary rearticulation of the Reformation's rediscovery of the Christian freedom (cf. e.g. Huber 1993b:71). It is this study's thesis that Huber rearticulates freedom as a critical concept in a specific context, namely that of modernity. Consequently its engagement of modernity will be traced in order to investigate the concept and its role in Huber's work further.

In introducing communicative freedom's engagement of modernity we now turn to one of Huber's clearest discussions of the topic. In his article "Der Protestantismus und die Ambivalenz der Moderne" Huber (1990d:50) describes the necessity for a 'critical alliance'¹⁴⁸ between Protestantism and modernity, indicating both the possibility of affirmation and the need to address modernity's ambivalences. It would be premature (*voreilig*) to bid modernity farewell due to two reasons (1990d:47).¹⁴⁹ Huber believes, firstly, that the modernist project can still contribute to a more humane and peaceful world, and secondly he is of the opinion that Protestantism cannot simply abandon a project it partly initiated,¹⁵⁰ as particularly its understanding of freedom contributed to the current form of modernity.¹⁵¹

¹⁴⁸ The German phrase he uses is "kritisches Bündnis".

¹⁴⁹ In his articles "Der Protestantismus und die Ambivalenz der Moderne" (1990d); "Öffentliche Kirche in pluralen Öffentlichkeiten" (1994a) and "Christliche Freiheit in der freiheitlichen Gesellschaft" (1996c) and in speeches such as "Protestantismus und Kultur am Beginn des 21. Jahrhunderts" (2000b), "Europa als Wertegemeinschaft – Seine christlichen Grundlagen Gestern, Heute, Morgen" (2001b), "Der christliche Glaube und die politische Kultur in Europa" (2004h) and "Gemeinschaft gestalten – Evangelisches Profil in Europa" (2006i) Huber draws a close connection between the rediscovery of freedom by the Reformation, the development of modernity and the contribution the comprehensive Christian understanding of freedom should make to the renewal of modernity. Cf. in this regard also Jürgen Moltmann's *Gott im Projekt der modernen Welt: Beiträge zur öffentlichen Relevanz der Theologie* (Gütersloh: Chr. Kaiser/Gütersloher Verlagshaus, 1997).

¹⁵⁰ The extent to which Christianity has contributed to the formation of modernity is the subject of fierce academic debates. Cf. in this regard e.g. Jacob Neusner (ed.), *Religious foundations of Western society: Judaism, Christianity and Islam* (Nashville: Abingdon, 2005).

¹⁵¹ Cf. in this regard Anton Knuth's work on Kurt Leases's research concerning the relationship between Protestantism and modernity in *Der Protestantismus als moderne Religion: historisch-systematische Rekonstruktion der religionsphilosophischen Theologie Kurt Leases (1998–1965)* (Frankfurt a.M.: Peter Lang, 2005). Cf. also Albrecht Grözinger (ed.), *Protestantische Kirche und moderne Gesellschaft: zur Interdependenz von Ekklesiologie und Gesellschaftstheorie in der Neuzeit* (Zürich: ZVT, 2003); and Ralph McInerny, *Modernity and religion* (Notre Dame: University of Notre Dame Press, 1994). For a more critical text on the relationship between modernity, freedom and Christianity, cf. Martien Brinkman's *The tragedy of human freedom: The failure and promise of the Christian concept of freedom in Western culture* (Amsterdam: Rodopi, 2003, translated by Harry Flecken and Henry Jansen).

In a lecture given in honour of Dietrich Bonhoeffer in Münster Huber (2004c) articulates the critical alliance of Protestantism with modernity as follows:

The churches of the Reformation have not only bemoaned or suppressed the Enlightenment project, but also incorporated it into their own theological thought in responsibility before God. The important theologians of the last 200 years ... signify the willingness to relate the Enlightenment and [Christian] faith with one another. The Evangelical Church has of course occasionally also reacted against the Enlightenment and modernity, but generally we have to acknowledge the close connection between the Reformation's core and the modern world. This connection places our churches before particular challenges and duties.¹⁵²

For Huber, the promise of modernity and the challenges it presents to Protestantism meet in the concept of freedom (cf. also 1991:672). Again we can refer to Huber's speech "Evangelisch im 21. Jahrhundert" (2007b) as he also articulates the central importance freedom has for modernity:

Freedom is modernity's promise, it is modern times' pledge. No other concept has led to so many hopes and expectations, confidence and change. At the same time no other concept has led to so much fear and arrogance, destruction and excessive demands. This freedom has a dazzling appearance. And although it is often paid out in small amounts, commercial packaging and deceptive disguises it still has a good reputation (Huber, 2007b).¹⁵³

¹⁵² "Die Reformationskirchen haben das Projekt der Aufklärung nicht nur beklagt oder verdrängt, sondern auch aufgenommen, ihm Einlass in ihr eigenes theologisches Denken gewährt und es vor Gott zu verantworten gesucht. Die großen Theologen der zweihundert Jahre, ... stehen [alle] für die Bereitschaft ... Glauben und Aufklärung vor Gott und dem Evangelium zusammen zu denken. Natürlich hat die evangelische Kirche bisweilen auch antiaufklärerisch und antimodernistisch agiert; aber aufs Ganze gilt es festzuhalten, dass der Glutkern der Reformation eine besondere Nähe zu dieser modernen Welt hat, die auch unsere Kirchen in besondere Herausforderungen und Aufgaben stellt."

¹⁵³ "Freiheit ist die Verheißung des Projekts Moderne; sie ist das Versprechen der Neuzeit. Mehr Hoffnungen und Erwartungen, mehr Zuversicht und Veränderungen hat kein anderer Begriff freigesetzt; zugleich hat kein Begriff so viele Ängste und Anmaßungen, so viele Zerstörungen und Überforderungen ausgelöst wie dieser. Das Ansehen der Freiheit ist schillernd: Sie wird heute zwar

In this citation one should notice Huber's use of both the concept 'modernity' as and 'modern times'. The distinction between modern times (*die Neuzeit*) and the way in which it was given form by modernity (*Modernität*) is important for grasping Huber's understanding of the relationship between Protestantism and modernity (Huber, 1990d:32–49).¹⁵⁴ For Huber (1990d:32–33), 'the modern age' refers to the age that was ushered in by the Renaissance and the Reformation. Religion served as a liberating force and the revived knowledge of God led to a deepened and revolutionary discovery of human subjectivity. He understands modernity, on the other hand, as characterised by the Enlightenment, the French and American revolutions and the Industrial Revolution and as referring to the structures that characterise a post-confessional society. In both of these processes the Reformation played an important role, but Huber situates its primary influence in the advent of the modern age.

It can be stated that the birth of a confessionally heterogeneous society, brought about by the Reformation, was the single most important political occurrence that shaped the Enlightenment. The Reformation brought processes of secularisation into motion that eventually led to the idea that the organisation of society cannot depend on religious authority. The Thirty Years' War, Huguenot wars and England's revolution wars expressed the need for a society organised on foundations that are binding, also if no God should exist (Huber, 1996d:33).

The search for the organisation of society based on other sources of authority than those brokered by religious institutions led to the political system being founded on natural law (Huber, 1996d:34). What can be understood by the rational capacity was made the main criterion for understanding and applying natural law. The basis for the organisation of society was not Godly authority (as understood by a specific confession) but the social contract (Huber, 1996d:34), later worked out further by theorists such as Thomas Hobbes, John Locke, Jeremy Bentham and John Stuart

oft in kleinen Münzen, in kommerzieller Verpackung und in täuschender Verkleidung ausgezahlt, doch sie hat gleichwohl einen guten Ruf."

¹⁵⁴ For texts on the recent (German) discussion on *die Neuzeit* and *die Moderne*, cf. Bert Altena and Dick van Lente, *Gesellschaftsgeschichte der Neuzeit* (Vandenhoeck & Ruprecht: Göttingen, 2008); Reimar Müller, *Aufklärung in Antike und Neuzeit* (Berlin: Berliner Wissenschaftlicher Verlag, 2008); and Kurt Imhof, *Die Diskontinuität der Moderne: zur Theorie des sozialen Wandels* (Frankfurt a.M.: Campus, 2006).

Mill. These tectonic societal changes brought about by the Reformation and the Renaissance and taken further by the processes of modernisation not only influenced the political sphere but also had implications for the whole of society (Huber, 1996d:34).

Huber (1990d:34) therefore regards this epochal process of societal change as initiated by the advent of modern times, which was brought into action also by the Reformation and was implemented in society by modernity.¹⁵⁵ With the relationship between modernity and Protestantism as background the next two chapters will be concerned with how communicative freedom engages modernity. In this chapter the researcher will continue by investigating in what sense communicative freedom expresses an affirmation of modernity.¹⁵⁶

The research conducted for this study has shown that the way in which Huber affirms modernity by means of communicative freedom can be organised by two broad themes. These themes are the importance of the individual in modern

¹⁵⁵ Beck *et al.* (2001:20–21) identifies six characteristics of what can be called classic modernity (or as they call it, first modernity). The first three of these characteristics function on a systemic level, whereas the last three are so-called ‘process and action assumptions’ (*Prozeß- und Handlungsselbstverständlichkeiten*). The *first* of the three systemic characteristics is that the societies of classic modernity understand themselves as primarily nation-states or at least states where geographical boundaries serve to demarcate the state. Modern societies are characterised, *secondly*, by a programmatic individualisation. Every person’s freedom and equality form the basis of society and can only be limited by means of social obligations and the division of labour by society. *Thirdly*, modernity is characterised by capitalistic acquisitive societies (*Erwerbsgesellschaften*) where every individual theoretically has the opportunity to fulltime employment. Classic modernity is characterised, *fourthly*, by the exploitation of nature, with nature understood as a resource external to societal reality and inexhaustible. *Fifthly*, a scientifically shaped understanding of rationality, which is closely connected to progress as the world’s disenchantment, dominates classic modernity. This rationality clearly also plays a part in the exploitation of natural resources. *Lastly* functional differentiation is understood as the basis for the organisation of society.

¹⁵⁶ As Huber affirms some central modernist tenets in a critical manner, each section shall therefore be aimed at outlining Huber’s qualified affirmation which necessarily will include his criticism. Huber (1987:54) relates this critical manner of affirming modernity to the self-critical sense of Christian freedom: “Christliche Freiheit im reformatorischen Verständnis hat einen selbstkritischen Sinn. Darin unterscheidet sie sich von einer verbreiteten Form des Redens von Freiheit und ihres Gebrauchs. Verbreitet ist es, daß man von anderen die Gewährleistung von Freiheiten fordert, um selbst von den Folgen der Freiheit entlastet zu sein. Verbreitet ist etwa das Verständnis des freiheitlichen Rechtsstaats als eines Gemeinwesens, das individuelle Freiheiten schützt – unabhängig davon, ob die Bürger mit ihnen verantwortlich umgehen oder nicht. Freiheit bedeutet in einer solchen Denkweise den Schutz vor der Macht des andern, mehr nicht.” Communicative freedom enables critical solidarity and in this sense it also enables Christians to also take responsibility for the implications of their freedom. This freedom, however, is grounded in God’s bestowal thereof and ultimately not dependent on the state’s guarantees: “Nicht die Freiheit, die man durch eigene Leistung erring, sondern die geschenkte Freiheit, die aller Menschenwürde zu Grunde liegt, bildet den Inhalt der Glaubens- und Gewissensfreiheit.” Cf. also Huber 1990a:262.

societies and the structuring of sociality by modernity. This corresponds with Huber's suggestion (1990d:57–65) in the article "Protestantismus und die Ambivalenz der Moderne" that communicative freedom should engage modernity by means of its articulation of the *Gleichursprünglichkeit* of human individuality and sociality. In the first section of this chapter, the affirmation of the central role of the individual will be investigated. In a first step Huber's view on the relationship between human dignity within Protestantism and the role of the individual within modernity will be discussed. Then the concept of human rights will be examined as both an expression of the influence of Christianity on the importance of the individual in modern societies, as well as a point of connection between a Protestant understanding of freedom and the role of the individual in modernity. In the second section of the chapter the way in which the concept of communicative freedom affirms modernity's organisation of human sociality will be discussed. This will be done by investigating the secularisation, democratism and pluralism that characterises modernity.

2. THE INDIVIDUAL PERSON: ENTRUSTED WITH FREEDOM

2.1 Introduction

The central importance of the individual is one of the key tenets of modernity.¹⁵⁷ According to Kant's classic definition of the Enlightenment the individual is liberated from a self-imposed immaturity.¹⁵⁸ Despite the necessary criticism of this definition, it

¹⁵⁷ Many studies that consider the role of the individual in modern societies have appeared in recent years. These studies reflect the realisation that the role of the individual in modern societies cannot and should be understood in isolation from broader societal structures and needs. Cf. e.g. Thomas Kron and Heidi Jörges, *Individualisierung* (Bielefeld, 2008); William Outhwaite, *The future of society* (Malden: Blackwell, 2006); Andrea Birbaumer (ed.), *Der flexibilisierte Mensch: Subjektivität und Solidarität im Wandel* (Heidelberg: Asanger, 2003); Matthias Junge, *Individualisierung* (Frankfurt a.M.: Campus, 2002); Markus Schroer, *Das Individuum der Gesellschaft: synchrone und diachrone Theorieperspektiven* (Frankfurt a.M.: Suhrkamp, 2001); Ulrich Beck (ed.), *Kinder der Freiheit* (Frankfurt a.M.: Suhrkamp, 1997); Ulrich Beck (ed.), *Individualisierung und Integration: neue Konfliktlinien und neuer Integrationsmodus?* (Opladen: Leske & Budrich, 1997).

¹⁵⁸ "Aufklärung ist der Ausgang des Menschen aus seiner selbstverschuldeten Unmündigkeit. Unmündigkeit ist das Unvermögen, sich seines Verstandes ohne Leitung eines anderen zu bedienen. Selbstverschuldet ist diese Unmündigkeit, wenn die Ursache derselben nicht am Mangel des Verstandes, sondern der Entschließung und des Mutes liegt, sich seiner ohne Leitung eines anderen

articulates the modern conviction that all individuals share the same measure of inherent dignity, fundamental equality, basic rationality and autonomy. Huber (cf. e.g. 1996b:136–142; 2001h:12–18) understands human rights to be the contemporary expression of the importance of the individual. He reads Article 1 of the United Nations' Universal Declaration of Human Rights (1948)¹⁵⁹ as an expression of the centrality of the individual in modern societies as it is an integration of the three most important modern articulations of the importance of the individual, namely the individual in America's Christian Enlightenment, the importance of human rationality in Europe's secular Enlightenment and the fraternalism of the French Revolution (1996b:258).

In the concept of communicative freedom the individual is also of crucial importance. As was seen in Chapter 1, God graciously bestows freedom on the individual person (cf. Huber, 1985:211). Huber uses different phrases to express the centrality of the individual person. In terms of the salvific history, for example, the person is constituted by God as God's initial bestowal of freedom in his act of creation, its renewal through Christ and its ultimate consummation show (cf. Huber, 1999:171ff). In *Rechtfertigung und Recht* (cf. e.g. 2001h) the importance of the individual is again expressed by God's justification of the sinner.¹⁶⁰ As was shown in Chapter 1, the bestowal of freedom also constitutes its personal character (Huber, 1999:168–170; 1996c:104–106). The importance of the individual does not lead to boundaries being set up between persons¹⁶¹ but enables persons to take responsibility for one another (cf. e.g. Huber, 1990a:143).

zu bedienen. Sapere aude! Habe Mut, dich deines eigenen Verstandes zu bedienen! ist also der Wahlspruch der Aufklärung" (Immanuel Kant, *Berlinische Monatsschrift* Vol. 4:481, 1784).

¹⁵⁹ Article 1 reads, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

¹⁶⁰ Huber uses the implications of the justification of sinners, as it was rediscovered by the Reformation, to address a wide range of themes, from opposing the death penalty (e.g. in "Dass der Mensch mehr ist als seine Taten. Das christliche Menschenbild im Licht der Rechtfertigungsbotschaft", 2007m), stem cell research (e.g. in "Was ist vertretbar? Ethische Probleme der Organplantation", 2001f and "Das Ende der Person? Zur Spannung zwischen Ethik und Gentechnologie", 2001g) and abortion (e.g. in "Unantastbare Menschenwürde – Gilt sie von Anfang an?", 2001e and "Familie haben alle – Für eine Zukunft mit Kindern", 2006bb) to considering the impact of 9/11 (e.g. *Gerecht aus Glauben – die Gegenwartsbedeutung des christlichen Menschenbilds*, 2001a) and the integration of Turkey into the European Union (e.g. "Der christliche Glaube und die politische Kultur in Europa", 2004h).

¹⁶¹ Cf. Huber's critique of some forms of individualisation in *Kirche in der Zeitenwende*. His criticism is directed especially against those forms of individualisation that erode community (1999:88–89): "In der Individualisierung gehören also die Freisetzung von vorgegebenen Lebensformen und die

In this section, the way in which communicative freedom engages the importance of the individual will be investigated. In the first part of this section the researcher will investigate how communicative freedom engages the *rights* or basic freedom modernity guarantees each person. This will be done by enquiring into how the dignity of the individual is affirmed,¹⁶² what the relevance of communicative freedom for this affirmation is, and how it is to be connected with human rights.

After the researcher has investigated the meaning of the central role of the individual he will, in a second step, investigate how communicative freedom engages the *duties* that can be expected of the individual in modern societies. It will be shown that communicative freedom reframes ‘duty’ as ‘responsibility’ and that responsibility is implied with freedom. The responsible realisation of freedom is not to be understood as its limitation but indeed as its expression.

2.2 The dignity of the free individual

2.2.1 Communicative freedom and human dignity

Within Christianity the individual fulfils a central role, as the Judeo-Christian tradition understands God to relate to humanity by means of his relationship with individual persons (Huber, 2006b). In *Der christliche Glaube* Huber (2008b:101–107) expounds the parable of the prodigal son (Luke 15:11–32), the story of the sinful woman (Luke 7:36–50) and the parable of the labourers in the vineyard (Matthew 20:1-16) as illustrations of how Jesus brings humanity to God by returning individuals to the safety of God’s care (Huber, 2008b:105). It is especially the basic conviction of Protestant Christianity that

God values every person in a special way. Precisely in this way does God bestow every person with dignity which is stronger than differences brought about by achievement or ability. ... [T]he equal dignity of all

Entzauberung traditionsbestimmter insitutioneller Sicherheiten mit der Aufgabe einer neuen, individuell verantworteten Reintegration unmittelbar zusammen.”

¹⁶² Currently Huber’s work on bioethics always centres around the theme of human dignity. In some of his other works it plays an important part in e.g. the rationale for solidarity (e.g. *Protestantismus und Protest*), an ethics of responsibility (*Konflikt und Konsens*) and his arguments against societal violence (*Die tägliche Gewalt*) and for peace (*Friedensethik*).

persons [is] grounded in God's unsearchable goodness (Huber 2008b:107).¹⁶³

Huber understands the Reformation to be the most important and most influential rediscovery of the meaning and implications of this impulse. In *Rechtfertigung und Recht* (2001h:18–33) Huber sketches Luther's dramatic rediscovery of this biblical truth. Luther's basic question concerned the meaning of 'God's righteousness'¹⁶⁴, and specifically how a sinful person can be accepted by a righteous God (Huber, 2001h:23).¹⁶⁵ Rather than understanding God's righteousness as only 'active' righteousness, in other words enforcing his righteousness by means of his power to punish, Luther rediscovered the 'passive' dimension of God's righteousness or God's gracious justification of the sinner (Huber, 2001h:23–24). Luther's discovery of the second part of Romans 1:17, namely that God's righteousness "is revealed through faith for faith" (NRSV) forced him to revise his understanding of God and God's relationship with humanity. God's righteousness is therefore *given* to the sinner and cannot be achieved (Huber, 1993a:24).

By understanding God's righteousness as a gift Luther revised a long tradition of understanding God's righteousness as a characteristic of God (Huber, 2001h:25). The justification of the sinner by means of the gift of God's righteousness means that God's righteousness always stays an 'alien' justice. This explains Luther's conviction that a Christian indeed is sinful and justified at the same time. Seen from the perspective of the merciful God's judgement, however, the Christian is justified (Huber, 2001h:25–26). Huber understands this discovery Luther made as a definitive confirmation of the inefficacy of human attempts at self-justification and creating meaning (Huber, 2001h:27).

¹⁶³ "Er würdigt jeden auf besondere Weise. Gerade darin verleiht er allen Menschen eine Würde, die stärker ist als die Unterschiede der Leistung oder des Vermögens. ... [D]ie Begründung der gleichen Würde jedes Menschen [ist] in der unausforschlichen Güte Gottes."

¹⁶⁴ "For I am not ashamed of the gospel; it is the power of God for salvation to everyone who has faith, to the Jew first and also to the Greek. For in it the righteousness of God is revealed through faith for faith; as it is written, 'The one who is righteous will live by faith'" (Romans 1:16–17, NRSV).

¹⁶⁵ Cf. Eberhard Jüngel, *Das Evangelium von der Rechtfertigung des Gottlosen als Zentrum des christlichen Glaubens* (Tübingen: Mohr Siebeck, 1999).

In contrast to understanding human worth as a substance that is owned by the individual, the Christian witness – especially since the Reformation – understands human dignity to be grounded in the relationship God initiates with the sinner. Through God’s justification¹⁶⁶ one discovers oneself as a being that cannot be defined in terms of any of one’s abilities or mistakes but as a being that transcends any attempt at a final definition (Huber, 1993a:155).¹⁶⁷ God’s constitution of human dignity therefore implies relationality to be a constitutive element of a Christian understanding of human dignity (Huber, 2006b):

Nowhere is humanity given a higher standing than in the Judeo-Christian tradition where the person is understood as God’s counterpart. It understands humanity’s dignity not as a substance that ‘belongs’ to the individual, but as constituted by the relationships by means of which life is lived. Among these relationships, however, God’s relationship with humanity is the most important. The relationship with the people with whom life is shared, the world within which life is lived and to oneself is of resultant importance. ... This is expressed in the idea of ‘image of God’.¹⁶⁸

¹⁶⁶ Huber makes relatively little use of the concept of sanctification. Huber (1993a:156) is indeed of the opinion that the Calvinist emphasis on the connection between God’s gracious election and sanctification is of importance and regards it as an important development of Luther’s initial discovery but rarely develops it further. Here he picks up the Calvinist connection between individual freedom and responsibility. Cf. in this regard *Sovereign Grace: The Place and Significance of Freedom in John Calvin’s Political Thought* by William Stevenson where he describes “irreducible, yet partial” individual freedom (1999:11–57) as the Calvinist basis for “corporate action, but under judgement” (1999:59–103).

¹⁶⁷ It should be noted, however, that in *Der christliche Glaube* (2008b: 38–49) Huber interestingly chooses to motivate human dignity not by means of God’s gracious justification but by means of his act of creation. However, this apparent shift of focus does not change the central elements of his understanding of human dignity. In *Die christliche Glaube* (2008b:38) Huber’s main categories of describing human dignity are the person described as an ‘answering being’, relationships as the realisation of personhood and the importance of personal responsibility, all of which correspond to the central aspects of human dignity in the rest of his work.

¹⁶⁸ “Nirgendwo wird höher vom Menschen geredet als in der jüdischen und christlichen Tradition, die im Menschen ein Ebenbild, ein Entsprechungsbild Gottes sieht. ... Unter diesen Beziehungen aber steht die Gottesbeziehung des Menschen oben an. Die Beziehung zu den Mitmenschen, mit denen er sein Leben teilt, zu der Lebenswelt, in der er sich bewegt, und zu sich selbst treten dem zur Seite. Der Mensch, der sich in solchen Beziehungen vorfindet und der diese Beziehungen ausdrücklich thematisieren kann, ist Person; das kommt im Begriff der Gottebenbildlichkeit zum Ausdruck.”

Huber specifically makes use of Kant's philosophy to align the inalienable and personal character of human dignity with the modernist project.¹⁶⁹ The most important Kantian idea Huber takes up in his work is that the person being is an 'end in itself' and not a 'means to an end'.¹⁷⁰ A human being is therefore always a 'person' and never simply an 'object' (*Sache*). In some instances, Huber (e.g. 2004d) expresses this distinction as a distinction between 'worth' (*Wert*) and 'dignity' (*Würde*). Huber (1990a:222–223) cites Kant to substantiate this distinction:

In the 'kingdom of ends' everything has either a price, or dignity. Something with a price can be exchanged for something else, for an equivalent. However, that which does not have a price or equivalent has dignity.¹⁷¹

At this juncture it should be noted that the relationality inherent in the Protestant understanding of human dignity seems to be wholly analogous to the concept of communicative freedom as it has been expounded in Chapter 1. Indeed, it seems to be even more than an analogy. Human dignity in Huber's work may be understood as an application of the concept of communicative freedom to the discussion on the role of the individual in society, and it will be used as such in this chapter.¹⁷² In

¹⁶⁹ In his lecture "Unsterblichkeit und Würde. Kant zu Ehren", delivered on the 200th anniversary of Kant's death, Huber (2004d) reads Kant's attempt to answer the last of his seminal questions ("What may I hope?") by means of the immortality of the soul as his affirmation the grounding relationality of human dignity. Huber explains how Kant turns to practical reason in order to answer this question. He finds an answer to his question by regarding moral claims as having little authority if the soul should cease to exist after a person's death. This implies the person's ability to take responsibility for life itself, which again implies a point of reference that transcends particular situations or even the individual life. According to Huber, this implies human 'addressability' as the basic structure of the human soul in Kant's work. This means, consequently, that the person's ability to act rationally and take responsibility is fixed in what can be called 'the structures of intersubjectivity'. Cf. also Georg Essen and Magnus Striet (eds), *Kant und die Theologie* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2005).

¹⁷⁰ This Huber does, e.g., in "Flugblätter der Freiheit. Verantwortliches Handeln aus christlichen Wurzeln" (2006b) and "Dass der Mensch mehr ist als seine Taten. Das christliche Menschenbild im Licht der Rechtfertigungsbotschaft" (2007m).

¹⁷¹ "Im Reiche der Zwecke hat alles entweder einen *Preis*, oder eine *Würde*. Was einen Preis hat, an dessen Stelle kann auch etwas anderes, als *Äquivalent*, gesetzt werden: was dagegen über allen Preis erhaben ist, mithin kein *Äquivalent* verstatet, das hat eine *Würde*."

¹⁷² In the lecture on Kant mentioned earlier ("Unsterblichkeit und Würde. Kant zu Ehren"), Huber (2004d) articulates the importance of human dignity in a way that nearly fully corresponds with his conviction regarding the central importance of freedom for modern times: "Die Würde des Menschen ist eines der großen Themen des 20. und wohl auch des 21. Jahrhunderts. Ein Nachdenken über die Würde des Menschen hat sich im 20. Jahrhundert gerade deshalb entfaltet, weil es in ihm immer wieder am Respekt vor demjenigen Kern der menschlichen Person fehlte, der über alle Tode hin Bestand hat. Vor allem gilt das für die totalitären Regime des vergangenen Jahrhunderts."

Chapter 1 it was shown how God constitutes the *inalienable* freedom of the individual person (cf. e.g. Huber, 1987:56). The relational dimension of freedom is grounded in God's initiative (Huber, 1999:171ff). Freedom is not dependent on individual characteristics or abilities but on God's gracious bestowal thereof (Huber, 2001h).¹⁷³

The founding relationship initiated by God is consequently also the expression of the grace that grounds the dignity of the individual. In other words, God's decision to initiate a relationship with humanity already starts with creation and is carried through despite human sin, as salvation through Christ and the ultimate redemption of reality signify (Huber, 1999:171–176). This relationship is not based on the merit of the person, but the relationship itself bestows the person with worth. The justification of the sinner consequently forms the centre also of communicative freedom, and human dignity can be understood as an application of this basic idea.

Its inalienable character forms the basis for the *personal* character of communicative freedom as it can only be realised in relationship (Huber, 1985:211).¹⁷⁴ As was indicated, this implies that communicative freedom proposes that Christian freedom should not be viewed as a substance but as movement (Huber, 1985:211). The same applies for the anthropology communicative freedom presupposes: Human

In this respect, cf. also how Huber (2004I), in terms of the need for societal dialogue, makes a fundamental connection between human dignity and freedom in his speech "Religionsfreiheit und offene Gesellschaft – ein Prüfstein aktueller Dialoge in Europa": "Religionsfreiheit als universales, jedem Einzelnen zukommendes Menschenrecht fordert von allen Religionsgemeinschaften Anerkennung und Respekt gegenüber anderen Religionsgemeinschaften. ... Die Basis für geistige Freiheit, Gewissensfreiheit und damit auch für die Freiheit der Religion liegt in der Menschenwürde. Nur wer frei ist, sich zwischen Gut und Böse, Recht und Unrecht selbstverantwortlich zu entscheiden, kann sein Leben in Freiheit unter Achtung der Menschenwürde seiner Mitmenschen entfalten. Gewissensfreiheit und Religionsfreiheit gehören eng zusammen. Wenn Menschen ihre Religion nicht frei ausüben können, sind sie in ihrer innersten Freiheit betroffen."

¹⁷³ In "Die Verbindlichkeit der Freiheit: Über das Verhältnis von Verbindlichkeit und Freiheit in der evangelischen Ethik" Huber (1993b:71) formulates the unity between human dignity and God's bestowal of freedom as follows: "[D]er theologische Einsicht, daß menschliche Freiheit nicht durch menschliches Handeln hervorgebracht wird, sondern in der Wirklichkeit in der göttlichen Anrede wurzelt, hat eine responsorische Konzeption menschlicher Autonomie zur Folge. Und aus dieser Verknüpfung resultiert, daß die Ethik der Gerechten ... konstruktiv auf eine Ethik des Guten bezogen wird, in der menschliche Freiheit als kommunikative Freiheit zu ihrem Ziel kommt."

¹⁷⁴ In his article "Kirche als Raum und Anwalt der Freiheit" in *Folgen christlicher Freiheit* Huber (1985:211) succinctly connects the inalienable and relational character of communicative freedom: "Radikal ist Freiheit dann verstanden, wenn sie in der Unverfügbarkeit der menschlichen Person gründet und auf umfassende Gemeinschaft zielt."

dignity should not be understood in substantial categories but in relational categories (Huber, 1999 211ff).

In terms of Huber's theology, therefore, the term human dignity serves as an expression of God's bestowal of freedom, which enables the engagement of communicative freedom with the status of the individual in modern societies. Freedom can, however, only be realised in specific circumstances and often these societal circumstances require revision. The influence of Christianity's insistence on the equal freedom of all persons had on the liberation of the individual in society, specifically by means of human rights, serves as one such attempt at the revision of society and will be discussed in the next section. This will provide perspective concerning the historical and cultural connection between human dignity in Christianity and human rights in modernity.

2.2.2 Human dignity and the development of human rights

The rediscovery of the inalienable dignity of the individual by the Reformation exerted a significant influence on the development of human rights and its codification serves as expression of its central role in modern societies. Huber (1996b:136-142, 2001h:12-18) identifies five stages in the development of human rights in order to systematise Christianity's influence on its development.

The *first* stage is the Christianising of the Roman Empire. Whereas Christianity kept a critical distance from the state and juridical system, the 'Constantinian turn' at the beginning of the 4th century led to the organisation of society being orientated to Christianity. This also led to the secularisation of Christianity itself and to the mitigation of the radical character of the gospel, specifically with regard to criticism on behalf of those in disadvantaged positions (Huber, 1996b:136-137; 2001h:12). The 'Papal Revolution' followed this stage and stretched from 1050 until about 1200.

This *second* stage was characterised by the systematisation of legal policies, especially by means of the agreement of the different spheres of the legal system. The *Decretum Gratiani* of 1140 first applied this criterion to canonical law, but it was soon applied to the other spheres too. Natural law was now used as the principle by

means of which the internal consistency of the law should be protected, as it was believed that the basic principles of natural law were to be found in God's general revelation. Already this second stage signifies the emancipation of the legal system from its Christian roots (Huber, 1996b:137).

The resultant view of the individual person that developed during this time was the individual as 'Christian person', with the person being constituted by baptism. Baptism constituted the civil personhood of the individual, and those who were excommunicated or not baptised had practically no civil rights. Although humanity was strictly divided into two groups (Christians and heathens) the Papal Revolution placed the individual in the centre of the legal system and laid the groundwork for human rights (Huber, 1996b:137–138; 2001h:13).

Huber (1996b:138; 2001h:14) understands the Reformation as a *third* stage. As the Reformation emphasised the legitimacy and specific influence of both worldly and churchly powers, it brought about an important dimension of societal secularisation. The result was that freedom of conscience and of religion became ingrained into the societal fabric.¹⁷⁵ Huber (1996b:228–231) understands the Reformation to have radicalised movements that were already set in motion in Spain and Italy. The Italian humanists, for example, took up the biblical theme of humanity as created in the image of God, with philosophers like Count Giovanni Pico della Mirandola (1463–1494) understanding humanity as corresponding to God, with unending opportunities to act upon (Huber, 1996b:228). The Spanish late-scholasticism of the first half of the 16th century also played an important role in emphasising the equal dignity of all people (Huber, 1996b:229). This was especially due to the widening of the horizons of the Spanish brought about by the explorations of the 15th century.

Questions regarding the integration of 'non-European' persons into especially the theological frame of reference were of central importance for the initial development

¹⁷⁵ This egalitarian interpretation then also served as correction of the differentiation by Antiquity between *dignitas* and *honor* as two forms of human dignity (Huber, 1993a:151). Whereas *dignitas* referred to that which all humans share and which distinguishes them from animals, *honor* referred to the different abilities different people have and legitimised the resulting societal stratification.

of human rights.¹⁷⁶ The consequence was dividing humanity into the categories of Christians/the civilised and heathen/the uncivilised, despite Pope Paul III's Papal bull *Sublimis Deus*, promulgated on the 2nd of June 1537, stating that the "Indians" are also "truly men".¹⁷⁷ A range of debates concerning the status of the 'heathens' followed. Spanish philosopher-priests such as Francisco de Vitoria (also known as the 'father of international law'), Bartolomé de las Casas (1484–1566) and Francisco Suárez (1548–1617) focused on the sociable nature of human beings, by means of which they connected with humanity's rational capability, with which they proved that heathens were also fully human (Huber, 1996b:229; 2008b:40).

The confessional wars that followed the Reformation led to a *fourth* stage. It became clear that religious convictions – especially when still used to partly legitimate legal systems – can lead to violence, which led theorists such as Grotius and Hobbes to argue for a legal system not based on God's existence and its confessional shaping. The era of legal positivism was inaugurated by the consequent conviction that the state itself should be the source of the legal system. As the power of the state increased, the need for counterbalances was increasingly articulated. Basic and civil rights were seen as the most important of these counterbalances, and they were programmatically formulated during the French and American revolutions (Huber, 1996b:139; 2001h:15).

The Enlightenment provided the foundational ideas for a *fifth* stage in this development. The discovery of human subjectivity and autonomy by the Enlightenment led – despite some of its questionable consequences – to the legal acceptance of the person as an autonomous legal subject.¹⁷⁸ This stage can only be seen to have come to a conclusion in modern societies with the United Nations'

¹⁷⁶ Cf. e.g. Rolf Gröschner (ed.), *Des Menschen Würde – entdeckt und erfunden im Humanismus der italienischen Renaissance* (Tübingen: Mohr Siebeck, 2008); Charles G. Nauert, *Humanism and the culture of Renaissance Europe* (Cambridge: Cambridge University Press, 2006); and Andre Chastel, *The age of humanism: Europe 1480–1530* (London: Thames and Hudson, 1963).

¹⁷⁷ "We, who, though unworthy, exercise on earth the power of our Lord and seek with all our might to bring those sheep of his flock who are outside into the fold committed to our charge, consider, however, that the Indians are truly men and that they are not only capable of understanding the Catholic Faith but, according to our information, they desire exceedingly to receive it."

¹⁷⁸ For the reception of human rights in societies influenced by other religious and cultural ideas than those that were responsible the concept of human rights Huber makes use of, cf. Irene Bloom, J. Paul Martin and Wayne L. Proudfoot (eds.), *Religious diversity and human rights* (New York: Columbia University Press, 1996).

Universal Declaration of Human Rights that was accepted in 1948 (Huber, 1996b:139; 2001h:15–16).¹⁷⁹

We have now seen how Huber understands the idea of freedom to have influenced developments of human rights, specifically by means of the concept of human dignity. Although modern societies are therefore described as ‘secular’, the historical relationship between modernity and Christianity (in particular Protestantism) allows for analogies between human rights and human dignity. It was seen, for example, that the pre-statal character of human rights corresponds with the inalienable nature of communicative freedom and human dignity (cf. Huber, 1987:74; 1990c:29; 2004h; 2004i; 2005w). In the following section this will be taken as background to understand Huber’s suggestion for relating the importance of the individual in the concept of communicative freedom to the modern understanding of human rights.¹⁸⁰

2.2.3 *Relating individual freedom to human rights*

In describing his view on how to relate Protestant theology to human rights Huber presents six arguments by means of which some of the largest ecclesial communities have sought to address this relationship (Huber, 1996b:246–249).¹⁸¹ *Firstly* one finds an unwillingness to interact with the concept of human rights by means of theology. According to this viewpoint, the secular character of human rights is respected when theological resources are not employed to affirm and provide corrections. Such a position is possible – according to this argument – because human rationality is all that is needed to understand the logic and necessity of human rights. The result is, however, that the public character of Christian

¹⁷⁹ Huber (1996b:140–142; 2001h:16–18) then speculates whether one can identify a sixth stage. He regards the renewed discovery of the ambivalence of individualisation and its connection with the exploitation of nature and the worsening situation of the weakest members of society as reason enough to re-evaluate the view of the individual person in society. Specifically the connection between the individuality and sociality of the individual person is seen as a challenge that has to be faced. Within this context then he regards communicative freedom to make a contribution to the development of human rights, as it continues to emphasise the *Gleichursprünglichkeit* of human individuality and sociality.

¹⁸⁰ For the development of the United Nations’ Universal Declaration of Human rights, see Huber and Tödt’s discussion in *Menschenrechte: Perspektiven einer menschlichen Welt* (1977:14–24).

¹⁸¹ Huber clearly does not aim to fully represent the diversity of each tradition he makes use of but uses broad generalisation of the ecclesial traditions to illustrate the lines of argumentation he wishes to highlight.

theology is denied, that the historical character of any catalogue of human rights is ignored and that humanity's rationality is overestimated (Huber, 1996b:246–247).

The *second* form of argumentation is especially prevalent in Roman Catholic circles and applies a 'double motivation' to understand the relation of individual freedom to human rights. Natural law is used as first motivation by deducing the status and worth of human beings from their status in nature itself. Since the Second Vatican Council the salvific argument won ground as second motivation, according to which the creation of humanity in God's image is indicative of humanity's worth, despite sin. Typical of this position is the Catholic connection between nature and grace, leading to two complementing arguments. Huber understands this typically Roman Catholic relationship between nature and grace to be problematic in this instance because it presupposes an overly optimistic view of human dignity, as the *imago Dei* seems not be influenced by sin. As was indicated above, Huber is of the opinion that human dignity is – as the case is with freedom – a relational concept that is perverted by sin but not destroyed, for it is God who initiates and maintains his relationship with humanity (Huber, 1996b:247).¹⁸²

In the Orthodox tradition, *thirdly*, one finds a strong focus on the sanctity of life. Consequently it is found deficient of a specific focus on human dignity and freedom. Rather than basing societal responsibility on the dignity and freedom each person has, the celebration of God's creative power leads to thankfulness that is realised by taking responsibility for life itself (Huber, 1996b:247). For Huber, the Orthodox position is not so much lacking in itself as it hinders the public participation of the church.

Fourthly Huber (1996b:247–278) identifies a Reformed line of argumentation used to describe the relationship between human rights and human dignity. This line of argumentation uses God's righteousness as integrative concept. Because God's faithfulness concerns the whole of humanity, all people have inalienable dignity. Due to the universality of human rights they can be understood as the expression of God's faithfulness to his covenant with the whole of humanity. Therefore a culture of

¹⁸² For a discussion of the relationship between modern Catholic theology and human rights, see Huber and Tödt, 1977:39–45.

human rights deserves the affirmation of Christianity. Huber criticises this line of argumentation for the way it confuses two distinctly different implications of God's covenant. God's election of humanity to form part of the covenant implies a passive acceptance of his graceful election. At the same time, however, his covenant requires obedience, also in the public sphere. Huber misses a nuanced use of God's righteousness and fears that this line of argumentation is a reduction of God's relationship with humanity.

The functional theory of human rights, *fifthly*, equates the conviction of humanity's inalienable dignity with the Christian idea of justification of the sinner through God's grace. Huber's criticism against this line of argumentation is that it can be a too modernistic treatment of the theme (Huber, 1996b:248). Making use of this Reformational doctrine is in itself not wrong – Huber himself makes extensive use of this doctrine to motivate the Christian view on human dignity – but it can be used only to confirm modernist ideas concerning human rights and human dignity and does not allow for a critical distance. Huber criticises this type of argumentation.

Lastly, Huber presents his own suggestion. Huber (1996b:248; Huber & Tödt, 1977:162–175) uses two terms to typify his argument, namely 'analogy' and 'difference' (*Entsprechung* or *Analogie und Differenz*), where a triad of concepts – freedom, equality and participation – forms the basis for the relationship between his understanding of human dignity and human rights.

2.2.3.1 Huber's argument: Analogy and difference

Huber (1996b:248) is of the opinion that any attempt at considering the relationship between human rights and human dignity within Christianity should take into account continuities without diminishing critical distance. In opposition to attempts at deducing human rights directly from Christian truths, Huber wants to respect the secular character of human rights, despite the Christian contribution to its formation. Human rights are therefore

a human, generally accessible concept, which one can accept without presupposing Christian notions. One can nevertheless ... appreciate it

anew by deciphering its value and meaning theologically. This enables one to identify which tendencies pertaining to human rights are required of Christians, and which tendencies should be rejected (Huber & Tödt, 1977:162).¹⁸³

Huber is of the opinion that the concept of human rights in the first instance is aimed at protecting the individual person's position in society, as was seen in the discussion of its development (Huber, 1996b:248). The way in which it is done is by ensuring the freedom, equality and right to participation of all people. Huber regards these three concepts to form the basic structure of human rights, and he regards this triad as keeping the individual and social elements of human rights intact. Already in *Menschenrechte* (1977), which he co-authored with Heinz Eduard Tödt, Huber sets out this model of analogy and difference, of which he makes use especially in *Gerechtigkeit und Recht* (1996b) again.

The modern understanding of human rights essentially implies *freedom* as an inborn human quality. It can be neither under the control of the state nor of society itself and forms a constitutive part of the individual person. Therefore the concept of human rights cannot be invalidated by its vulnerability to systemic manipulation (Huber & Tödt, 1977:163). Here the analogy with communicative freedom, as it was discussed in the previous chapter, is clear. Communicative freedom also has the inalienability of human dignity as assumption. It diverges from human rights, however, as communicative freedom was shown to be grounded in God's grace and therefore differs significantly from a 'stoic-idealistic' interpretation of dignity, which understands freedom as the human ability to be at one's own disposal.

Freedom is therefore not a naive 'free freedom' (*freie Freiheit*) but always has the character of 'liberated freedom' (*befreite Freiheit*) as God renews the gift of freedom by liberating the individual person from the power of sin (Huber & Tödt, 1977:163) and in this sense calls people to one another (cf. again Huber, 1985:118; 1990d:60).

¹⁸³ "Für eine derartige theologische Interpretation bleibt die Menschenrechtsidee ein humaner, allgemein zugänglicher Gedanke, den man ohne die Voraussetzung des christlichen Glaubens akzeptieren könnte. Dennoch kann man auf diese Weise, wie wir meinen, den Gehalt und Sinn des Menschenrechtsgedankens theologisch ein Stück weit entschlüsseln und so neu würdigen. Dadurch gewinnt man Kriterien, die zur Urteilsbildung darüber beitragen, welche Tendenzen in der Menschenrechtsentwicklung von Christen gefördert, welche abgewiesen sollten."

Christ's incarnation, death and resurrection enable the renewal of freedom, and God's liberation therefore binds the individual person to Christ. The way in which Christ brought about liberation shapes the freedom to which the person is liberated, as was seen in Huber's interpretation of Paul and Luther (cf. also Huber & Tödt, 1977:164). The liberated freedom brought about by Christ does not initiate a closed relationship between God and the individual person but opens up the individual to the fundamental relationality of human nature.

Whereas communicative freedom agrees with the inalienability of personal freedom implied by human rights, its motivation for the agreement excludes individualising tendencies. For Huber, the subversiveness of Jesus' message and the connection between his teaching and its political repercussions are of paradigmatic importance in this regard (Huber, 1987:15).¹⁸⁴ On a different level, consequently, the freedom of conscience acknowledged by human rights allows for the expression of religion and requires the public participation of religious communities in order to legitimate concepts such as human rights (cf. Huber, 1985:211; 2006x). Confessing to Christian freedom consequently requires the freedoms of expression and of religion (Huber & Tödt, 1977:164) without being dependent on these freedoms for realising the freedom of faith (cf. Luther, cited in Huber, 1999:170; Huber & Tödt, 1977:165).

The method of analogy and difference is therefore aimed neither at an unqualified approval nor at a disapproval of human rights but aims to engage the differences and analogies in a nuanced way, as was seen by means of communicative freedom. The second element of the triad is *equality*, and it presents the same structuring relationship. In the first part of this section it was seen that God's bestowal of freedom on all implies a radical and critical form of equality, which is also expressed by human rights (Huber & Tödt, 1977:166; cf. 1996b:173). In Galatians 3:26–29, for

¹⁸⁴ In *Protestantismus und Protest* Huber states memorably, “[Die Kirche] vergißt, daß sie sich zu einem Herr bekennt, der als Aufrührer hingerichtet wurde. Die Nachricht, daß sein Reich nicht von dieser Welt sei, war keineswegs ein Abschied von ‘dieser Welt’, sondern politisch höchst folgenreich: ein respektloser Hinweis auf die Grenzen aller politischen Herrschaft. ... Vielmehr ist der christliche Glaube so politisch, wie er persönlich ist. Er betrifft die äußeren Lebensverhältnisse, wie er das Innere der Menschen verwandelt. Er hat es mit dem Frieden der Staaten ebenso zu tun wie mit dem Frieden der Herzen. Denn er betrifft den ganzen Menschen. ... Die Kirche kann und darf also nicht verschweigen, daß ihr Bekenntnis zu dem Mann am Kreuz Anstoß erregt und Ärger macht. Von diesem Bekenntnis hat die Alternative zwischen persönlicher Frömmigkeit und politischer Verantwortung keinen Bestand. Glaube und Politik gehören zusammen” (Huber, 1987:15).

example, the Christian understanding of equality is founded on the constitutive relationship, namely the relationship God initiates “through Christ”. The result is that Paul can state that there is therefore no longer “Jew or Greek, there is no longer slave or free, there is no longer male and female; for all of you are one in Christ Jesus”. The act of baptism serves to testify to the equality given by Christ in order to be realised in relationship (Huber & Tödt, 1977:167).¹⁸⁵ In other words, the difference between equality according to its Christian understanding and equality in human rights is that in society it is secured legally, whereas in the Christian understanding it is grounded in God’s love (Huber & Tödt, 1977:167).

Again the *Gleichursprünglichkeit* of human individuality and sociality motivates the analogy in such a way as to indicate where the boundaries lie (Huber, 1996c:106). When equality is implemented in a totalitarian way (Huber, 1999:189) at the expense of individual freedom, the analogy has reached its boundaries (cf. also Huber & Tödt, 1977:166). Both human rights and communicative freedom therefore imply radical equality, but it is expressed in different ways.

The last element of the triad that keeps human rights intact and serves to illustrate Huber’s method of analogy and difference is that of *participation*. As was seen in the discussion of Tödt’s work (cf. Tödt, 1988:199ff), this element of the triad integrates freedom and equality by necessitating the concretisation of human rights. Built on the equal possibility for all to utilise and develop their unique abilities the realisation of participation will therefore always imply the constructive tension between freedom and equality (Huber & Tödt, 1977:169).

Regarding participation the analogy is also not complete but is characterised by the specific features of the Protestant understanding of participation. This difference – although not necessarily fundamental – between the Christian view on participation and the way in which it functions in human rights is that the Christian view uses

¹⁸⁵ In *Kirche in der Zeitenwende* Huber describes baptism as follows: “[Die Taufe] eignet dem Menschen also diejenige Freiheit zu, die durch keine seiner eigenen Taten erworben oder endgültig verloren werden kann. Sie verbürgt denjenigen gnädigen, tröstlichen Bund Gottes mit jedem Menschen, durch den die gesamte Lebensgeschichte unter das Urteil der göttlichen Barmherzigkeit tritt. Sie eignet dem Menschen Freiheit von der Sünde zu, wie sie unter den Bedingungen irdischer Existenz nur durch die tägliche Absage an die Sünde beantwortet werden kann, weil sie sich erst in der Zukunft Gottes in ihrer vollen Herrlichkeit zeigen wird” (1999:143).

participation as an integrative concept, which allows for individuality, sociality, relationality, service and responsibility to be placed in close conceptual proximity to one another, whereas participation in human rights has a more pragmatic character.

Huber and Tödt (1977:170) express the Protestant connection between freedom and equality by means of their understanding of the church. The church is a community of equals who are called to serve one another and the world with their different gifts to illustrate the Christian understanding of participation. Paul can therefore say in 1 Corinthians 12:4 that it is “the same Spirit” through whom different gifts are given, and that these gifts different individuals have are for the “common good” (12:7), for the church is “one body” with “many members” (12:12). Consequently, if “one member suffers, all suffer together with it; if one member is honoured, all rejoice together with it” (12:26). Participation therefore has the potential of integrating the individual and social elements of being human in a very effective way.

2.3 The responsibility of the free individual

In Chapter 1 it was shown that the personal character of communicative freedom connects human individuality and sociality, for communicative freedom also means ‘being there for others’ as communicative freedom is grounded in the liberation brought about by Christ’s self-sacrifice (Huber, 1985:118, 173). In this regard Luther’s double thesis was used to illustrate that self-limitation for the sake of others does not limit freedom but serves as its expression (Huber, 1999:170). Realising communicative freedom therefore implies taking responsibility before God for the wellbeing of one’s neighbours (Huber, 1990a:143–144).

In the first part of Chapter 2 the way in which this understanding of freedom engages the importance of the individual within modernity is investigated. In the previous section the way in which communicative freedom engages the centrality of the individual by means of the *rights* guaranteed by modernity was investigated. In this section, the way in which communicative freedom engages the *duties* implied by some of the rights of modernity will be investigated (cf. Huber & Tödt, 1977:106–

113).¹⁸⁶ This investigation will be conducted by means of the connection between freedom and responsibility made by communicative freedom. Of basic importance is that the concept of communicative freedom does not separate 'rights' from 'duties' but it regards serving one's neighbour as the expression of freedom.¹⁸⁷

In the first part the contributions of Max Weber, Dietrich Bonhoeffer and Hans Jonas will be investigated in order to understand why Huber regards an ethic of responsibility as necessary. The second part will focus on how Huber relates communicative freedom to such an ethic.¹⁸⁸

2.3.1 Describing the need for responsibility

In his important article "Sozialethik als Verantwortungsethik" (1990a:136–157) Huber programmatically motivates the need for the freedom of modernity to be realised in an ethic of responsibility, especially by means of Max Weber's diagnosis of

¹⁸⁶ Concerning the duties and responsibilities connected with democratic rights, cf. e.g. Patrick Hayden and Chamsy el-Ojelli (eds.), *Confronting globalization: Humanity, justice, and the renewal of politics* (New York: Palgrave Macmillan, 2005); Mary Anne Warren, *Moral status: Obligations to persons and other living things* (Oxford: Oxford University Press, 2004); Carol C. Gould, *Globalizing democracy and human rights* (Cambridge: Cambridge University Press, 2004); and April Carter and Geoffrey Stokes (eds.), *Democratic theory today: Challenges for the 21st century* (Cambridge: Polity Press, 2002). For studies in this regard more concentrated on the southern African context, cf. Peris Jones and Kristian Stokke (eds.), *Democratizing development: The politics of socio-economic rights in South Africa* (Leiden: Martinus Nijhoff, 2005); Sid Noel (ed.), *From power sharing to democracy: Post-conflict institutions in ethnically divided societies* (Montréal: McGill-Queen's University Press, 2005); and Kristina Bentley, *Whose right is it anyway? Equality, culture and conflicts of rights in South Africa* (Cape Town: HSRC Publishers, 2003).

¹⁸⁷ The way in which Huber develops individual freedom within an ethic of responsibility can also be understood as his reaction to modern processes of individualisation that harm life in community. He regards the limits of individualisation, for example, as its erosion of the communal handing-over of values and worldview that is important for taking in one's place in society (1999:90). The result is – especially in self-declared modern societies – the emergence of a so-called patchwork identity (1999:88). As individualisation leads to the weakening of the influence of old institutions, people increasingly have to rely on their own ability to integrate especially the representation of reality by the mass media. The reality is an often-contradictory patchwork reality, which necessarily leads to the formation of patchwork identities (1999:88–89). Concerning patchwork identities, cf. also Heiner Keupp, Thomas Ahbe, Wolfgang Gmür, Renate Höfer, Beate Mitzscherlich, Wolfgang Kraus, Florian Straus, *Identitätskonstruktionen: Das Patchwork der Identitäten in der Spätmoderne* (Reinbek bei Hamburg: Rowohlt, 1999). See also Stephan Pfürtner's article in honour of Huber, "Virtuelle Welt und Naturerfahrung. Zur ethischen und religiösen Seite eines Beziehungsverlustes" (in Reuter, H.-R., Bedford-Strohm, H., Kuhlmann, H. & Lütcke, K.-H. (eds.), *Freiheit verantworten: Festschrift für Wolfgang Huber zum 60. Geburtstag*. Gütersloh: Kaiser, Gütersloher Verl. Haus, 2002:491–503).

¹⁸⁸ For a study outlining the broad movements of the development of Protestant ethics, cf. Christofer Frey, *Die Ethik des Protestantismus von der Reformation bis zur Gegenwart* (2nd ed., Gütersloh: Gütersloher Verlagshaus, 1994).

society.¹⁸⁹ He integrates Weber's diagnosis with those of Dietrich Bonhoeffer and the philosopher Hans Jonas in order to formulate his own position.

Weber's work on the development of ethics is generally known for the seemingly rigid distinction between an ethic of conviction (*Gesinnungsethik*) and an ethic of responsibility (*Verantwortungsethik*) he articulated, notably in the lecture "Politik als Beruf" he delivered in 1919 (Huber, 1990a:138).¹⁹⁰ Whereas an ethic of conviction employs the intention of actions as the basis for ethical decision making, in an ethic of responsibility the possible consequences of actions form the basis of ethical decision making. When generalised, it means that one's own good intentions are of primary importance in an ethic of conviction, and being willing to take responsibility for the consequences of one's actions is of primary importance in an ethic of responsibility.

Huber (1990a:139) regards this distinction in Weber's work as generalising and failing to recognise its broader frame of reference, namely Weber's understanding of the development of ethics. Already in the lecture "Politik als Beruf" Weber stated that an ethic of conviction does not imply a lack of responsibility and an ethic of responsibility does not imply a lack of conviction. These two modes of ethical decision making can be understood as stages in the development of ethics and can therefore be seen to complement one another (Huber, 1990a:139–140).¹⁹¹

For Weber, the Reformation signifies the transition from an ethic of laws (*Gesetzesethik*) to an ethic of conviction (Huber, 1990a:140). The former was

¹⁸⁹ For the possible role of an ethic of responsibility in South Africa, see "The ethics of responsibility: Human rights in South Africa" by Barney Pitso, in *Bonhoeffer for a new day: Theology in a time of transition*, edited by John de Gruchy, Grand Rapids: Eerdmans, 1997:209–219.

¹⁹⁰ Cf. Wolfgang Schluchter (ed.), *Max Webers Sicht des okzidentalen Christentums: Interpretation und Kritik* (Frankfurt a.M.: Suhrkamp, 1988). Cf. also Sung Ho Kim, *Max Weber's politics of civil society* (Cambridge: Cambridge University Press, 2004); David J. Chalcraft (ed.), *The protestant ethic debate: Max Weber's replies to his critics* (Liverpool: Liverpool University Press, 2001); Roger Brubaker, *The limits of rationality: An essay on the social and moral thought of Max Weber* (London: Allen & Unwin, 1984); and Stephen P. Turner, *Max Weber and the dispute over reason and value: a study in philosophy, ethics and politics* (London: Routledge, 1984).

¹⁹¹ In 1987:79–80 Huber identifies this connection even in the qualities necessary for politics Weber identifies in this lecture: "[die] Leidenschaft für eine 'Sache'; [das] Verantwortungsgefühl für die betroffenen Menschen und die voraussehbaren Folgen; und schließlich [das] Augenmaß, daß die großen politischen Ziele durch das 'starke langsame bohren von harten Brettern' in das jeweils erreichbare umsetzt." Already the passion for a cause and the commitment to grand aims illustrate the inadequacy of a rigid distinction between an ethic of conviction and an ethic of responsibility.

characterised by detailed sets of laws, which gave direction for specific situations. In terms of power relations this ethic was kept intact by extra-personal authority (*Fremdzwang*). An ethic of conviction, however, marked the transition from heteronomy to autonomy. The Reformation brought about a turn to the recognition of the individual conscience, which was built on the rediscovery of God's gracious justification of the sinner. General principles, rather than specific rules, now started to form the basis of ethics and corresponded with the newfound respect for the individual conscience.

The Enlightenment took these impulses further, and especially the individual person's autonomy grew in importance. Characteristic of the ethic of conviction is Kant's categorical imperative, "Act only according to that maxim whereby you can at the same time will that it should become a universal law."¹⁹² Because Kant understood ethics as ethics of freedom and that it should correspond with the autonomy of the individual, he consistently separated principles from the contexts within which they can function (Huber, 1985:114). He regarded the reflection on the broader frameworks within which ethics function – for example societal institutions – as the prerogative not of morality but of legality. In this context he formulated his *lex iustitiae* as follows: "Enter a condition in which what belongs to each can be secured to him/her against everyone else" (Huber, 1985 114).

After the Enlightenment, Weber regarded ethics as making another significant transition, namely from an ethic of conviction to an ethic of responsibility. The primary difference between these two modes of ethical decision making is the move from the simple use of ethical principles to a reflexive use thereof. Freedom of conscience led to the pluralising of society and of ethical convictions in particular, which again led to the simple use of principles not being sufficient. It became necessary to include the freedom of conscience of the other in one's own process of ethical decision making. Therefore it became increasingly difficult not to include the possible consequences of one's own actions in the decision-making process, as it forms the basis of the reflexive use of one's own ethical principles (Huber, 1990a:140).

¹⁹² "Handle so, daß die Maxime deines Willens jederzeit zugleich als Prinzip einer allgemeinen Gesetzgebung gelten können."

It is therefore clear why Huber is of the opinion that generalising Weber's work as if he meant an ethic of conviction and an ethic of responsibility to exclude one another does not reflect his own intention, and neither does it reflect the complexity of ethical decision making. Huber states, "Ethics ... always has to answer the question as to how specific principles can be realised in the context of certain conditions, and which risks should be taken into account" (Huber, 1990a:139).¹⁹³

Although Huber uses Weber's description of the development of ethical thinking, he regards *Bonhoeffer's* description of the socio-theoretical developments that necessitated an ethic of responsibility and his development of the meaning of responsibility in this context as particularly helpful (Huber, 1990a:143–145).¹⁹⁴ Bonhoeffer was of the opinion that the abstractions that were prevalent in both the ethics of laws and of conviction were shown to be insufficient. An isolated individual, removed from broader social contexts and in the position to be orientated by the absolute good, formed the basis of these modes of ethical decision making. For Bonhoeffer, as for Huber, however, any type of ethic is always social ethics too (Huber, 1990a:143). The concept 'social ethics' is not a subdivision of ethics but a perspective in terms of which all forms of ethics function (Huber, 1985:115).

For Bonhoeffer, practising ethics meant asking what the 'good' means in the context of a specific historical situation. Its focus, therefore, is not the individual way of life as such but its contribution to the formation of a specific historical moment in time. Huber formulates this perspective in terms of his understanding of ethics as the freedom to life: "Christian freedom should not only be interpreted as understanding the purpose of the individual's individuality, but its meaning for societal institutions is of equal importance" (Huber, 1985:115).¹⁹⁵

¹⁹³ "[E]thik [steht] immer vor der Frage, wie bestimmte Handlungsprinzipien in einem Zusammenhang von Handlungsbedingungen zur Geltung gebracht werden können und welche Risiken dabei zu beachten sind."

¹⁹⁴ For a discussion on Bonhoeffer's ethics, and in particular the role of responsibility, cf. Tödt's *Authentic faith: Bonhoeffer's theological ethics in context* (translated by David Stassen and Ilse Tödt, Grand Rapids: Eerdmans, 2007). Cf. also Gunter M. Prüller-Jagenteufel, *Befreit zur Verantwortung: Sünde und Versöhnung in der Ethik Dietrich Bonhoeffers* (Münster: Lit, 2004) and for a more general discussion Stephen E. Fowls and L. Gregory Jones, *Reading in communion: Scripture and ethics in Christian life* (Grand Rapids: Eerdmans, 1991).

¹⁹⁵ "Christliche Freiheit ist nicht allein als Bestimmung der Person in ihrer Individualität und Innerlichkeit auszulegen, sondern sie ist zugleich auszulegen in ihrer Bedeutung für den Bereich gesellschaftlicher Institutionen."

Secondly, Bonhoeffer clarified what he understood as the content of responsibility. As was already indicated in the section concerning Bonhoeffer, he identified two points of reference: responsibility before (*Verantwortung vor*) and responsibility for (*Verantwortung für*) (Huber, 1990a:143–144). He regards responsibility before God as the basic form of responsibility. Christian existence is characterised by an answer structure: Due to God’s gracious liberation, Christian existence in its totality can be understood as a joyous answer to this liberation. The way in which liberation was brought about reveals a basic truth about life itself and has implications for how responsibility for others is undertaken.

Responsibility for others therefore flows from the responsibility before God. Bonhoeffer developed responsibility Christologically as “the combined totality and unity in answer to the reality given to us through Christ” (Huber, 1990a:144).¹⁹⁶ Because Christ brought about this reality by means of his life and death, responsibility also concerns life and death and not simply particular situations or principles. And because Christ’s life and death were characterised by substitutionary action, Christian responsibility for others should also be characterised by substitution (Huber, 1990a:144). *Verantwortung für* should therefore be characterised by the willingness for substitutionary action (*Stellvertretung*), and *Verantwortung vor* should be characterised by the answer structure of life.

Although an ethic of responsibility is characterised by its reflexive use of principles, Bonhoeffer adds an important moment of one-sidedness in the concept of substitutionary action. Responsibility therefore includes the willingness to take over the guilt of others and risking a responsible act without expecting reciprocity, for Bonhoeffer shows reciprocity not to be the presupposition for responsible actions (Huber, 1990a:144–145). Totalitarian tendencies are averted as the *Verantwortung für* is kept in balance by the *Verantwortung vor [Gott]*. God’s liberation leads to thankful service and comprises the whole of the life of the individual, to the extent of taking on the guilt of others and attempting to take the place of Jesus’ ‘lesser

¹⁹⁶ “Verantwortung meint ‘die zusammengefaßte Ganzheit und Einheit der Antwort auf die uns in Christus gegebene Wirklichkeit’.”

brothers'¹⁹⁷. Taking responsibility for others is therefore the result of living in responsibility to God, which prevents totalitarian tendencies.

This is in stark contrast to the one-sidedness present in the ethic of responsibility of Jonas.¹⁹⁸ He understands responsibility as a relationship directed by power and in which reciprocity plays virtually no role. Jonas can therefore speak of the 'totality' of responsibility (Huber, 1990a:147; 1999:183). The willingness to take substitutionary action is aimed at creating reciprocal commitments (Huber, 1999:184), which causes the moment of one-sidedness to be put in service of reciprocity and indeed the reflexive use of principles. Huber explains the danger of a totalitarian ethic of responsibility as the result of being unwilling to include the ultimate responsibility of the individual, namely responsibility towards God (Huber, 1990a:147). When the ethical frame of reference is confined to human existence and it is not placed in the basic relationality that enables this reality, an ethic of responsibility will always be endangered by totalising tendencies.

However, Huber does also take up important elements of Jonas's understanding of responsibility. Unlike Weber and Bonhoeffer, Jonas takes the technological advances of modernity as starting point for his ethic of responsibility (Huber, 1990a:145). By means of its own possibility it is possible for humanity to destroy itself or to exploit and endanger nature to an extent that was up to now not possible. This is a situation with which ethics has never been confronted, and it necessitates important changes in ethical thinking. Jonas consequently proposes two changes in ethical thinking.

Firstly, ethics must include the possible consequences that actions carried out in the present may have. This means that the future must be included in the process of ethical decision making. Jonas changes Kant's categorical imperative in order to

¹⁹⁷ Cf. Matthew 25:40: "Truly I tell you, just as you did it to one of the least of these who are members of my family, you did it to me" (NRSV).

¹⁹⁸ For a helpful collection of essays on Jonas's work, see *Ethik für die Zukunft: Im Diskurs mit Hans Jonas* (edited by Dietrich Böhler, Munich: C. H. Beck, 1994). For the role of freedom in Jonas's philosophy, cf. Udo Lenzig, *Das Wagnis der Freiheit: Der Freiheitsbegriff im philosophischen Werk von Hans Jonas aus theologischer Perspektive* (Stuttgart: Kohlhammer, 2006). Cf. also Christian Wiese, *Weiterwohnlichkeit der Welt: zur Aktualität von Hans Jonas* (Berlin: Philo, 2004) and Dietrich Böhler and Andreas Frewer, *Verantwortung für das Menschliche: Hans Jonas und die Ethik in der Medizin* (Erlangen: Palm & Enke, 1998).

include the new possibilities of self-destruction technology has brought about to the following: “Act in such a way that the consequences of your action comply with permanent and genuine human life on earth”¹⁹⁹ (cited in Huber, 1990a:206). This means that actions of which the potential consequences can endanger permanent and genuine human existence on earth should be abandoned rather than risked. Huber identifies two objections to Jonas’s new categorical imperative (Huber, 1990a:206).

The first concerns the anthropocentrism of this principle: An ethic of responsibility should protect not only permanent and genuine human life on earth but also the existence and worth of nature itself. The whole of God’s creation is worthy of protection, not simply humanity. Huber’s second objection is that the meaning of genuine human existence is by no means clear. It could be argued that such an imperative can disregard the freedom of future generations by deciding on their behalf what kind of reality they should want to choose. Huber proposes that future generations should rather be allowed at least at much freedom as current generations have. This he understands to correspond with the dignity of those generations better than attempting to determine the meaning of ‘genuine’ human life.

According to Jonas the *second* change necessary for ethical thinking to progress is departing from of its anthropological optimism. He gives three reasons for this, namely that human nature is not static but fluid, the recognition of what is right is not simple, maybe impossible in some instances, and the consequences of human actions are not always predictable anymore (Jonas, 1988:15). The title of his book already signifies the need for this change: In opposition to Ernst Bloch’s *Das Prinzip Hoffnung* he entitled his book *Das Prinzip Verantwortung*, in order to situate his ethical project in the reality of human existence. He wants to take the ambiguity of human existence seriously (Huber, 1990a:146).²⁰⁰

¹⁹⁹ “Handle so, daß die Wirkungen deiner Handlung verträglich sind mit der Permanenz echten menschlichen Lebens auf Erden.”

²⁰⁰ It is insightful to note that, as a Jew, Jonas was deeply conscious of the human propensity to failure. The Second World War plays an important role in his thought, theoretically and personally, as his mother was killed in Auschwitz’s gas chambers. In this regard he published the book *Der Gottesbegriff nach Auschwitz: eine jüdische Stimme* (1987, Frankfurt a. M.: Suhrkamp).

After this investigation of how Huber understands the thought of Weber, Bonhoeffer and Jonas in motivating the need for an ethic of responsibility, the researcher will turn to the contribution communicative freedom can make to the discussion. This will especially enable one to gain a better understanding of the responsibility communicative freedom implies and how it engages the individual's role in modern societies.

2.3.2 Communicative freedom as the integration of freedom and responsibility

The concept of communicative freedom reveals the close connection between freedom and responsibility in Christianity and in this sense also affirms the connection between human rights and duty made by modernity. In Chapter 1 it was shown that the concept consistently deconstructs individualised (Huber, 1992a:115; 1996c:61) and privatised (Huber, 1992:115) views of freedom by constructing a relational understanding of freedom (Huber, 1985:211). This basic relationality is consistently shown to be grounded by God by means of Christ's substitutionary death (Huber, 2007b). The way in which this fundamental relationality is constituted characterises the way in which freedom is to be realised. Substitutionary love and service form the basis of this freedom (Huber, 1990a:144). In other words, one can say that an understanding of freedom that is grounded in the notion of God will include respect for the lives of others (Huber, 1999:221).²⁰¹

Luther's double thesis was shown to be one of the most influential articulations of communicative freedom: Only the liberated person is truly able to serve freely²⁰². Individualisation does not follow the liberation of the individual conscience, but the "resurrection of the conscience" (Huber, 1987:62) enables a true openness to others. It was also shown that Luther picked up these impulses from Paul: Using freedom as

²⁰¹ It is interesting to note that the recent discussion on an ethic of responsibility is focused on its relevance within business ethics and utilises concepts such as 'corporate citizenship' and 'social responsibility'. Cf. e.g. Laura P Hartman and Joe DesJardins, *Business ethics: Decision-making for personal integrity and social responsibility* (McGraw-Hill/Irwin, 2008); Suzanne Benn and Dexter Dunphy (eds.), *Corporate governance and sustainability: Challenges for theory and practice* (London: Routledge, 2007); Andrew Kakabadse and Mette Morsing (eds.), and *Corporate social responsibility: Reconciling aspiration with application* (New York: Palgrave Macmillan, 2006).

²⁰² "Ein Christenmensch ist ein freier Herr über alle Dinge und niemanden untertan. Ein Christenmensch ist dienstbarer Knecht aller Dinge und jedermann untertan."

“an opportunity for self-indulgence” contradicts its essence, for liberation implies the freedom to “become slaves to one another [through love]” (Galatians 5:13).

When considering how the individual should realise the freedom bestowed by God, it becomes clear that the responsible realisation thereof in community is an inviolable premise of communicative freedom. The double-relationality of freedom (freedom constituted in God’s relationship to humanity and realised in relationships with others) consequently corresponds with the two areas of reference Bonhoeffer identified as ‘responsibility before’ and ‘responsibility for’ (Huber, 1990a:143). As was shown, responsibility before God prevents the ethic that flows from Christian freedom to be totalised (Huber, 1999:183) or individualised (Huber, 1985:115). Taking responsibility for others means respecting the dignity and freedom of conscience of others (Huber, 1990a:247) and includes the willingness for substitutionary action (e.g. Huber, 2007k)²⁰³.

Although communicative freedom affirms the inalienable dignity of the individual it does not advance the separation of people but calls people to one another. The concept communicative freedom therefore gives expression to the fact that freedom is by definition to be realised in a responsible manner. Such an ethic is characterised by the possibility of *self-limitation* (Huber, 1990a:193–194; 1990a:204–207; 1990b:243–246; 1993b:70–81; 1999:210–215).²⁰⁴ Huber’s understanding of self-limitation differs significantly from traditional understandings of self-control, where the primary concern is one’s relationship with oneself. Self-limitation in the sense Huber uses it neither means one’s ‘soul’ controlling one’s ‘body’ (as Aristotle understood it); nor does it mean the individual’s ability to lead an autonomous life (an idea that gained momentum during the Enlightenment). In the Protestant sense self-limitation concerns not only the individual person but at the same time the relationship with other people and with God (Huber, 1999:213). Self-limitation can

²⁰³ Huber delivered this significant recent speech entitled “Dietrich Bonhoeffer – ein evangelischer Heiliger?” (2007k) on Bonhoeffer in Rome and again put strong emphasis on the role of *Stellvertretung* (substitutionary action) in his work.

²⁰⁴ The article “Die Verbindlichkeit der Freiheit: Über das Verhältnis von Verbindlichkeit und Freiheit in der evangelischen Ethik” is one of the infrequent instances where Huber (1993b:70–81) develops ‘self-limitation’ (*Selbstbegrenzung*) as the ‘binding character’ (*Verbindlichkeit*) of freedom.

therefore be understood as the “voluntarily holding back for the sake of others” (Huber, 1999:214).²⁰⁵

Some ethicists have attempted to suggest *criteria* by means of which self-limitation can be enacted, notably Jonas (cf. e.g. Huber, 1990a:206). He is of the opinion that when the possibilities that technological progress brings about are taken into account, actions should be directed by a heuristic of fear. In accordance with his conviction that ethics should revise its anthropological optimism he is of the opinion that the human ability to destroy cannot be underestimated. Huber, however, prefers to use ‘concern’ (*Betroffenheit*) as criterion (Huber, 1990a:152–154). Huber regards concern as criterion for self-limitation within an ethics of responsibility as having three areas of reference, namely the disempowered members of society, future generations and nature (Huber, 1990a:154).

In different ways one finds these criteria for self-limitation in Huber’s work. In *Konflikt und Konsens* (1990a), for example, Huber lays strong emphasis on the protection of nature (1990a:176–194; 208–235) as he also does in *Friedensethik* (1990b:243ff), *Die tägliche Gewalt* (1993a:150–184) and *Kirche in der Zeitenwende* (1999:210–222). He consistently connects self-limitation with regard to nature with the concern for future life on earth, notably in the articles “Fortschrittsglaube und Schöpfungsgedanke. Überlegungen zur Verantwortung der Wissenschaft” (1990a:195–207) and “‘Nur wer die Schöpfung liebt, kann sie retten.’ Naturzerstörung und Schöpfungsglaube” (1990a: 176–194) in *Konflikt und Konsens* and the section “Freiheit im Verhältnis zur Natur” in *Kirche in der Zeitenwende* (1999:210–214).

²⁰⁵ Huber applies the logic of self-limitation within an ethic of responsibility notably to the responsibility of scientists. In the light of the profound influence research in the natural sciences has on technological progress and consequently on society itself, Huber most emphatically argues for an ethic of self-limitation in the context of the natural sciences. His argument is that science needs to be orientated by principles other than ‘truth’ (Huber, 1990a:205). Although the search for truth should stay an important value for the sciences, humanity’s ability to change the natural environment, and indeed to destroy it, may not be left uncalculated anymore (Huber, 1990b:244). Human abilities have changed dramatically: Humanity is now in a position to endanger life itself. This implies that self-limitation cannot be understood as the limitation of freedom but indeed as ensuring that freedom stays possible (Huber, 1999:216). Therefore self-limitation requires consciously distinguishing between what humanity is able to do and what humanity should be allowed to do (Huber, 1990b:245).

In Huber's view, responsibility is not in contradiction to communicative freedom and the importance of the individual, but serves as its expression. In this sense communicative freedom engages the central position of the individual in modernity critically by means of its integration of freedom, human dignity and responsibility into one concept. It can therefore be said that by means of communicative freedom the central importance the individual is given within modernity is affirmed. This is, however, a qualified affirmation, for freedom is not understood as disconnecting individuals from one another, but as it is grounded in relationality it enables persons to realise their freedom in service to one another.

3. MODERN SOCIETY: THE SPACE FOR THE REALISATION OF FREEDOM

3.1 Introduction

In the previous section it was shown that the concept of communicative freedom critically affirms one of the most characteristic features of modernity, namely the central importance of the individual person. In this section the researcher turns to how communicative freedom engages the organisation of human sociality in modern societies. Generally, this arrangement can be described as the institutional measures that are set by modern societies in order to enable the constructive and peaceful co-existence of different individuals (cf. Beck, Bonß, & Kieserling, 2001:20).²⁰⁶

It should be noted that in his engagement of the different dimensions of the corporate dimension of modernity, Huber does not give one systematic account of what he understands as the most significant characteristics of modern societies. It is

²⁰⁶ Ulrich Beck makes use of the term 'transnational states' to refer to what here is broadly called modern societies. With this concept Beck affirms globalisation, the archaic nature of the use of 'nation-state' by classic modernity and also that the state continues to be an indispensable part of global politics (Beck, 1997a:183–192). Beck describes the transnational state as follows (Beck, 1997a:184): "Gegen die Denkblockaden des nationalstaatlichen Politikmonopols und die Horrorvorstellungen eines imperialen Weltstaates, dessen Machtanspruch nicht zu entrinnen wäre, ist diese Reformulierung und Reformation des internationalen politischen Raums gerichtet, die eine komplexe Architektur von Souveränität und Identität ermöglicht."

possible, though, to systematise his engagement by means of three characteristics, namely secularisation, democracy and pluralism.

3.2 The secularisation of society

Huber (e.g. in 1996b:30–40) engages the secularity and continued secularisation of modernity in a number of ways.²⁰⁷ His engagement of the theme is characterised by the dominance of his juridical interpretation of secularisation (cf. Huber, 1999:42ff).²⁰⁸ He understands secularisation, in the first instance, as the process of separating worldly and religious authority from one another, therewith creating the space for the free co-existence of different groups and individuals.²⁰⁹ He understands Grotius's famous dictum, namely that the legal system should function as if there is no God (*etsi deus non daretur*), as one of the first and most succinct descriptions of the essence of secularisation.²¹⁰

²⁰⁷ This is an important theme in Huber's work, and specifically in order to debunk onesided interpretations of secularisation. Cf. e.g. how Huber discusses secularisation and its implications in many of his most important works, e.g. *Konflikt und Konsens* (1990a:291–320), *Gerechtigkeit und Recht* (1996b:30–40; 1996b:136–142) and *Kirche in der Zeitewende* (1999:44–74). Cf. also the sheer number of only some of his important speeches in this regard, e.g. "Jenseits des Säkularismus? Zum Verhältnis von Religion und Recht" (2003d), "Der christliche Glaube und die politische Kultur in Europa" (2004h), "Religionsfreiheit und offene Gesellschaft – ein Prüfstein aktueller Dialoge in Europa" (2004l), "Religion – Politik – Gewalt – Erwartungen an den Kongress" (2005b), "Glauben in der Welt – Die Säkularisierung und Zukunft der Kirchen" (2005e), "Fünfzig Jahre Loccumener Vertrag – Das öffentliche Wirken der Kirche und seine Wahrnehmung in den Verträgen zwischen Staat und Kirche" (2005f), "Unvereinbare Gegensätze? Scharia und säkulare Recht" (2005q), "Die Religionen und der Staat" (2005t), "Religionsfreiheit und Toleranz – Wie aktuell ist der Augsburger Religionsfriede?" (2005aa), "Die Religionen und der säkulare Staat" (2006j), "Zukunft gestalten – Erwartungen an Religion und Glaube" (2006k), "Renaissance des Glaubens – Die Säkularisierung und die Zukunft der Kirchen" (2006s) and "Gesicht zeigen – Festrede anlässlich der Eröffnung der Woche der Brüderlichkeit im Müncher Rathaus" (2006aa).

²⁰⁸ Cf. also Christof Gestrich's article written in honour of Huber "Kirche, Säkularisierung, Ethik" (in Reuter, H-R., Bedford-Strohm, H., Kuhlmann, H. & Lütcke, K-H. (eds.), *Freiheit verantworten: Festschrift für Wolfgang Huber zum 60. Geburtstag*. Gütersloh: Kaiser, Gütersloher Verl. Haus, 2002:102–115).

²⁰⁹ For Huber's most recent published discussion, see *Kirche in der Zeitenwende*, especially 1999:44–51.

²¹⁰ Cf. Eberhard Jüngel, "Säkularisierung – Theologische Anmerkungen zum Begriff einer weltlichen Welt" in *Entsprechungen: Gott – Wahrheit – Mensch* (Tübingen: Mohr Siebeck, 2002:285–289); Jörg Dierksen, *Selbstbewußtsein individueller Freiheit* (Tübingen: Mohr Siebeck, 2005:49–68); Peter Berger (ed.), *The desecularisation of the world: Resurgent religion and world politics* (Grand Rapids: Eerdmans, 1999); and David Ziedan, *The resurgence of religion: A comparative study of selected themes in Christian and Islamic discourses* (Leiden/Boston: Brill, 2003). Cf. also Friedrich Gogarten's classic *Verhängnis und Hoffnung. Die Säkularisierung als theologisches Problem*. (Stuttgart: Friedrich Vorwerk Verlag, 1953).

The result of Huber's juridical interpretation (1999:62) is that he distinguishes between the process of secularisation and the secularisation of society itself. He therefore does not equate the disempowerment of religious institutions with secularisation. Indeed, the Reformation contributed greatly to the secularisation of modernity (Huber, 2001h:14). As has been shown in the previous section its emphasis on the dignity of the individual and the consequent freedom of conscience had political implications (Huber, 1987:60), and notably contributed to the secularisation of the legal system (Huber, 2001h:15). Huber regards equating secularisation with an anti-religious stance as disregarding its roots and indeed as taking up an 'unenlightened' position.

Huber advocates for the position of 'enlightened secularism' to denote an understanding of secularism that forms the basis of a stable society where different religions can participate and cooperate. In his speech "Glauben in der Welt – Die Säkularisierung und die Zukunft der Kirchen" (2005e) Huber elaborates on this concept:

[T]he process of secularisation led to enlightened secularity, and from a Christian perspective enlightened secularity needs to be advocated and actively represented. This type of secularity is connected with the categorical distinction between the state and religion and respect for every person's dignity and the freedom of religion form its basis. Advocating enlightened secularity is as important in dialogue with Muslims as it is in conversation with proponents of laicism.²¹¹

When Huber investigates the decreasing importance of religious institutions in many modern societies he does, however, also refer to this process as secularisation but understands reasons other than the separation between the state and religious institutions to contribute to this state of affairs (1999:51–66). The researcher will

²¹¹ "[D]er Prozess der Säkularisierung [hat] zu einer aufgeklärten Säkularität geführt, die man heute auch aus Gründen des christlichen Glaubens aktiv vertreten und verfechten muss. Denn diese aufgeklärte Säkularität und die mit ihr verbundene kategoriale Unterscheidung zwischen Staat und Religion hat sich als unumgängliche Voraussetzung für die Achtung der gleichen Würde jedes Menschen wie für die Wahrung der Religionsfreiheit erwiesen. Ein aktives Eintreten für aufgeklärte Säkularität ist heute gegenüber muslimischen Gesprächspartnern genauso notwendig wie gegenüber den Verfechtern eines staatlichen Laizismus ..."

therefore examine Huber's view on secularisation from two perspectives, namely secularisation as, in the first instance, the secularisation of the legal system. The second perspective takes cognisance of the first but focuses on the changing role of religious institutions. In the third section communicative freedom as an expression of the continued relevance of religious convictions will be investigated. This will be done in the context of the development of a secular constitution and the declining public influence of religious institutions.

3.2.1 *The development of a secular constitution*²¹²

Huber (1999:44–45) sees the roots of the term 'secularisation' in the so-called *Investiturstreit* of the 11th and 12th centuries. Essentially this conflict concerned the power of 'worldly' authorities to appoint clergy. In a context where the whole organisation of society was understood as sacral and religiously legitimated this distinction between 'church' and 'state' profoundly challenged the worldview of the time. However, the word 'secularisation' was not used to describe the distinction between 'worldly' and 'religious' authority. Up to the 17th century the word *saecularisatio* was only used to denote a monk's transition from *status regularis* to *status saecularis*, in other words from subservience to a specific order to the status of worldly priesthood (Huber, 1999:45).

It was only in 1646 that the term *saecularisiret* was used to describe the dispossession of church property (Huber, 1999:46), gradually starting to resemble what is meant with secularisation today and providing the foundation for the juridical secularisation fundamental to modern society. Basically this secularity referred to organising the state as if there was no God (Huber, 1996b:31, 139).²¹³ This meant using natural law as basis for the juridical system. It did not mean, however, that it was the opinion of Grotius and his contemporaries that God did not exist: They understood the existence of what is good and just in nature – and the consequent

²¹² For a detailed discussion on the German contours of secularisation, and in particular the development of the church's relationship to the state see *Staat und Kirche im 19. und 20.*

Jahrhundert: Dokumente zur Geschichte des deutschen Staatskirchenrechts that was co-written by Huber's father Ernst Rudolf (Berlin: Duncker & Humblot, 1973) and *Kirche und Öffentlichkeit* (Huber, 1973).

²¹³ In this context Grotius coined his famous phrase *etsi deus non daretur*.

correspondence with God's law – as God's providential rationality and therefore the expression of God's existence (Huber, 1996b:31).

Huber (1999:47–51) especially makes use of German developments to sketch the significance of the juridical aspects of secularisation. Of importance is that a secular constitution developed as expression of the emancipation of the political sphere from religious legitimisation. A secular constitution does not imply the irrelevance of religious matters but signifies the duty of the state to form the framework within which different ideals can be realised by different groups and individuals while at the same time contributing to the corporate wellbeing of society.

Huber (1999:49–50) uses the German constitution as an example of how this secularity of the state can ensure the constructive freedom of religion. In the German context it is especially the independence of both church and state, the recognition of the public responsibility of the church, the right of the church to organise itself and the right to property that form the basis for the role of the church in society. Co-operation between church and state is therefore possible and indeed hoped for, as the state is understood as being dependent on especially religious communities to take up their public responsibility.

Apart from creating the framework within which religious communities can realise their aims, the secularity of the constitution also serves to limit the power of the state (Huber, 1985:95–112). Whenever the state does not serve the interests of the people, and specifically for ensuring *iustitia et pax* (justice and peace),²¹⁴ the state acts beyond its limits (Huber, 1985:97–98; 2005bb). Justice is not simply to be understood as ensuring the functionality of a juridical system but is aimed at ensuring that people can live in freedom and respect one another as equals. Peace is again not to be understood as simply the absence of war but as the dignified co-existence of different groups and individuals (Huber, 1996b:454–455). Huber connects these limits of the power of the state with the fifth thesis of the Barmen

²¹⁴ By using these two terms, Huber explicitly connects his thought with the classical Christian political teaching on the extent and role of political power.

Declaration:²¹⁵ The legitimacy of the state and its correspondence with God's will are to be evaluated not ontologically but functionally, namely by the extent to which the state provides that what is needed for the dignified and peaceful co-existence of its citizens (Huber, 1985:97).

Rather than creating an artificial and forced division between state and religious communities, the secular constitution enables cooperation of individuals and groups with different motivations to achieve shared goals (Huber, 1985:51). It is therefore possible to speak of the constitutions of modern society per definition being characterised by enlightened secularity,²¹⁶ which means that the limits and duties of both religious communities and the state are acknowledged.²¹⁷ Again it is clear that the process of secularisation by no means implies the secularity of society or the irrelevance of religious institutions (Huber, 2003d). Huber clearly affirms this dimension of the secularisation of society as it requires of religious communities to be active in civil society, articulate their views and represent their members.

3.2.2 *The changed role of Christianity*

Apart from denoting the separation between worldly and religious authority, secularisation can also refer to the changing role of religious institutions.²¹⁸ The

²¹⁵ "Die Schrift sagt uns, daß der Staat nach göttlicher Anordnung die Aufgabe hat, in der noch nicht erlösten Welt, in der auch die Kirche steht, nach dem Maß menschlicher Einsicht und menschlichen Vermögens unter Androhung und Ausübung von Gewalt für Recht und Frieden zu sorgen. ... Wir verwerfen die falsche Lehre, als solle und könne der Staat über seinen besonderen Auftrag hinaus die einzige und totale Ordnung menschlichen Lebens werden und also auch die Bestimmung der Kirche erfüllen. Wir verwerfen die falsche Lehre, als solle und könne sich die Kirche über ihren besonderen Auftrag hinaus staatliche Art, staatliche Aufgaben und staatliche Würde aneignen und damit selbst zu einem Organ des Staates werden."

²¹⁶ Huber uses this term often in his discussion of secularisation but also in the context of the discussion of the role of the church in the state and the duty of the state (especially in Germany) to also create spaces where religion can be promoted. Cf. e.g. Huber 1999:50, "In Verantwortung vor Gott und den Menschen" (2002a), "Hat der Glaube noch Zukunft?" (2003b), "Protestantismus – Abgesang oder Zukunftsmodell?" (2004c), "Der christliche Glaube und die politische Kultur in Europa" (2004h), "Die jüdisch-christliche Tradition" (2004m), "Religion und Politik in Deutschland und den USA – ein Vergleich" (2004o), "Religion – Politik – Gewalt" (2005b), "Glauben in der Welt – Die Säkularisierung und Zukunft der Kirchen" (2005e), "evangelisch – profiliert – wertvoll" (2005h), "Zukunft gestalten. Das reformatorische Erbe und das Verhältnis zwischen Europa und den USA" (2005i), "Renaissance des Glaubens – Die Säkularisierung und die Zukunft der Kirchen" (2006s), "Evangelisch – profiliert – wertvoll" (2006t) and "Dietrich Bonhoeffer – ein evangelischer Heiliger?" (2007k).

²¹⁷ With regard to the limit of religious communities' actions, this means the idea of a theocracy is not reconcilable with the secularity of modern society (Huber, 2005q; 2006j).

²¹⁸ Cf. Michael Ariens, *Religious liberty in a pluralistic society* (Durham: Carolina Academic Press, 2002).

strongest evidence for this interpretation is the declining church membership of especially European mainline churches.²¹⁹ It is estimated, for example, that the EKD's membership will decline from 26 million in 2003 to 17 million in 2030 (EKD, 2006:21).²²⁰ Although partly due to societal changes such as lower birth rates, this still serves to illustrate the changing role of especially Christianity in what was the 'Christian West'. Apart from the factual decline in membership, Huber supplements such figures with the reality of most likely also a decline in commitment of those members that will choose to stay (Huber, 1999:61), reflecting something of the decline in all of the old institutions of modern society (Huber, 1999:87–88).²²¹ These changes necessarily cause Christianity to reconsider its role in society.

Huber refrains from speaking of the decline in influence of religion as such, as global society is characterised by a renewed interest in religion and indeed by the political relevance of religion.²²² Although modern societies may be publicly secular (and even this is open for discussion) it is increasingly clear that their 'private' dimensions are anything but secular (Huber, 1996d:453; 1999:62; 2003d). In recent speeches with themes as different as "Wissenschaft und Verantwortung in unserer Zeit" (2002c), "Der christliche Glaube und die politische Kultur in Europa" (2004h), "Zukunft gestalten. Das reformatorische Erbe und das Verhältnis zwischen Europa und den USA" (2005i), "Flugblätter der Freiheit. Verantwortliches Handeln aus christlichen Wurzeln" (2006b) and "Integration – Zusammenleben – Zukunft gestalten: Perspektiven in Kirche und Gesellschaft" (2006v), Huber speaks of the so-called 'return of religion' (*Wiederkehr der Religion*) to designate the renewed interest

²¹⁹ See Huber 1999:51–56 for more on the German situation.

²²⁰ For a more detailed discussion on the place of the Evangelical Church in Germany within the context of juridical secularisation, see "Religionsfreiheit und Kirchenfreiheit: Zur gegenwärtigen Tendenzen im Staatskirchenrecht" (Huber, 1990a:291–320).

²²¹ In some of his works Huber regards the diminishing influence of societal institutions as also the result of the process of individualisation and he links it closely to what he understands as a change in societal values that is taking place. In 1996c:112, e.g., he refers to this state of affairs as "die Auflösung vorgegebener sozialer Lebensformen und die schwindende Bindungskraft traditioneller Sozialzusammenhänge" and contributes it to the process of individualisation.

²²² One of the most telling examples of the increased relevance of religion is the fact that after Tony Blair resigned as the United Kingdom's Prime Minister on the 27th of June 2007 he took up the role of Middle East envoy of the United Nations, the European Union, the United States of America and Russia and identified managing religion constructively as one of his important tasks in this capacity. In 2008 he consequently also founded the Tony Blair Faith Foundation aimed at enabling faiths to act for global good, and he is teaching a course on faith and globalisation in 2008 at Yale University.

in and relevance of religion.²²³ The variety of themes he connects the return of religion with suggests the importance of the theme for Huber, as well as the continued importance of religion in so-called secular societies. Huber understands especially two factors to contribute to this return of religion.

The close connection between religion and violence since the intensified violence in the Middle East, 9/11 and the murder of Taizé's Frère Roger is the *first* reason for this renewed relevance of religion (Huber, 2006s). Although this connection often causes a skewed interpretation of religion, it serves to illustrate that – despite secularisation – religion has not ceased to influence and change both societies and personal biographies. Huber sees one of the most convincing reasons for the continued relevance of religion – *secondly* – in the fact that it serves as a source of meaning, perspective and balance in a materialist and globalised society. In a sense the return of religion gives expression to what Huber calls “the crisis of modernity”, as the ideals of progress and rationality, especially by means of science and economics, are showing themselves to be reducing the depth of human life (Huber, 1990d:39). The more relentlessly society focuses on the globalised economy and financial interests, the more society asks for countermeasures, a movement Huber (2006k) understands to lead to the renewed appreciation of religion: “A new belief is developing that a completely worldly, sheer business-frenzied and radically

²²³ Although Huber connects the return of religion with a variety of themes his argumentation concerning the return of religion more or less follows the same contours, as will be discussed in the rest of this section. Cf. e.g. “Wissenschaft und Verantwortung in unserer Zeit” (2002c), “Der Tod – Grenze oder Macht?” (2004f), “Der christliche Glaube und die politische Kultur in Europa” (2004h), “Religion – Politik – Gewalt” (2005b), “Glauben in der Welt – Die Säkularisierung und Zukunft der Kirchen” (2005e), “Fünfzig Jahre Loccumener Vertrag – Das öffentliche Wirken der Kirche und seine Wahrnehmung in den Verträgen zwischen Staat und Kirche” (2005f), “evangelisch – profiliert – wertvoll” (2005h), “Zukunft gestalten. Das reformatorische Erbe und das Verhältnis zwischen Europa und den USA” (2005i), “Kirche als Zeichen in der Zeit – Kulturelles Erbe und Sinnvermittlung für das 21. Jahrhundert” (2005j), “Theologie und Kirchenleitung – Vortrag zu Ehren von Eberhard Jüngel, Tübingen” (2005n), “Glauben verstehen – Protestantismus und Theologie” (2005r), “In deinem Lichte schauen wir das Licht – Quellen und Perspektiven christlicher Spiritualität” (2005s), “Flugblätter der Freiheit. Verantwortliches Handeln aus christlichen Wurzeln” (2006b), “Barmherzigkeit mit den Zweiflern – Überlegungen zum Weg unserer Kirche” (2006f), “Zukunft gestalten – Erwartungen an Religion und Glaube” (2006k), “Dietrich Bonhoeffer – ein evangelischer Heiliger?” (2006m), “Das Vermächtnis Dietrich Bonhoeffers und die Wiederkehr der Religion” (2006n), “Verantwortlich im Sinne der Pressefreiheit” (2006q), “Renaissance des Glaubens – Die Säkularisierung und die Zukunft der Kirchen” (2006s), “Evangelisch – profiliert – wertvoll” (2006t), “Gott und Geld – Christliche Ethik und wirtschaftliches Handeln” (2006u), “Integration – Zusammenleben – Zukunft gestalten: Perspektiven in Kirche und Gesellschaft” (2006v), “Christliche Moral und ökonomische Vernunft – ein Widerspruch?” (2006w), “Gesicht zeigen” (2006aa), “Vor Gott und den Menschen – Der etische Auftrag der Kirche in unserer Zeit” (2007d), “Globalisierung ohne Moral? Die Verantwortung eines Unternehmers” (2007e), “Das Christliche in unserem Land – Standort und Perspektiven” (2007l) and “Freiheit und soziale Verantwortung. Eine sozioethische Perspektive” (2007r).

consumerist life is too banal, too external and too superficial. ... With the return of religion, humanity's soul rebels against its commercial reduction."²²⁴

Although the return of religion is not in traditional forms but often takes on the form of mysticism or patchwork spirituality (cf. e.g. Huber, 1996c:112), this state of affairs still signifies the reaffirmation that religion has an important societal role to play. As was seen, this is not a new development but is in correspondence with the roots of secularisation itself.

Although each of these dimensions of secularisation poses new challenges, it is clear that neither of them implies that secularisation means that modern society itself can be described as 'secular'. Communicative freedom serves as an expression of the space religiously motivated concepts may claim within the secularism of modernity. At the same time it illustrates how the secularisation of modernity can be respected whilst articulating decidedly Christian conviction.

3.2.3 Communicative freedom as the expression of the continued relevance of religious convictions

Huber regards the changing role of religious institutions and concepts as the opportunity for a more faithful embodiment of the gospel (Huber, 2008b:148).²²⁵ Articulating the Reformation's rediscovery of freedom as communicative freedom is a way in which to seize this opportunity. Apart from serving as a critical rearticulation of the Christian understanding of freedom, Huber therefore develops communicative freedom also as a distinctly Protestant concept of freedom and an expression of enlightened secularity. It is clear that rigid interpretations of for example Luther's so-called doctrine of the two regiments (Huber, 1985:33–52; 1996b:448–449) or Weber's *Eigengesetzlichkeit* of the different spheres of society (Huber, 1985:53–70)

²²⁴ "Es entsteht ein neues Gefühl dafür, dass ein komplett diesseitiges, rein wirtschaftstaumeliges und radikal konsumzentriertes Leben zu banal, zu äußerlich und zu oberflächlich ist. ... Mit der Rückkehr der Religion rebelliert die Seele der Menschen gegen ihre kommerzielle Reduktion."

²²⁵ In *Der christliche Glaube* Huber (2008b:148) gives one of his most recent descriptions of how changed societal conditions can lead to a renewed focus on the church's mission to function within the presence of God and bound to Christ: "Die Kirchen haben die Aufgabe, geistesgegenwärtig auf die Zeichen des Aufbruchs zu achten und den suchenden Menschen einen Ort für ihre Hoffnungen und Fragen anzubieten. In ihnen wird beispielhaft vorgelebt, was es heißt, von Glaube, Hoffnung und Liebe getragen zu sein. Sie können die Freiheit ausstrahlen, die aus der Bindung an Jesus Christus entsteht."

do not adequately describe the role of religion and religiously motivated convictions in a secular society. His understanding of secularisation allows Huber to develop communicative freedom in an unambiguously Protestant fashion whilst respecting the secularity of the state.

In a speech such as “Gemeinschaft gestalten – Evangelisches Profil in Europa” Huber (2006i) expresses how processes of societal change – and implicitly processes of secularisation – allow and ask for a clear account of the sources that inform convictions. In this speech, communicative freedom consequently motivates the processes of reform of the Evangelical Church.²²⁶

Responsible freedom is not only the main feature of the Protestant existence in the world, but it also determines the profile of an evangelical church. The Evangelical Church in Germany’s reform process is therefore determined by the theme ‘church of freedom’.²²⁷

In its memorandum *Kirche der Freiheit*²²⁸ (EKD, 2006:7ff) the EKD then describes out how it aims to set its profile in a society characterised by processes of secularisation. Its reaction is characterised by four goals, namely (a) spiritual profiling instead of indistinct activity, (b) prioritising instead of aiming for completeness, (c) structural mobility and (d) shifting the focus of the activities of the church to the outside instead of self-contentment.²²⁹ Huber (e.g. 2007l) affirms the process of reclaiming its profile as an imperative grounded in the Christian religion itself: “The Evangelical Church reacts to the current societal situation by rediscovering its own religion, by strengthening its own faith and uncovering its own treasures” (2007l).

²²⁶ Cf. importantly *Kirche der Freiheit* 2006:7ff for the EKD’s official opinion.

²²⁷ “Verantwortete Freiheit ist nicht nur der Grundzug evangelischer Existenz in der Welt, sie bestimmt zugleich das Profil einer evangelischen Kirche. Wir haben deshalb in der Evangelischen Kirche in Deutschland den kirchlichen Reformprozess ... unter den Leitbegriff der Kirche der Freiheit gestellt.”

²²⁸ As was stated already in Chapter 1 Huber was the chairperson of the commission responsible for writing this document.

²²⁹ “Geistliche Profilierung statt undeutlicher Aktivität”, “Schwerpunktsetzung statt Vollständigkeit”, “Beweglichkeit in den Formen statt Klammern an Strukturen” and “Außenorientierung statt Selbstgenügsamkeit”.

Developing a profiled concept of freedom is asked for also in the context of the so-called ‘return of religion’ in many modern societies.²³⁰ As we have seen processes of secularisation unexpectedly also leads to what Huber characterises as the *Wiederkehr der Religion*.²³¹ This return of religion does not only imply the return of Christianity but also the renewed regard for religion as such and in particular for individualised and privatised forms thereof (e.g. Huber, 2005e). As he is of the opinion that constructive public discourse is not served by vague and ambiguous religious content,²³² the challenges lie especially in articulating religious convictions in a way that makes dialogue cooperation possible.²³³ Religion that simply ‘comforts’ disregards the ‘prophetic impulses’ that are necessary for it to contribute to societal wellbeing.²³⁴ Developing communicative freedom is therefore an effort to articulate the relevance of the Christian gospel within the framework allowed for by the secularity of the state in order to enact the responsibility of this religion towards the whole of God’s creation.²³⁵

²³⁰ Cf. Eberhard Jüngel’s interpretation in “Untergang oder Renaissance der Religion? Überlegungen zu einer schiefen Alternative” in *Indikative der Gnade – Imperative der Freiheit* (Tübingen: Mohr Siebeck, 2000:24–39). Cf. also Lee Raymond and Susan Ackerman, *The challenge of religion after modernity: beyond disenchantment* (Aldershot: Ashgate, 2002); Hans-Joachim Höhn, *Postsäkular: Gesellschaft im Umbruch – Religion im Wandel* (Paderborn: Ferdinand Schöningh, 2006); and Robert Cummings Neville, *Religion in late modernity* (New York: State University of New York Press, 2002). For an earlier sociological interpretation, cf. Rodney Stark and William Sims Bainsbridge (eds.), *The future of religion: Secularisation, revival and cult formation* (London/California: University of California Press, 1985).

²³¹ Cf. e.g. “Nachfolge heute” (2006d), “Kirche im Aufbruch” (2006g), “Gemeinschaft gestalten – Evangelisches Profil in Europa” (2006i), “Was bedeutet Ökumene der Profile?” (2006p), “Die Herausforderungen für die Theologie in einem pluralistischen Europa aus ökumenischer Perspektive – Eine evangelische Stellungnahme” (2006dd), “Glaube, Werte, Differenzen” (2007c), “Das Christliche in unserem Land – Standort und Perspektiven” (2007l) and “Dass der Mensch mehr ist als seine Taten. Das christliche Menschenbild im Licht der Rechtfertigungsbotschaft” (2007m).

²³² In *Der christliche Glaube* (2008b:178) Huber fittingly speaks of *vagabundierende Spiritualität*.

²³³ Huber (e.g. in 2005h) consequently continuously campaigns for the recognition that religions contribute to the wellbeing of society itself: “[N]icht nur für die Religionsdialoge ist heute nach der Selbst-Bildung des Glaubens gefragt; sondern insgesamt hängt die Präsenz des Christlichen im öffentlichen Raum, seine Bedeutung für unser kulturelles Selbstverständnis, sein möglicher Beitrag zur Ausbildung einer gegenwartsbezogenen Ich-Identität daran, dass wir uns selbst und die Ströme der eigenen Traditionen kennen.”

²³⁴ Cf. e.g. Huber (2005e): “Religion, die nur vertröstet, stellt den prophetischen Impuls der biblischen Botschaft still. Religion, die das Bündnis mit der Aufklärung aufkündigt, verweigert sich einem kritischen Wahrheitsanspruch. Fanatismus und Gewaltbereitschaft, die sich der wiederkehrenden Religion bedienen, fordern Widerspruch heraus.”

²³⁵ When connected with the reality of religious pluralism and democracy’s protection of minority rights the convinced public expression of religious convictions as an important element of enlightened secularity is by no means unproblematic. A case in point is the laws against wearing a headscarf in schools in Germany, as highlighted by the court case between Fereshta Ludin and the German federal state Baden-Württemberg in 2003. The court ruled against Ludin’s argument that wearing a headscarf was an expression of her religious convictions and that it should be allowed in public schools. Huber was quoted by the Evangelischer Pressedienst (epd) in 2004 as saying that the ban on wearing headscarves was an expression of religious freedom. Although he agrees that religious

This figure of thought is not the result of the EKD's memorandum but is set out in detail already in *Gerechtigkeit und Recht* (Huber, 1996b:142–144). He does this by means of the unity and distinction between the exclusivity and universality of God's relationship with the world through Christ. The *exclusivity* of God's relationship with the world lies in the fact that through Christ's death and resurrection God identified himself exclusively with Christ, an identification that is complete and unique (Huber, 1996b:142). Through Christ he completely entered the world and accentuated his role in the covenant of grace. Without Christ it is therefore impossible to understand God's relationship with the world.

At the same time God's incarnation in Christ signifies the *universality* of his relationship with the world (Huber, 1996b:143). Christ exemplifies God's faithfulness towards the whole of humanity, and Christ is God's compassionate and gracious reaction to the precarious situation of humanity as a whole. The exclusivity of God's relationship with the world at the same time also gives expression to the universality of this relationship.²³⁶ When Huber therefore argues for a profiled explication of freedom in the concept of communicative freedom, the particularity of the Christian resources simultaneously also expresses the universality of the concept. In other words, Huber understands Christian truth not as simply having cultural values as

freedom means that religious symbols should be allowed in public spaces his opinion was that when a religious symbol has political implications, it does not necessarily enjoy the same protection anymore. He was quoted by the epd as saying: "Religionsfreiheit bedeute nicht, Religion als bloße Privatsache zu betrachten, sagte Huber. Zwar dürften religiöse Überzeugungen nicht aus dem öffentlichen Raum verbannt werden. Es müsse aber immer wieder darüber nachgedacht werden, in welcher Form und bis zu welchen Grenzen sie öffentlich zur Schau gestellt werden dürfen. Das gelte besonders dann, wenn ein religiöses Zeichen sich mit politischen Deutungsmöglichkeiten verbinde" (epd, 2004). Huber argues in a similar vein concerning the right of Muslims to wear a headscarf in "Der christliche Glaube und die politische Kultur in Europa" (2004h), "Religion und Politik in Deutschland und den USA – ein Vergleich" (2004o), "Unvereinbare Gegensätze? Scharia und säkulares Recht" (2005q) and "Dialog der Religionen in einer pluralen Gesellschaft – Überlegungen aus evangelischer Perspektive" (2007q). In terms of Huber's argument that religions *necessarily* have political implications and that it is the duty of religions to engage the public sphere as they also have the right to do so, this is a peculiar and unexpected argument. For another position on the topic, cf. Rolf Schieder (2008:224) in *Sind Religionen gefährlich?*.

²³⁶ Huber connects this figure of thought with Barth's *Christengemeinde* and *Weltgemeinde*, according to which the Christian congregation forms the centre of concentric circles that have the worldly congregation on the outside (Huber, 1996b:143). Reality is therefore formed and sustained by God's decision to be exclusively incarnated in Christ.

content but that a 'worth-less' truth (*wertlose Wahrheit*)²³⁷ stands at its centre: God's self-initiated relationship with the world.²³⁸

Communicative freedom therefore expresses the affirmation of the processes of secularisation in modern societies. Within the boundaries of the secularisation communicative freedom is the expression of the necessity for religious communities to express religiously motivated convictions in order to contribute to societal wellbeing.

3.3 Democracy as preferred political system

Democracy can be regarded as a second dimension of modernity's structuring of human sociality that communicative freedom engages.²³⁹ This engagement will be investigated firstly by means of the historical ties between Christianity and democracy, then by means of the role Christianity fulfils in democracy, and this chapter will conclude with an investigation as to how communicative freedom contributes to the sustenance of modernity.

3.3.1 Christianity and democracy

When discussing the interaction between democracy and Christianity, one of Huber's basic presuppositions is that democracy is not a 'Christian form of government' but a

²³⁷ Cf. Eberhard Jüngel, *Wertlose Wahrheit* (Tübingen: Mohr Siebeck, 1990).

²³⁸ Huber's focus on Christian truth as a 'worth-less' truth corresponds with his call for a renewed Christian profile in the context of pluralism, secularisation and the Renaissance of religion. With this concept he also engages the cultural role Christianity plays in Europa and particularly in Germany. See e.g. "Der christliche Glaube und die politische Kultur in Europa" (2004h), "Die jüdisch-christliche Tradition" (2004m), "evangelisch – profiliert – wertvoll" (2005h) and "Evangelisch – profiliert – wertvoll" 2006t.

²³⁹ Huber engages democracy in a number of different ways. In his recent speeches he focuses, e.g., on Protestantism's contribution to the development of democracy in "Der Protestantismus als Weltkulturerbe – Erbe und Verpflichtung" (2004g), "Der christliche Glaube und die politische Kultur in Europa" (2004h and 2004), "Ethik und Demokratie" (2004q), "Glaube und Macht" (2004r), "Religion – Politik – Gewalt" (2005b), "Der Auftrag der Kirchen in einem zusammenwachsenden Europa" (2005d), "Future of the European Project" (2006y), "Glaube, Werte, Differenzen" (2007c); and on the church's public responsibility in "Fünfzig Jahre Loccumer Vertrag – Das öffentliche Wirken der Kirche und seine Wahrnehmung in den Verträgen zwischen Staat und Kirche" (2005f), "Zukunft gestalten. Das reformatorische Erbe und das Verhältnis zwischen Europa und den USA" (2005i), "Unvereinbare Gegensätze? Scharia und säkulares Recht" (2005q), "Die Religionen und der Staat" (2005t), "Der Beruf zur Politik – Zwanzig Jahre Demokratiedenkschrift der EKD" (2005w), "Die Religionen und der säkulare Staat" (2006j), "Gerecht aus Glauben – die Gegenwartsbedeutung des christlichen Menschenbilds" (2001a), "Vertrauensberufe im Rechtsstaat" (2006x).

form of political organisation that deserves the critical solidarity of Christianity (Huber, 2005w). The historical ties between modern society and Christianity furthermore cause some fundamental ideas within democracy to coincide with Christian convictions. In his article “Protestantismus und Demokratie” Huber (1990c:11–26) investigates this interplay between distance and nearness.²⁴⁰

On the one hand, one finds the virtual unity between Christianity and democracy in the United States of America as an expression of the *nearness* between Christianity and democracy. Especially the idea of a covenant between God and humankind and the ‘democratic turn’ given to this covenant by leftist Puritans influenced the development of American politics (Huber, 1990c:16). Despite these democratic impulses, it was only from the American Revolution onwards that democratic values such as institutionalised tolerance and freedom of conscience and religion gained ascendancy (Huber, 1990c:17). With the Jackson Democracy America started to become a country within which people with different cultures and religious convictions could cohabit (Huber, 1990c:17).

The First Amendment in 1791 changed the overtly Christian character of the American political environment, and the democratisation of America deepened. The wide-ranging campaign for the freeing of slaves revealed two ways of relating to democracy: Both those who argued for the continuous democratisation of democracy and those who argued for obedience to the existing structures of society based their arguments on the unity between democracy and Christianity (Huber, 1990c:18).

On the other hand, contexts such as that of German Lutheranism signify *distance* between Christianity and democracy. The fact that until well into the 19th century the church mostly uncritically accepted the German monarchy as political system contributed to this distance (Huber, 1990c:20).²⁴¹ Only before the First World War

²⁴⁰ Cf. in this regard also Siobhan Nash-Marshall, *What it takes to be free: Religion and the roots of democracy* (New York: Crossroad, 2003); Alan Race and Ingrid Shafer, *Religions in dialogue: From theocracy to democracy* (Aldershot: Ashgate, 2002); Ronald F. Thiemann, *Religion in public life: A dilemma for democracy* (Washington: Georgetown University Press, 1996); and Jochen-Christoph Kaiser, *Christentum und politische Verantwortung: Kirchen im Nachkriegsdeutschland* (Stuttgart: Kohlhammer, 1990).

²⁴¹ Huber interestingly mentions how even Friedrich Schleiermacher understood the monarchy – in opposition to democracy – as the political system that is in accordance with modern states (Huber, 1990c:21).

the relationship between Protestantism and the monarchy started to change, with the church increasingly taking a neutral stand towards the political system (Huber, 1990c:24). Rather than legitimating the political system, it was understood as an institution with power that should be based in legitimate authority and exercised through the juridical system, and consequently German Lutheranism refocused its loyalty to the political system of the time (Huber, 1987:70, 1990c:20–21). After the First World War the relationship between the church and the state changed even more, as was the case after the Second World War. It was in this time that German Lutheranism started to develop an ethic of also the political form of society (Huber, 1987: 70–71).

Huber (1990c:28–29) understands two ways of relating Christianity to the state to have also developed in Germany: Whereas one group put a renewed emphasis on the authority of the state and aimed at renewing the legitimating function of Christianity, another group started emphasising the equal freedom of all citizens and the responsible use of this freedom. Huber can be placed in the latter group, as his participation and apparent important role in the composition of the EKD's *Demokratiedenkschrift*²⁴² that appeared in 1985 for example illustrates.²⁴³

Despite the fact that democracy is not by definition Christian and that Christianity cannot by definition subscribe to democracy, Huber argues for a *constructive relationship* (see *Protestantismus und Protest* 1987:74–79 and e.g. Huber, 2004q; 2004r; 2006x). The point of connection between democracy and Protestant Christianity that makes this critical affirmation possible is the shared importance of the inalienable dignity of the individual, as was shown in the previous section (1987:74; 1990c:29; 2004h; 2004l; 2005w). As was shown already in Chapter 1,

²⁴² *Die evangelische Kirche und freiheitliche Demokratie: der Staat des Grundgesetzes als Angebot und Aufgabe; eine Denkschrift der Evangelischen Kirche in Deutschland* (Gütersloh: Gütersloher Verlagshaus Mohn, 1985).

²⁴³ In the speech "Der Beruf zur Politik – Zwanzig Jahre Demokratiedenkschrift der EKD" Huber (2005w) delivered in Berlin on the 25th of June 2005 he articulates the current-day implications this memorandum has, specifically the continued need for the democratic co-operation of Christians: "Die Demokratie ist ebenso wenig eine 'christliche Staatsform' wie jede andere Staatsform auch. Gleichwohl ist, wie die Denkschrift festhält, die positive Beziehung von Christen zum demokratischen Staat des Grundgesetzes nicht nur äußerlich. Sie hat mit grundlegenden Überzeugungen und Werthaltungen des christlichen Glaubens zu tun. Die unantastbare Würde jedes Menschen, die Anerkennung von Freiheit und Gleichheit, der nüchterne Blick auf die Irrtumsanfälligkeit und Schuldhaftigkeit der menschlichen Natur und der Respekt vor der Verschiedenheit der Menschen stehen beispielhaft für Gesichtspunkte, in denen Christentum und Demokratie sich treffen."

communicative freedom implies that human dignity is given by God and realised in relationship with others and is therefore not at the disposal of any worldly authority. As has been indicated, the importance of human dignity in Christianity meets democracy specifically in its promotion of a culture of human rights, which precedes the power of the state.²⁴⁴

It is the obligation of the state, therefore, to ensure that institutional measures are set within which this inalienable dignity can be realised. Human rights therefore precede the power of the state (Huber & Tödt, 1977:77).²⁴⁵ In the light of the sovereignty of human rights, Huber can therefore state the following (1987:74):

Democracy deserves special affirmation by Christians because it explicitly respects human dignity as preceding all state and societal power. For Christianity it is very important that human dignity cannot be brought about or be dispossessed by the state... Understanding democracy therefore starts with understanding the state's limits.²⁴⁶

In his lecture "Ethik und Demokratie" Huber (2004q) states that the guarantee of individual freedom by democracy does not imply a blind optimism. The Christian understanding of humanity is also characterised by a deep-seated realism that includes the conviction that humanity is subjected to sin. In Chapter 1 it was therefore shown that the realisation of God-given freedom always has a provisional character. Its provisional character is interpreted as a call to action by means of constructive participation and, where necessary, advocacy (Huber, 1987:75–76; 1996b:173; 2004q).

²⁴⁴ Cf. Christof Heyns and Karen Stefiszyn (eds.), *Human rights, peace and justice in Africa: A reader* (Pretoria: Pretoria University Press, 2006) for discussions on the current state of human rights in Africa.

²⁴⁵ In this regard Huber and Tödt (1977:77–80) speaks of the *vorstaatliche* and *vorgesellschaftliche* components of human rights.

²⁴⁶ "Eine besondere Zustimmung der Christen verdient die Demokratie also deshalb, weil sie ausdrücklich eine Würde des Menschen anerkennt, die aller staatlichen und gesellschaftlichen Macht vorgeordnet ist. Daß die Würde der menschlichen Person nicht vom Staat hervorgebracht oder entzogen werden kann, ist dem christlichen Glauben besonders wichtig Deshalb aber beginnt das Verständnis der Demokratie mit der Einsicht in die Grenzen, die dem Staat gesetzt sind."

Taking human *fallibility and sinfulness* into account implies, in the first place, that in the case of emergencies human dignity will have to be protected by means of force.²⁴⁷ In accordance with Barmen, Huber regards the use of force as legitimate only when it is aimed at ensuring justice and peace by means of the responsible use of human insight and human abilities (Huber, 1985:98–99).

Human fallibility and sinfulness implies, secondly, that the relationship between Christianity and democracy is characterised by the consciousness of the *limits* of the power of the state (Huber, 1987:74). The supremacy of civil and human rights, including the possibility of active participation in political decisions, also serves to limit the power, of the state for wherever the democratic state does not serve and respect the dignity of all its citizens, it has reached the limits of its power (Huber, 1985:103–104).

It is noteworthy that Huber understands the substance of democracy not as simply the freedom for the majority to rule but as respect for the equality of all people and their ability to take part in political decision-making processes (Huber, 1987:75). When political authorities are disloyal to this sustaining core of democracy, the church and theology (like the rest of society) have the duty to respond with prophetic criticism. Prophetic criticism is not to be understood as anarchist and irreconcilable with the democratic culture of modern society, but by emphasising freedom, equality and solidarity it indeed subscribes to the most important tenets of society (Huber, 1990a:270).

Huber consequently understands the right to civil disobedience in the event of constitutional crises as a touchstone of democracy (1987:85),²⁴⁸ as fallibility is indeed not restricted to the citizens of the democratic state but is also a true of its rulers and structures (1990c:33). A fundamental reciprocal accountability, built on the equal dignity of all, therefore forms the basis of the Christian view of democracy and of the relationship between the two. Ingrained into its self-understanding is its

²⁴⁷ Huber (1987:75) does not regard the state's duty to act against evil as unique to democracy. What he does regard as the unique contribution of democracy to withstanding evil is its sensitivity to the corruptibility of human power, specifically by means of the distinction between different spheres of power.

²⁴⁸ Cf. also *Protestantismus und Protest* (1987:85–104) and *Konflikt und Konsens* (1990a:253–271).

relative and provisional character; it is indeed only when democracy is understood as a system able to improve and constantly in need of improving that one takes it seriously (Huber, 1987:77).²⁴⁹

Although a qualified connection, it is nonetheless clear that Huber engages democracy in terms of its affirmation. He clearly regards democracy as a form of protecting human dignity. His qualified affirmation has implications for the role he understands Christianity to fulfil in democracies, which will be investigated in the next section, and has significant implications for the way in which communicative freedom functions in this context.

3.3.2 *Christianity in democracies*

Huber (1985:55–58; 1994a:162–167; 1996c:100–103) understands modern societies to be differentiated into different areas of reference, with the state, the economic sphere, civil society and cultural communication being the most important of these areas of reference. Concerning the implications of democracy for the church and theology, it should be noted that democracy as a system itself fits mainly in the political sphere but it is sustained by the other areas of reference of society. This illustrates the porous nature of the divisions between the different spheres of society and is of relevance for the role of the church in modern societies.²⁵⁰ The church and theology are therefore dependent on the institutional framework created by democracy whilst at the same time also contributing to its maintenance (Huber, 1994a:176).²⁵¹

²⁴⁹ “Die Demokratie ist nach ihrem Selbstverständnis eine vorläufige und relative Staatsform. Weder für die Werte, die sie vertritt, noch für die Form, in der sie verfaßt ist, beansprucht sie letzte Gültigkeit. ... Gerade dann, aber nur dann nimmt man die Demokratie ernst, wenn man sie als zugleich verbesserungsfähige und verbesserungsbedürftige Staatsform begreift” (Huber 1987:77).

²⁵⁰ Beck (1997a:191–192) speaks of a *neue Mittelalterlichkeit* that characterises the transnational state: no solid boundaries exist and the trans-national state needs to share its citizens’ loyalty with other regional and global authorities.

²⁵¹ In his lecture “Freiheit und soziale Gerechtigkeit – Sozialer Protestantismus in der globalisierten Welt” (2007n) Huber succinctly articulates this reciprocal relationship between the different spheres of society: “*Zivilgesellschaft, Staat und Markt*: ihr Zusammenspiel ist immer wieder neu zu justieren. Es bleibt gestaltbar. Wie viel Markt wir wollen, wie viel Staat wir brauchen und wie viel Zivilgesellschaft wir sind ist nicht naturgesetzlich vorgegeben, sondern beruht auf Entscheidungen, politischen wie individuellen.”

Huber (Huber, 1994a:168–172; 1996c:101–103; 1999:267–282) understands *civil society* as the place in society where the church and theology utilise and contribute to societal freedom by formulating theories such as communicative freedom. The institutions of civil society mediate between the individual and society by articulating, influencing and enacting shared views and contributing to societal discourse (Huber, 1999:271).²⁵² For civil society to be able to fulfil this role, it should present at least three characteristics (Huber, 1996c:102–103; 1999:273–275). The first of these characteristics is its diversity. The interests of society are not served when civil society has a centre of power controlled by one large institution.²⁵³ Freedom of religion and freedom of conscience are basic presuppositions for the diversity of civil society.

The different institutions of civil society should be characterised, secondly, by independence. This does not mean indifference towards the other members of civil society or towards other spheres of society but the freedom to articulate views independent from a dominant centre of power. The neutrality of the state is an important presupposition for the independence of civil society. The last characteristic of civil society necessary for it to contribute to the maintenance of societal freedom is what Huber calls *Zivilcourage* (civil courage) (Huber, 1996c:103; 1999:275). This refers to the ability and willingness of citizens to contribute to civil society and to society itself by articulating and enacting their own convictions in responsible ways. As will be indicated in the following section concerning democracy and communicative freedom, civil courage is one of the presuppositions of democracy that it cannot guarantee on its own and for which it is dependent on other spheres of society.

²⁵² In some of his writings Huber consequently chooses to speak of the church as an ‘intermediary institution’. His speech “Die Rolle der Kirchen als intermediärer Institutionen in der Gesellschaft” (2000a) is a good representation of how Huber understands the mediatory role of the church: “Für die einzelnen leistet sie einen Dienst der Vermittlung zwischen der geglaubten und der erfahrenen Wirklichkeit. Sie bietet einen Deutungshorizont an, der die verschiedenen Felder persönlichen und gesellschaftlichen Lebens in einem inneren Zusammenhang erkennen läßt. Als Interpretationsgemeinschaft ermöglicht sie es den einzelnen, selbst die Deutung der gesellschaftlichen Wirklichkeit mitzuprägen und an der Weiterentwicklung gesellschaftlicher Sinnmuster mitzuarbeiten. So schafft sie Verbindungen zwischen den einzelnen und vermittelt zwischen ihnen und dem Leben in der Gesellschaft, ja im Kosmos. In diesem – durchaus anspruchsvollen – Sinn kann man die Kirche als ‘intermediäre Institution’ bezeichnen.”

²⁵³ For the German context, Huber’s article “Welche Volkskirche meinen wir? Ein Schlüsselbegriff gegenwärtigen Kirchenverständnisses im Anschluß an die 3. Barmer These” (1985:130–146) is of the utmost importance. In this article he reconstructs the concept *Volkskirche*.

Being part of civil society is both an offer to participation and the obligation to interact meaningfully.²⁵⁴ Communicative freedom can then indeed be understood as a contribution from within civil society to contribute to the maintenance of democracy as a political system in order for it to truly serve the dignity of all people. This, Huber believes, can be done by nurturing trust in democracy by means of communicative freedom.²⁵⁵

3.3.3 *Communicative freedom and trust in democracy*

Huber (1999:67) agrees with Ernst-Wolfgang Böckenförde's famous dictum,²⁵⁶ namely that the liberal and secular state lives from presuppositions it cannot provide, and he incorporates this thought into his work. Michael Welker (2002:225–242) picks up this movement in Huber's work in the article "Wovon der freiheitliche Staat lebt. Die Quellen politische Loyalität im spätmodernen Pluralismus" that he wrote for Huber's *Festschrift*.²⁵⁷ Here he emphasises Huber's belief that democracy, as a form of government that is cognisant of its fallibility and the necessity of a trustworthy system of balances and counterbalances, is built on presuppositions that transcend its limits.²⁵⁸ This includes the loyalty of the citizens, the willingness to contribute to

²⁵⁴ The EKD's *Demokratiedenkschrift* (1985) speaks of *Angebot und Aufgabe* (cf. Huber, 1987:73).

²⁵⁵ Cf. e.g. "Der christliche Glaube und die politische Kultur in Europa" (2004h).

²⁵⁶ "Der freiheitliche, säkularisierte Staat lebt von Voraussetzungen, die er selbst nicht garantieren kann" (Böckenförde, *Staat, Gesellschaft, Freiheit*. Frankfurt, 1976:60). Böckenförde (1977:60) then continues by identifying the liberal and secular state as not only the guarantor of freedom but also as dependent on citizens' use of their freedom in order to contribute to its sustenance: "Als freiheitlicher Staat kann er einerseits nur bestehen, wenn sich die Freiheit, die er seinen Bürgern gewährt, von innen her, aus der moralischen Substanz des einzelnen und der Homogenität der Gesellschaft, reguliert. Andererseits kann er diese inneren Regulierungskräfte nicht von sich aus, das heißt, mit den Mitteln des Rechtszwanges und autoritativen Gebots zu garantieren versuchen, ohne seine Freiheitlichkeit aufzugeben und – auf säkularisierter Ebene – in jenen Totalitätsanspruch zurückzufallen, aus dem er in den konfessionellen Bürgerkriegen herausgeführt hat."

²⁵⁷ Reuter, H-R., Bedford-Strohm, H., Kuhlmann, H. & Lütcke, K-H. (eds.). 2002. *Freiheit verantworten: Festschrift für Wolfgang Huber zum 60. Geburtstag*. Gütersloh: Kaiser, Gütersloher Verl. Haus. Cf. also Robert Leicht's article he wrote for the *Festschrift*, "Ohne Gott ist kein Staat zu machen. Von der öffentlichen Relevanz der Religion im säkularer Zeitalter" (2002:243–254).

²⁵⁸ In his lecture "Die Religionen und der säkulare Staat" Huber (2006j) implicitly expound Böckenförde's dictum by stating that the democratic state is not legitimated by means of a transcendent source of authority but by its people: "Der moderne, freiheitliche und demokratische Staat legitimiert sich nicht von Gott her, sondern von den Menschen her, die in diesem Gemeinwesen miteinander verbunden sind. Damit verträgt sich durchaus der Hinweis auf diejenigen Grundlagen, die dieses Gemeinwesen nicht selbst hervorbringen kann, von denen es aber gleichwohl abhängig ist."

social cohesion, legitimising political rule, taking part in processes of revision and repositioning and the willingness and ability to partake in societal discourse.²⁵⁹

In developing the rediscovery of Christian freedom by the Reformation as a critical concept Huber contributes to these presuppositions. This he does by developing a concept of freedom that utilises the resources of a specific community in order to contribute to the discussion on one of the key concepts of democracy,²⁶⁰ namely trust.²⁶¹ By developing communicative freedom from the resources of the Protestant Christian community, Huber develops an understanding of freedom that builds community and implies responsibility whilst respecting individuality. In this way he contributes to social cohesion by nourishing the loyalty of the citizens to the well-being of society. Huber (1987:74) regards trust as an important Böckenfördian presupposition that communicative freedom contributes to democracy,²⁶² as democracy is doomed to failure when citizens do not trust the state or one another. A lack of societal trust furthermore makes any form of constructive societal discourse virtually impossible (Huber, 2006x).²⁶³

In the speech “Vertrauensberufe im Rechtsstaat” Huber explains how communicative freedom contributes to building societal trust. The emphasis placed by communicative freedom on God’s sovereign constitution of freedom as well as on its realisation in relationships forms the basis to work on trusting relationships in everyday life and to contribute to the renewal of these relationships.²⁶⁴ Freedom is understood as movement away from oneself (Huber, 1985:211) or ‘letting oneself go’ (Huber, 2006x) as it is constituted in relationship and can be realised also only in relationship with others. Letting oneself go (*Sichverlassen*) in freedom means

²⁵⁹ Cf. also Erwin Teufel (ed.), *Was halt die moderne Gesellschaft zusammen?* (Frankfurt a.M.: Suhrkamp, 1996).

²⁶⁰ E.g. “Von der Freiheit der Kinder Gottes – Plädoyer für eine selbstbewusste Kirche” (Huber, 2006r).

²⁶¹ In this regard, cf. e.g. Anthony Giddens’ *The consequences of modernity* (Oxford: Polity/Blackwell, 1990), and in particular section 3.

²⁶² In “Öffentliche Kirche in pluralen Öffentlichkeiten” (1994a) Huber motivates the role of trust-building institutions by stating that society does not simply consist of rational and mature individuals but that the ability to make decisions and contribute to community is primarily brought about by groupings of people who share and agree on specific interpretations of reality (1994a:170).

²⁶³ Cf. also “Bausteine einer zukunftsfähigen Gesellschaft” (Huber, 2004k) and “Barmherzigkeit mit den Zweiflern – Überlegungen zum Weg unserer Kirche” (2006f).

²⁶⁴ Huber formulates this connection, albeit in a slightly different manner (2006x): “Aus christlicher Sicht ist deshalb beides nötig: sich in Gottesdienst und Gebet des Vertrauensverhältnisses zu Gott zu vergewissern und im Alltag des Lebens an Vertrauensverhältnissen zu arbeiten und sie zu erneuern.”

‘getting involved with others’ (*sich auf einen anderen ... einzulassen*) (Huber, 2006x), whereas not letting go of oneself leads to forsakenness, directionlessness and indeed unfreedom.²⁶⁵

Huber’s argument is that the democratic state is dependent on citizens who are trustworthy by observing their freedom in a communicative manner and who are willing to advocate for trustworthiness in societal structures (cf. Huber, 2005f).²⁶⁶

Huber (2005x) explains it as follows:

Christians want to promote trust by campaigning for trustworthiness in relationships between people.... Christians expect of all people carrying public responsibility to create space for trustworthiness in these relationships. Christians are also willing to take such responsibility on themselves. Without this kind of fundamental [societal] consensus trust in society’s basic rules is impossible.²⁶⁷

In *Kirche in der Zeitenwende* Huber (1999:197–199) uses Bellah’s terminology to designate the political position within democracy that the concept of communicative freedom leads to as ‘democratic communitarianism’.²⁶⁸ It gives expression to the fact that personal freedom and responsibility towards society are inextricably connected, for the rights of the individual can only be protected when responsibility is also taken for the preservation and development of society (1999:198). For Huber (1999:199), democratic communitarianism is only sustainable when it is based on freedom, and communicative freedom provides exactly such a basis.

²⁶⁵ In “Vertrauensberufe im Rechtsstaat” (2006x) Huber formulates the connection between not letting oneself go and unfreedom as follows: “Wer sich nicht verlässt, fühlt sich verlassen, vielleicht sogar unfrei oder – weil von den verschiedenen Deutungsmöglichkeiten der einen Wirklichkeit umher geschoben – orientierungslos. Gottvertrauen dagegen vermittelt einen Standpunkt im Leben.”

²⁶⁶ “Die freiheitliche Staat ist darauf angewiesen, dass er von Bürgerinnen und Bürger getragen wird, die sich ihrer Freiheit bewusst sind und diese Freiheit verantwortlich wahrnehmen” (Huber, 2005f).

²⁶⁷ “Vertrauen wollen Christen dadurch fördern, dass sie um Verlässlichkeit im menschlichen Miteinander werben Christen erwarten von allen Menschen in öffentlicher Verantwortung, ... Verlässlichkeit im menschlichen Miteinander Raum zu geben. Dabei sind sie bereit, selbst entsprechende Verantwortung zu übernehmen. Ohne einen solchen Grundkonsens kann es kein Vertrauen in die Grundregeln einer Gesellschaft geben”

²⁶⁸ Cf. Robert Bellah, Richard Madsen, William M. Sullivan, Ann Swidler and Steven M. Tipton, *Habits of the heart: Individualism and commitment in American life* (New York: Harper & Row, 1985). Cf. also the important collection of essays edited by Axel Honneth, *Kommunitarismus: Eine Debatte über die moralischen Grundlagen moderner Gesellschaften* (Frankfurt a.M./New York: Campus, 1995, 3rd edition).

It should be noted that contributing to its presuppositions differs significantly from legitimising the political system of democracy. The fact that communicative freedom can contribute to trust in democracy itself still does not imply that Christian freedom and the institutionalised freedoms of democracy are to be equated with one another or that Huber advocates unqualified support for democracy. Attempts to equate Christian freedom with the freedoms of democracy will always be a devaluation of Christian freedom (Huber, 1996c:104). As was seen already in the first chapter, communicative freedom serves as a *critical* concept – and not a legitimising concept – in modern societies as it *bridges* the gap between individuality and sociality (Huber, 1990d) as well as between the individual and the public sphere (Huber, 1985:113–127).

In this sense the provisional character of communicative freedom again serves as important point of orientation, as the relationship of Protestantism with modernity – albeit one of critical affirmation – functions within an eschatological framework (Huber, 1990c:35), which is why Christians are able and willing to make a contribution to the maintenance of democracy. In the final instance this loyalty is both qualified and energised by a view on God’s kingdom that transcends the boundaries of any form of government, as Huber states:

As the New Testament teaches us, it will be a kingdom of unforced reconciliation, abolished oppression; it is a kingdom where violence, sin and death will be conquered. It will be a kingdom of freedom. That Christians who hope for this kingdom already start to put freedom into practice as solidarity should be a plausible idea. This idea grounds Protestantism’s critical loyalty towards democracy (Huber, 1990c:35).²⁶⁹

²⁶⁹ “Es ist, wie das Neue Testament lehrt, ein Reich zwangloser Versöhnung, aufgehobener Unterdrückung, beendeter Ausbeutung; es ist ein Reich, in dem Gewalt, Sünde und Tod überwunden sind. Es ist also ein Reich der Freiheit. Daß Christen, die auf das Reich der Freiheit hoffen, jetzt solidarische Freiheit praktizieren – das sollte ein plausibler Gedanke sein. Er begründet die kritische Loyalität der Protestanten zur Demokratie.”

3.4 The challenge of pluralism

A last element of modernity's structuring of modernity Huber engages by means of communicative freedom is pluralism. In his speech "Der Auftrag der Kirchen in einem zusammenwachsenden Europa" (2005d) Huber makes his characteristic point²⁷⁰ that the fight for religious freedom by the Reformation had a decisive influence on the development of modernity and that the advocacy for the dignity and freedom of the individual person by the Reformation laid the groundwork also for modern processes of pluralisation.²⁷¹ In a slightly different context he also argued in this manner in *Rechtfertigung und Recht* (2001h:43).

Huber (2003a) notably does not view pluralism as an end in itself but as a descriptive category. Pluralism therefore only has legitimacy if it serves the dignity of different people who inhabit the same geographical space. Pluralism therefore also reaches its limits when the dignity of the person is not respected (Huber, 2005t): "For the sake of human freedom, the boundary of [society's] plurality should be formed by human rights as expression of the respect for the inalienable dignity of all people and the ability to enact this freedom."²⁷²

In this section it will be shown how Huber affirms the pluralisation of modernity, how he understands further pluralisation to proceed and in what sense he regards communicative freedom as an appropriate reaction to pluralism.

²⁷⁰ In the lecture "Der christliche Glaube und die politische Kultur in Europa" Huber (2004h) states the Protestant contribution to pluralism unambiguously: "Kulturelle und religiöse Vielfalt, das Prinzip des Pluralismus, waren aber keineswegs immer selbstverständliche Elemente politischer Kultur in Europa. Sie sind ein christliches Erbe. Das Christentum hat wesentlich zur europäischen Pluralität beigetragen und ist auch weiterhin Garant und Prägestärke für die politische Kultur in der EU."

²⁷¹ For a detailed discussion on pluralism and its implications for Christianity, cf. *Pluralismus und Identität*, ed. Joachim Mehlhausen (Gütersloh: Gütersloher Verlagshaus/Chr Kaiser, 1995). For a discussion on the implications of pluralism for Christian ethics, cf. Ian S. Markham, *Plurality and Christian Ethics* (Cambridge: Cambridge University Press, 1996).

²⁷² "Um die Freiheit der Menschen willen erfährt die Pluralität ihre Grenzen an den Menschenrechten, die den Menschen in seiner unantastbaren Würde respektieren und ihn zum Gebrauch seiner Freiheit befähigen."

3.4.1 Pluralism and the structure of modern societies

Huber (1994a:167–172) describes his view on pluralism and pluralisation programmatically in the article “Öffentliche Kirche in pluralen Öffentlichkeiten”, which is an expanded version of a lecture he delivered at the Humboldt University in Berlin in 1993. He understands the different areas of reference of modern society, as was identified in a previous section, to be in need of continuous pluralisation and consequently describes the need for pluralisation in terms of these four areas of reference.²⁷³

The *democratic state*, as the main actor in the political sphere, is responsible for creating and maintaining the space within which pluralism can be realised and protected. The respect for human rights, particularly the protection of the freedom of conscience and expression, and its legal framework are some of the most important means by which the democratic states enables the co-existence of different groups and individuals. Huber (1994a:168) is of the opinion that continued processes of pluralisation should enable the democratic state to facilitate peaceful and constructive co-existence better. He understands it to be possible especially by means of further decentralisation, increased public participation and a deepened orientation towards basic human and civil rights (Huber, 1994a:168).

The *economic sphere* is characterised by the competition between different interests, and in particular between the different interests of capital and labour, and the competition between different sellers for the same buyers. Huber believes that its pluralisation should allow for the increased democratisation of the economic sphere. For Huber (1994a:169) this means that the market should not be left on its own, for leaving its processes to themselves does not necessarily serve the interests of the whole of society. Indeed, this may lead to uninhibited individualisation and the depletion of the social resources of society, for asking how common welfare is served will then not be of any importance. Huber therefore argues that the

²⁷³ In some of Huber's analyses concerning the structure of society the work of Niklas Luhmann plays an implicit role. Cf. in this regard Günter Thomas and Andreas Schüle (eds.), *Luhmann und die Theologie* (Darmstadt: Wissenschaftliche Buchgesellschaft, 2006) and Niklas Luhmann in “Moderne Systemtheorien als Form gesamtgesellschaftlicher Analyse” (in Luhmann, N. & Habermas, J. (eds.), *Theorie der Gesellschaft oder Sozialtechnologie*. Frankfurt a.M.: Suhrkamp Verlag, 1971) and *The differentiation of society* (New York: Columbia University Press, 1982).

democratisation of the market can only be brought about by general conditions set by political actors.

The third area of reference of modern societies is *civil society*, and Huber regards its pluralisation as also contributing to a more humane society. Only a differentiated civil society is able to articulate its views legitimately in order to find universal consensus with regard to matters that concern the whole of society (Huber, 1994a:169–170). Huber (1994a:171) is of the opinion that – especially in previously homogenous societies – the increased enabling of *cultural communication* should serve as the basis for the pluralism of civil society. This means that neither relativism nor a universalistic search for homogeneity should be regarded as appropriate reactions to pluralisation within society (Huber & Graf, 1991; Huber 1994a:171). Instead of longing for cultural monocentrism or multiculturalism with relativist indifference as aim, multicultural communication should assist in pluralising pluralism in order to contribute to a society where the constructive co-existence of difference is possible.²⁷⁴ In this article Huber shows how pluralism can serve human dignity and freedom when it is not interpreted as a goal in itself. In this context Huber argues that communicative freedom is a contribution to ensuring that pluralism and its continued pluralisation serves the dignity of individuals and the integrity of life in community. He consequently develops communicative freedom as a reaction to pluralism that transcends the positions of fundamentalism, integrationalism and relativism.

3.4.2 *Reacting to pluralism*

A number of reactions to the pluralism of modernity are possible, of which fundamentalism may currently be the most visible. Fundamentalism as a reaction to societal pluralism forms an important background to especially Huber's recent discussions on pluralism.²⁷⁵ Especially the integration of German Muslims, attempts

²⁷⁴ Cf. e.g. Huber, 1994a:171–172. Huber continues by stating that cultural communication is of importance especially in contexts where economic interests dominate public life. The dominance of economic interests often leads to utilitarian and expressive individualism that does not contribute to a society of different equals, able to engage in dialogue concerning the basic presuppositions of constructive co-existence.

²⁷⁵ Especially since 9/11 Huber started to address the challenge religious pluralism poses more often than the case was earlier. Cf. "Gerecht aus Glauben – die Gegenwartsbedeutung des christlichen Menschenbilds" (2001a), "Hat der Glaube noch Zukunft?" (2003b), "Protestantismus – Abgesang oder Zukunftsmodell?" (2004c), "Der christliche Glaube und die politische Kultur in Europa" (2004h),

of Turkey to become part of the European Union, the 9/11 tragedy and smaller incidents like the conflict a caricature drawn of Islam's prophet Mohammed caused and the cancellation of a German performance of Mozart's *Idomeneo* in Berlin in 2006 cause Huber to often speak on how religious communities should react to societal pluralism. It is not, however, simply a recent theme in his work but is of relevance in much of his earlier work too.

In 1991 already, in a discussion with Friedrich Wilhelm Graf in the journal *Evangelische Kommentare* titled as "Konfessorische Freiheit oder relativistische Offenheit. Ein theologisches Streitgespräch", Huber (1991:671) stated that *fundamentalism* is one of the biggest dangers for religions trying to position themselves in a pluralistic (and globalising) context. In this article he describes fundamentalism as the search for simple relations amidst the factual reality of pluralism, which is given by means of strictly structured views on reality aimed at providing answers to pluralisation and change, especially in terms of a literal reading of the basic text of the specific community (Huber & Graf, 1991:671). In this context Huber emphasises the importance of religious communities being able and willing to engage in dialogue and to practise tolerance.²⁷⁶

Huber identifies *integrationalism* as another position that can be adopted by religious communities in pluralistic contexts. Especially in Europe there are some who long for a Christian Europe, where the pluralism of modern society is managed by a Christian orientation (Huber & Graf, 1991:671). Huber typifies a third unconstructive religious reaction to the pluralism of modern society as that of *relativism*. Although often also called a pluralistic viewpoint, Huber sees a definite difference between the two. This is mainly because a pluralistic society is dependent on certain basic shared aims that

"Religionsfreiheit und offene Gesellschaft – ein Prüfstein aktueller Dialoge in Europa" (2004l), "Religion und Politik in Deutschland und den USA – ein Vergleich" (2004o), "Religion – Politik – Gewalt" (2005b), "Die Religionen und der Staat" (2005t), "Religionsfreiheit und Toleranz – Wie aktuell ist der Augsburger Religionsfriede?" (2005aa), "Die Religionen und der säkulare Staat" (2006j), "Dialog der Religionen" (2007g) and "Dialog der Religionen in einer pluralen Gesellschaft – Überlegungen aus evangelischer Perspektive" (2007q).

²⁷⁶ In terms of the current contours of fundamentalism, Huber understands consensus on a number of themes as presupposition for dialogue, namely the view on violence, the view on members of other religious communities, the view on the equality of especially men and women, the view of democracy and public responsibility, and the view of human rights and the freedom of religion in particular (Huber, 2004h; 2005t).

are fed by its pluralising, which will not be able to occur if an incapacitating relativism is made the main societal aim.²⁷⁷

Developing the concept of communicative freedom is an attempt to avoid all of these positions by both respecting pluralism and contributing to its humane development (Huber & Graf, 1991:671). Within the context of pluralism Huber (1991:672) understands communicative freedom to respond to three challenges. *Firstly*, this Protestant understanding of freedom should show how the freedom of faith, the freedom of conscience and the responsible use of freedom in society belong together. As was shown in Chapter 1 in terms of Luther's theology freedom of conscience serves as the 'hinge' between the freedom of faith and freedom in society (Huber, 1996c:108).

In pluralistic contexts the implication of Luther's work on the freedom of conscience is that also the freedom of one's different neighbour should be respected (Huber, 1990a:140), as respecting the freedom of others also means respecting differences. He therefore states in his article "Sozialethik als Verantwortungsethik" (1990a:165):

The pluralising of ethical conceptions ... leads to a next step in the evolution of ethical worldviews. It signifies the transition from the simple to the reflexive use of principles.... Respect for others' freedom of conscience, which forms the basis of ethical orientations that might even differ from my own, is the origin of an ethics of responsibility.²⁷⁸

Huber (1991:672) *secondly* regards the connection between individuality and sociality made by communicative freedom as an important presupposition for pluralism. Freedom, as was seen, can only be realised in community. Constructively engaging pluralism therefore means not seeing one's neighbour as a limit to one's

²⁷⁷ In 1990d:46 Huber describes one of the greatest shortcomings of the relativist or postmodern position to be its assumed inability to contribute to the formation of identity. According to Huber, such a position implicitly understands indifference as the core of freedom, and such a concept of freedom does not enable the formation of identity.

²⁷⁸ "Die Pluralisierung ethischer Konzeptionen ... ruft nun aber einen weiteren Schritt in der Evolution ethischer Weltbilder hervor; den Übergang vom einfachen zum reflexiven Prinzipiengebrauch Der Respekt vor der Gewissensfreiheit des andern, die ihn zu einer eigenen, von der meinigen möglicherweise abweichenden ethischen Orientierung nötigt, ist der Entstehungsort der Verantwortungsethik."

own freedom (Huber, 1996c:106). Discourse between different groups and individuals on how to build societal cohesion is therefore not optional but a prerequisite for a constructive reaction to pluralism.

Communicative freedom *lastly* engages the pluralism of modernity by means of its connection between freedom and responsibility (Huber & Graf, 1991:672). As was seen earlier in this chapter, self-limitation serves as expression of communicative freedom and is not to be understood as the limitation of freedom itself (Huber, 1990a:193–194; 1990a:204–207; 1990b:243–246; 1993b:70–81; 1999:210–215). The peaceful co-existence of different individuals and groups is therefore not served by the self-righteous assertion, but as we have seen in Chapter 1 freedom becomes “concrete in the willingness to compromise and cooperate” (EKD, 2006a:13).

By developing communicative freedom, Christian resources are therefore used to formulate a position that respects societal pluralism by constructively contributing to societal discourse on the meaningful realisation of freedom. The universalism of Huber’s Christian sources is applied to the context of a plurality of interpretative communities. The tolerance inherent to such a position is therefore grounded in the conviction a diversity of positions is necessary to sustain societal pluralism, and therefore the universalism of the Christian sources is not used to disable dialogue. Huber does not understand pluralisation and pluralism as endangering the development and realisation of a Christian position on freedom but understands societal pluralism as requiring such contributions.

4. SUMMARY

In this chapter the researcher has investigated how and within what context the concept of communicative freedom affirms modernity. It was shown that communicative freedom critically affirms both the centrality of the individual as well as the most important measures by which modernity organises society.

In the first section it was shown that human rights can be understood as the expression of modern society of the importance of the individual. It was shown how communicative freedom gives expression to the inalienable character of freedom and that God's bestowal of freedom forms the basis of the dignity of the person. Human dignity was also shown to be the point of connection between the Protestant understanding of freedom and human rights.

The affirmation of the centrality of the individual was shown, however, to be a qualified affirmation. The connection between responsibility and individual freedom made by communicative freedom was shown to direct its understanding of human dignity. It was shown that responsibility and self-limitation are not in contradiction to individual freedom but serve as its expression.

In the second section, the affirmation by communicative freedom of some of the fundamental societal principles of modernity was investigated. It was shown that there is no fundamental tension between secularisation, democracy, pluralism and communicative freedom but that Huber's concept of freedom is articulated to function within the context of these societal principles. Secularisation was described in the light of especially its juridical meaning and it was seen that the so-called renaissance of religion expresses the continued relevance of religiously motivated convictions. In the part concerning democracy it was consequently shown that this system of government is indeed dependent on trust-building concepts such as communicative freedom for its sustenance. Lastly it was shown that societal pluralism is not to be understood as a problem that needs to be solved but as a challenge that needs to be engaged. Huber's conviction that pluralism is not a goal in itself but is in service of human dignity was illustrated by his suggestion that communicative freedom is a constructive reaction to pluralism that transcends relativism, fundamentalism and integrationalism.

CHAPTER 3

RENEWING PROGRESS, RESTORING JUSTICE AND PRACTISING DIALOGUE

*How communicative freedom contributes
to the renewal of modernity*

1. INTRODUCTION

The thesis of this study is that Huber's concept of communicative freedom is a reformulation of Christian freedom in order to engage modernity critically. In Chapter 1 the way in which the concept of communicative freedom rearticulates this freedom was therefore investigated. It was shown that communicative freedom is not an attempt to formulate a new theory on freedom but rearticulates the rediscovery of freedom by the Reformation. It was also shown that the theology of the Confessing Church plays a significant role in how Luther's rediscovery of Paul's work on freedom is rearticulated by communicative freedom. In one sense communicative freedom is therefore in continuity with classic Protestant concepts of freedom.

At the same time the concept of communicative freedom is rearticulated to be of relevance in a specific context. The act of rearticulation itself shows that communicative freedom is a critical concept and unlocks the public relevance of the Protestant understanding of freedom. The first chapter therefore formed the basis for the consequent investigation of how this concept engages its context. The second and third chapters consequently concern the engagement of modernity by communicative freedom. The argument is structured as to devote one chapter to the primary ways in which communicative freedom affirms modernity and another to how it contributes to the renewal of modernity.

The second chapter was devoted to the way in which communicative freedom affirms modernity. The investigation revealed that it is possible to evaluate its affirmation in terms of two dimensions of freedom, namely its individual and social or corporate dimensions. In this chapter, the contribution to the renewal of modernity will be investigated.²⁷⁹

²⁷⁹ The necessity of the renewal of modernity is a position adopted by a number of authoritative researchers. Notably, and of importance for understanding Huber's work, Ulrich Beck's description of the development of 'second modernity' coincides with the contribution of communicative freedom to the renewal of modernity. In the book *Modernisierung der Moderne* Beck, Wolfgang Bonß and Christoph Lau identifies five processes that necessitate the modernising of modernity and that are leading to second modernity (Beck *et al.*, 2001:22–24). These five processes are (a) globalisation; (b) individualisation; (c) the gender revolution; (d) the so-called 'third revolution', or the change in the structure of employment and maybe even of the 'employment society'; and (e) the political dynamics caused by the ecological crisis. For a theological attempt to describe a departure from modernity, cf. Michael Trowitzsch, *Über die Moderne hinaus* (Tübingen: Mohr Siebeck, 1999).

As has been mentioned in Chapter 2, Huber regards it as ‘premature’ (*voreilig*) to bid farewell to modernity (Huber, 1990d:47) but at the same time views an uncritical advancement of the modernist project as insufficient (1990d:43–44). Questions regarding the central challenges of modernity should be posed in order for modernity to contribute to the betterment of humankind.²⁸⁰ For Huber, this means to utilise the critical loyalty towards modernity to find binding criteria for responsible actions in the present (1990d:50). In the light of an irrational faith in progress (e.g. Huber, 1990d:39–43), a looming ecological crisis (e.g. Huber, 1990a:208–235; 2008b:50ff), continued poverty, inequality and injustice (e.g. Huber, 1980; 1987; 1990b) and renewed religious and cultural violence (e.g. Huber, 2004l; 2005aa; 2007g) Huber proposes that the theme of freedom is as relevant for the affirmation of modernity as it is for its renewal. In an interview Huber gave in 2008 he identifies taking responsibility for freedom as the 21st century’s ‘great theme’:

Freedom is the important theme of the 21st century. After the century of dictatorships we have now entered the century of freedom. After the World Wars we are now in the century of responsibility for peace and the future (2008c).²⁸¹

The current challenges of modernity are addressed neither by a relativist view of freedom (Huber, 1990d:45; 1991:671; 1992a:101–102) nor by a fundamentalist view (Huber, 1990d:44; 1991:671; 1992a:101). Huber regards the continuation of modernity to be dependent on a view of freedom that proceeds from the identity of individuals and groups and not only connects individuality and sociality theoretically but also employs this connection to take responsibility in a complex world (Huber, 1993a:14).²⁸² As we have seen in the discussion of pluralisation, Huber (1991:671–

²⁸⁰ In his foreword of *Protestantismus und Protest* Huber (1987:10) formulates the need for the continued renewal of modernity by Protestantism as the contribution to “[die] Entwicklung einer politischen Kultur ... für die der Protest nicht ein lästiges Übel, sondern eine wichtige Form der politischen Mitverantwortung darstellt”. The aim of criticising democratic societal structures is therefore not their replacement but their reform in order to correspond with the dignity of all the members of society.

²⁸¹ “Freiheit ist ja das große Thema des 21. Jahrhunderts. Nach dem Jahrhundert der Diktaturen sind wir in das Jahrhundert der Freiheit eingetreten, nach dem Jahrhundert der Weltkriege sind wir in das Jahrhundert der Verantwortung für Frieden und Zukunft eingetreten.”

²⁸² Cf. e.g. Huber’s articulation in *Die tägliche Gewalt* (1993a:14): “So wertvoll ein Zugewinn an individueller Freiheit ist, so problematisch kann er werden, wenn der Sinn für Solidarität schwindet, dem die Freiheit der anderen ebenso wichtig ist wie die eigene. So bereichernd individuelle

672) suggests in his article “Konfessorische Freiheit oder relativistische Offenheit” ways in which communicative freedom can engage the challenges of modernity, namely connecting individual freedom with the equal freedom of other members of society, connecting freedom and self-limitation and emphasising the freedom of conscience as the presupposition for societal responsibility.

The research done for this study has shown that communicative freedom contributes to the renewal of modernity in categories that broadly correspond with the three implications Huber identified in the article. In this chapter, Huber’s contribution to the renewal of modernity will consequently be investigated in terms of three broadly corresponding themes. It should be noted that Huber does not give any systematic account of the contribution of either his theology or the concept of communicative freedom to the renewal of modernity. However, it is the premise of this study that the way in which Huber develops communicative freedom has definite implications for also the renewal of modernity. Moreover, applying the concept in this way unlocks its use in contexts other than Huber’s native Germany.

In the first section of this chapter, Huber’s connection between freedom and self-limitation will form the basis for his critique of the dominant concept of progress in modern societies. The ambiguity of progress, as the ecological crisis gives expression to, will form the background of this section. In the second section, Huber’s connection between freedom and equality will be investigated as a contribution to making modernity more just. The challenge that continued poverty, exclusion and inequality pose to modernity forms the background of this section. In the third section of this chapter, increased global integration and the resultant cultural and religious tension and violence will form the backdrop for investigating the implications of taking freedom of conscience as starting point for realising communicative freedom. This will be done by investigating Huber’s work on dialogue as a way to reach corporate responsibility for the humane and peaceful co-existence of different people.

Freiheitsmöglichkeiten sein können, so fragwürdig werden sie, wenn eine wachsende Zahl von Menschen durch sie überfordert ist. Von individueller Freiheit kann nur verantwortlich Gebrauch machen, wer der eigenen Identität in ausreichendem Maß gewiß ist.”

2. CONNECTING FREEDOM AND SELF-LIMITATION: RENEWING PROGRESS

2.1 Introduction

The speed with which living conditions are changing globally ... is still increasing. Terms such as nuclear energy, genetic engineering, modern communication technologies, digitalisation, artificial intelligence and artificial reproduction signal changes that most people cannot grasp, whether it is morally or intellectually. The achievements of technological development and societal advancement seem to be inextricably bound to its negative repercussions, such as the destruction of the natural environment and of humankind's social ecology, the endangering of individual biographies ... and the disruption of human relationships. Not only opportunities and life-expectancies are increasing, but also potential dangers (Huber, 1999:216).²⁸³

In this text from *Kirche in der Zeitenwende* (1999) Huber expresses some of the most urgent challenges of modern times. The ambiguity of progress is central to these challenges, as scientific and technological progress in particular demonstrates: The apparent betterment of humankind is inextricably connected to its potential destruction.²⁸⁴ In a speech delivered at the Deutscher Evangelischer Kirchentag in

²⁸³ "Noch immer nimmt die Geschwindigkeit zu, mit der sich die Lebensumstände auf dem Globus insgesamt ... umstülpen. Nuklearenergie, Gentechnologie, moderne Kommunikationstechniken, Digitalisierung, künstliche Intelligenz und künstliche Reproduktion: so heißen die Signalworte für einen Wandel, der in seiner Rasanz und in seinen Ausmaßen von den meisten Menschen weder intellektuell noch moralisch bewältigt werden kann. Die großen Erfolge technologischer Entwicklung und gesellschaftlichen Aufschwungs sind mit negativen Auswirkungen scheinbar unlöslich verquickt: mit Zerstörungen in der natürlichen Umwelt, wie in der Sozialökologie der Menschen; mit der Gefährdung individueller Biographien ...; mit dem Zerbrechen menschlicher Beziehungen Auf der einen Seite werden die Lebenschancen und Lebenserwartungen gesteigert; zugleich aber wachsen damit auch die Gefährdungen."

²⁸⁴ For the critique of progress, cf. importantly Henrich von Nussbaum (ed.), *Die Zukunft des Wachstums: Kritische Antworten zum "Bericht des Club of Rome"* (Düsseldorf: Bertelsmann Universitätsverlag, 1973). For more recent German discussions, cf. Michael Schlitt, *Umweltethik* (Paderborn: Ferdinand Schöningh, 1992) and Christina Aus der Au, *Achtsam wahrnehmen: Eine theologische Umweltethik* (Neukirchen-Vluyn: Neukirchener Verlag, 2003).

Berlin in 1989²⁸⁵ Huber expresses this paradoxical phenomenon even clearer: Not only modern scientific and technological achievements are unfathomable but so are the possible catastrophes that accompany them (Huber, 1990a:211).²⁸⁶ According to Huber, modernity can imply a form of trust in progress that contributes to this ambiguity directly (1990a:198).²⁸⁷

Huber (e.g. 1999:218–219) regards the connection between freedom and self-limitation as crucial in addressing the ambiguity of progress. The concept of communicative freedom, as was seen in Chapter 2, connects self-limitation and individual freedom as freedom is understood to be realised in relationship with others (cf. e.g. Huber, 1985:211). The connection between freedom and self-limitation made by communicative freedom will consequently form the backdrop for investigating Huber's critique of progress and will be developed as a first contribution communicative freedom makes to the renewal of modernity.²⁸⁸

In the first part of this section, Huber's view on progress as the integrative moment of modernity will be discussed. The second part will concern the basic misunderstanding of freedom that underlies an irrational trust in progress, namely a concept of freedom that is divorced from responsibility. This section will conclude with suggestions based on communicative freedom on how freedom can be realised responsibly in the principal areas of reference of modern societies.

²⁸⁵ In this time Huber also wrote *Protestantismus und Protest* (1987) in which he regards nuclear energy as the symbol for human power and its ambiguities (Huber, 1987:23).

²⁸⁶ Shortly after this statement, Huber goes even further by stating that the potential for catastrophes is built into modern technological abilities: "Wir leben mit technischen Systemen, denen ein erhebliches Katastrophenpotential eingebaut ist" (Huber, 1990a:211).

²⁸⁷ In 1987 Huber (1987:109–110) regarded the ambivalence of progress to be visible in at least five areas: (a) "die Spaltung der Gesellschaft in diejenigen, die über Erwerbsarbeitsplätze verfügen, und Erwerbslose"; (b) "die noch immer wachsende Kluft zwischen Umweltbelastungen oder Umweltkatastrophen ... und die Ansätzen zu Gegenmaßnahmen"; (c) "der dramatische Gegensatz zwischen dem Wohlstand in den Industrienationen und den Lebensbedingungen in den Ländern Asiens, Afrikas und Lateinamerikas"; (d) "eine Form der Friedenssicherung, die den Frieden durch technische Mittel gewährleisten soll"; and (e) "die Gefahr, daß der wissenschaftliche Zugriff auf die genetische Ausstattung des Menschen in die technologische Manipulation des Lebens selbst münden wird".

²⁸⁸ In this regard a section such as 1999:211–215 in *Kirche in der Zeitenwende* typifies the contribution Protestantism can make. Huber is of the opinion that by making use of Christian resources, especially that of the Reformation, the connection between freedom, self-control (*Selbstbeherrschung*) and self-limitation (*Selbstbegrenzung*) can again be regained.

2.2 An irrational trust in progress

In his important article “Der Protestantismus und die Ambivalenz der Moderne” (1990d) Huber gives arguably his clearest explanation of why he understands the idea of progress to be the guiding theme for modernity. He considers Wilhelm von Humboldt’s choice of ‘the autonomous self-reflexive individual’, the accumulation of wealth or understanding modernity as simply a cultural or even economic phenomenon (1990d:37–38). He comes to the conclusion, however, that the influential proposal to understand the guiding theme for modernity as that of progress has the most merit. According to this interpretation, modernity is characterised by

...its fleetingness, by the constant transition from the old to the new, from worse to better.²⁸⁹ This modern awareness of progress is built on the conviction that the transition to the new and the better should not be restricted to science and technology but should be extended to politics and culture (1990d:38).²⁹⁰

He situates the roots of progress in the Enlightenment. At that time, however, progress was understood in other categories than the case is today, namely as the principal challenge humanity must set itself in order to be emancipated from its self-imposed immaturity (1990d:38). To a large extent this initial version of progress can thus be understood as the need for political liberation and transformation from structures that disregard human autonomy and rationality. Huber consequently understands the French Revolution as an expression of the momentum this understanding of progress gained.²⁹¹ In Huber’s opinion, Kant’s famous definition of

²⁸⁹ Here Huber makes use of Charles Baudelaire’s famous phrase “La modernité, c’est le transitoire, le fugitif, le contingent” from his book *Le Peintre de la vie moderne* which is published in Friedhelm Kemp *et al.* (eds.), *Charles Baudelaire: Sämtliche Werke / Briefe, Vol. 5.* (Munich, 1989, pp. 213–259).

²⁹⁰ “[Das Spezifische der Moderne liegt gerade in] ihrer Flüchtigkeit, im beständigen Übergang vom Alten zum Neuen, vom Schlechteren zum Besseren. Dieses neuzeitliche Fortschrittsbewusstsein ist davon überzeugt, daß der Übergang zum Neuen und Besseren nicht auf die Leitsektoren von Wissenschaft und Technik beschränkt bleiben darf, sondern auf die Bereiche von Politik und Kultur übergreifen muss.”

²⁹¹ Huber (1987:111) understands the French and American revolutions to be connected in their shared conviction that societal progress should be measured by means of human dignity and related concepts.

the Enlightenment as the liberation from self-imposed immaturity – as was quoted in the previous chapter – is therefore closely connected to rational and autonomous political actions aimed at enabling the co-existence of the freedom of different individuals. Drawing on the meaning progress had during the Enlightenment, Huber concludes that when modernity stays true to the heritage of the Enlightenment, real progress should principally be measured by the enforcement of a constitution within states and peace between states and should always have a critical character (1990a:200).

Huber believes that this initial – one may even say legitimate – understanding of progress has faded. Increased technological capabilities and expanded scientific knowledge have led to the departure from its initial critical character (Huber, 1990d:38). In his article “Fortschrittsglaube und Schöpfungsgedanke. Überlegungen zur Verantwortung der Wissenschaft” (1990a:195–207) Huber explains that this critical idea of progress has been replaced by *trust in progress*. According to him, the trust in progress implies belief in the future and the confidence that this future will be better (1990a:198).²⁹² For Huber, trust in progress therefore gives expression to the relationship modernity has to time (1990d:36), as modernity understands human activity to be able to facilitate change in order to constantly move to a better world.

Already in his book *Kirche* Huber (1979:211–216) bases his critique of progress on its unqualified trust in a better future.²⁹³ History is understood as the gradual but certain transition to a better world. Huber (1979:213) articulates his criticism as follows: “The key motive [of progress] is not the idea that the expansion of human abilities in itself is already progress, but of greater importance is the idea that the concept of progress refers to a better future...”²⁹⁴ The result is that discoveries as diverse as that of “gunpowder, the compass or the art of printing” and historical experiences as diverse as “the discovery of America and the contention that the

²⁹² The original German formulation is even more striking: “Fortschrittsglaube ist Zukunftsgewißheit: die Gewißheit nämlich einer besseren Zukunft” (Huber, 1990a:198).

²⁹³ Here his argument is that trust in a better future cannot be based on human abilities but only on God’s goodness (1979:215). The church, and not technology or science, therefore embodies this hope.

²⁹⁴ “Das beherrschende Motiv ist dann nicht die Meinung, daß alle Expansion menschlicher Macht schon Fortschritt sei; sondern bestimmend ist der Gedanke, daß der Begriff des Fortschritts auf eine bessere Zukunft verweist...”

individual is free” are all interpreted as the proof that what is new is better than what is old and that this transition is the direct result of human abilities. Huber (1990a:199) sees this belief in progress reflected in the changed meaning of knowledge: Knowledge is no longer understood as the cognitive consideration of an inexplicable world²⁹⁵ but as research, discovery and construction.

Huber chooses to speak of the ‘belief’ in progress rather than the ‘concept’ or ‘theory’ of progress to characterise its departure from being the result of the actions of free and autonomous persons to an irrational trust in human abilities.²⁹⁶ Central to its irrationality is the conviction that societal progress follows the same trends²⁹⁷ as those that are discovered in nature and created in the development of new technologies (Huber, 1990a:200).²⁹⁸

Huber recognises this irrational trust in progress in at least four of the societal spheres of modernity.²⁹⁹ The rationality of *science* is characterised, for example, by a profound dichotomy between what is immediate and its possible medium- and long-term consequences. Its inability to extend the strict rationality of observation, experimentation and theorising to the medium and long term reveals a contradictory irrationality or at least a rationality based on a restricted view of time (Huber, 1990d:40).

Huber also deconstructs the rationality of *economic* efficiency: The irrational and unsustainable exploitation of nature does not correspond with the focus on sustainability and rationality with regard to forms of organisation, even though forms of organisation are dependent on the sustainable development of nature (Huber,

²⁹⁵ This phrase is difficult to translate to English and reads as follows in German: “Das Wissen versteht sie nicht mehr als das erkennende Betrachten einer unverfügbaren Welt”

²⁹⁶ It is significant to note that Huber delivered the lecture “Fortschrittsglaube und Schöpfungsgedanke” and argued for the irrationality aspects of the belief in progress at the University of Gießen in honour of a natural scientist.

²⁹⁷ Huber makes use of the term *Eigengesetzlichkeit* that Weber uses to describe the functional differentiation of modernity to refer to the trends, or even laws, that are transferred from science and technology to the other spheres of human existence.

²⁹⁸ In “Der Protestantismus und die Ambivalenz der Moderne” Huber also describes this transferral of trends as the reason for the deviation for the ‘original’ understanding of progress: “Doch die Erfahrung, daß die Erweiterung wissenschaftlicher Kenntnisse und technischer Fähigkeiten mit eigengesetzlicher Gewalt Fortschritt ermöglicht und verbürgt, führt zum Verblässen dieses kritischen Fortschrittsbegriffs” (1990d:38).

²⁹⁹ Cf. also Huber 1990a:176–194; 1990a:208–225; 1990d:40.

1990d:41). Regarding the rationality of *politics* another dichotomy is of relevance: Whereas modern nation states are internally organised around broadly trustworthy and legitimate institutions, international relationships often exhibit irrational conflicts, illegitimate actions and untrustworthy politics (Huber, 1990d:41). Moreover, in terms of the *personal* way of life, modern society's promise of a rational and meaningful order paradoxically leads to fragmented and isolated individuals (Huber, 1999:89ff) who are at the mercy of their perception of their personal needs (Huber, 1990d:42).

Huber argues that the irrationality of the trust in progress diverges from the Enlightenment rationality that gave birth to it (1990a:200). The Enlightenment did not consider progress to be based on a blind faith in human abilities but saw progress as the result of planned actions taken by free individuals, sometimes in the face of resistance (1990a:200–201). Freedom was therefore not understood as the arbitrary use of abilities but as planned action. It is clear that the way in which Huber develops communicative freedom is a response to this challenge (cf. Huber, 1990d:43). Huber proposes the connection between freedom and responsibility made by communicative freedom by means of self-limitation to address this irrationality.

2.3 Regaining the connecting between freedom and self-limitation

The intensifying ecological crisis serves as one of the clearest examples of how the irrational trust in progress of modernity is leading to escalating crises (Huber, 2008b:50–51).³⁰⁰ Huber regards the 'residual risk' (*Restrisiko*) of technological advancements – the possible danger even when all theoretically possible safety measures have been taken – as constantly increasing. Although most of humanity is subjected to it unwillingly and even unknowingly, it significantly endangers the continued existence of life on earth (Huber, 1990a:212).³⁰¹

³⁰⁰ Huber describes the ecological crisis as the "central challenge regarding humanity's responsibility for creation in the 21st century" (2008b:50) and regards the measures that should be taken as transcending previous forms of responsibility: "Diese Aufgaben gehen über den gewohnten räumlichen und zeitlichen Horizont persönlicher wie politischer Lebensgestaltung hinaus. Wir sind unmittelbar an der Gestaltung von Lebensbedingungen beteiligt, die über die eigene Lebenszeit oder den Horizont der eigenen Verantwortlichkeit hinausweisen. ... Wir leben in einer natürlichen Umwelt, die wir als Einzelne nicht unmittelbar bestimmen können, deren Existenz und Fortbestand wir alle aber mittelbar prägen."

³⁰¹ In describing the causes of this residual risk Huber especially focuses on the potential dangers of nuclear energy. In this regard see, e.g. Huber, 1987:24–25.

Huber (1990a:197ff) regards the tendency in politics and science to react simply with increased safety measures as misinterpreting the core of the challenge. For him, the key challenge is not to develop 'mistake-friendly' (*fehlerfreundliche*) and humane technologies but to protect progress against the potential failures of humanity (Huber, 1990a:197). The challenge is not simply to 'immunise' technology against human failures but to inquire critically as to the understanding of freedom and the consequent understanding of progress that underlie these modern challenges.³⁰²

Reacting to the ambiguity of progress with renewed and intensified measures of control conceals the fact that the realisation of freedom depends on the setting of societal goals that correspond with human dignity. Huber consequently understands the dominance of an irrational trust in progress as a 'goal crisis' (*Zielkrise*) and not a 'control crisis' (*Steuerungskrise*) (1990a:204–205).³⁰³

In a *first* step the irrationality of progress should be addressed by recognising that technological, economic and scientific advancement are already societal goals themselves and should therefore not be subjected only to measures of control but to criticism:

Technological progress and economic growth do not ensure employment for everybody who searches for a work. It is in fact linked to increasing unemployment. Technological progress is accompanied by a 'residual risk' of which the menacing character can be suppressed but not ignored.

³⁰² In *Protestantismus und Protest* Huber (1987:107) motivates his critique of progress from another perspective, namely regarding how quality of life can be understood. The search for increased (economic) growth does not address the deeper question of whether it contributes to a better quality of life. Huber therefore states, "Die selbstzerstörerischen Folgen unbegrenzten Wachstums kamen in den Blick. Die Frage nach der Lebensqualität, die Überlegungen über qualitatives Wachstum, aber auch die Debatte über gesellschaftliche Grundwerte sind Signale dafür, daß die Frage aufs neue ansteht, welche Ziele gesellschaftlicher Entwicklung ethisch verantwortet werden können."

³⁰³ In this section he formulates this challenge as follows: "[Die Gefährdungen der Gegenwart bedeuten] nicht nur eine Steuerungskrise, sondern eine Zielkrise. Denn in ihnen meldet sich die Frage an, welche Ziele gesellschaftlichen Handelns und damit auch wissenschaftlicher Forschung verantwortet werden können" (Huber 1990a:204—205).

What kind of goals can justify these ambivalent effects? Or should the reversion to another modernity be announced?³⁰⁴ (Huber, 1987:107)

In a *second* step Huber proposes the revision of societal goals by means of the connection between freedom and self-limitation. When freedom is divorced from responsibility, and consequently self-limitation, it leads to a measure of arbitrariness and irrationality that can endanger life on earth.³⁰⁵ Communicative freedom bridges the assumed contradiction between freedom and self-imitation by showing that responsibility does not limit freedom but is its expression.³⁰⁶ Individual dignity does not mean protecting one's own against that of one's neighbour but can be realised freely only in relation to others, as was seen in chapters 1 and 2 (Huber, 1990d:57–65).

Communicative freedom therefore shows that individualistic self-determination is not compatible with authentic human freedom and that self-limitation is an expression of freedom:

If one wants to recognise self-determination – that means freedom – as the aim and meaning of human life, one should not only endeavour to lead one's own life according to the principle of moral autonomy but should abstain from assuming to have right over others' lives. Self-determination can be regarded as a universal moral principle only when it also allows for self-imitation. Humanity is shown in the ability to connect one's own interests with respect for others' lives. This is also what the basic principle

³⁰⁴ "Technischer Fortschritt und wirtschaftliches Wachstum verbürgen nicht mehr Arbeitsplätze für alle, die Arbeit suchen; vielmehr verbinden sie sich mit konstant hoher Erwerbslosigkeit. Technischer Fortschritt ist von einem 'Restrisiko' begleitet, dessen bedrohlicher Charakter immer wieder verdrängt, aber doch nicht geleugnet werden kann. Vor welchen Zielen lassen sich diese ambivalenten Wirkungen verantworten? Oder ist die Umkehr in eine anderen Moderne angesagt?"

³⁰⁵ Cf. Huber's discussion of this *Beliebigkeit* in lectures such as "In Verantwortung vor Gott und den Menschen" (2002a), "Rückkehr zur Lehre vom gerechten Krieg? Aktuelle Entwicklungen in der evangelischen Friedensethik" (2004p), "Flugblätter der Freiheit. Verantwortliches Handeln aus christlichen Wurzeln" (2006b), "Gemeinschaft gestalten – Evangelisches Profil in Europa" (2006i), "Mündigkeit und Macht – Dietrich Bonhoeffers Anspruch an Kirche und Gesellschaft heute" (2006l) and "Verantwortlich im Sinne der Pressefreiheit" (2006q).

³⁰⁶ Here Huber's interpretation of Luther's double thesis is again relevant: One is never free until one is able to serve one's neighbour.

of Jewish and Christian ethics says: love for oneself and for others belong together (Huber, 1999:218–219).³⁰⁷

Respecting human freedom means acknowledging that freedom can only be realised in community, and communicative freedom expresses the fact that freedom is dependent on a 'responsible form of life' (*verantwortete Lebensform*) (Huber, 1993a:12).

In *Kirche in der Zeitenwende* Huber (1999:203ff) sketches possible ways in which freedom can be realised responsibly in the different areas of reference of modern societies.³⁰⁸ These suggestions illustrate how societal progress need not be divorced from self-limitation as this form of responsibility indeed contributes to the wellbeing of society.³⁰⁹ In the next section the researcher will therefore investigate communicative freedom as a goal for societal progress in economics, politics, cultural communication and personal life conduct.

2.3.1 *Communicative freedom as a goal for societal progress*

In the economic sphere Huber proposes *economic freedom* as a societal goal by which to measure societal progress (1999:203). In the light of the ambivalences of any economic system and the need for comprehensive economic freedom, Huber is of the opinion that the system of social market economy is the most dependable

³⁰⁷ "Wer Selbstbestimmung – und das heißt: Freiheit – als Ziel und Sinn menschlichen Lebens anerkannt wissen will, der muß nicht nur sich selbst darum bemühen, sein eigenes Leben nach den Grundsätzen sittlicher Autonomie zu führen; er muß auch darauf verzichten, sich das Verfügungsrecht über fremdes Leben anzumaßen. Als universales Moralprinzip wird Selbstbestimmung nur dann anerkannt, wenn wir zur Selbstbegrenzung in der Lage sind. Humanität zeigt sich in der Fähigkeit, das Interesse am eigenen Leben und die Achtung vor fremdem Leben miteinander zu verbinden. Nichts anderes sagt der Grundsatz der jüdischen und christlichen Ethik, der die Liebe zum andern und die Liebe zum eigenen Leben auf eine Stufe stellt."

³⁰⁸ As was seen in Chapter 2 and as Huber describes programmatically in his articles "Öffentliche Kirche in pluralen Öffentlichkeiten" (1994a) and "Christliche Freiheit in der freiheitlichen Gesellschaft" (1996c), he regards modern societies to consist of four principal areas of reference, namely a political sphere, an economic sphere, a cultural sphere and a sphere where personal interests are organised in civil society.

³⁰⁹ At this juncture it should be noted that Huber also balances his critique of progress, and indeed his critique of modernity, by acknowledging that the church should also be able and willing to learn from modernity. In a lecture delivered in Dietrich Bonhoeffer House in Münster ("Protestantismus – Abgesang oder Zukunftsmodell?") Huber (2004c) e.g. stated, "Natürlich, auch die Reformationskirchen mussten immer wieder neu lernen, all die modernen Erfindungen wie Freiheit, Individualität und Autonomie, wie die Trennung von Staat und Kirche, von Politik und Religion, von Glaube und Bürgerrechten als ihre eigenen, selbstständig gewordenen Kinder zu erkennen."

guarantor for economic freedom (Huber, 1996c:101; 1999:203). According to this view, the possibility to maximise the benefits of the privileged individuals should not be the sole standard for economic freedom but should be brought into balance by the way in which the economic freedom of society protects those in disadvantaged positions and the way in which it prevents the misuse of power (Huber, 1996c:101; 1999:203).

In his speech “Die Rolle der Kirchen als intermediärer Institutionen in der Gesellschaft” (2000a) delivered at the conference entitled “Die Zukunft der Soziale” Huber articulates his support for social capitalism in terms of this connection between freedom and responsibility:

The social market economy is meaningful in the sense that it does not allow legitimate competition to degenerate into a social Darwinist jungle where [only] the toughest [can] assert themselves. It is much rather to be understood as a system of checks and balances where conflict and cooperation, self-interest and public interest, the quest for self-preservation and consideration for others can be reconciled. The social market economy does not allow self-interest and the interests of society, self-realisation and respect for fellow human beings, individual freedom and social responsibility to contradict one another, and therein lies its ethical significance.³¹⁰

The economic sphere of modernity should therefore not simply be directed at ensuring that individual profit can be maximised but connects the freedom for individual initiative and creativity with a realism regarding society that protects those whom the system has failed.

³¹⁰ “[D]ie soziale Marktwirtschaft hat ihren Sinn gerade darin, dass sie den legitimen wirtschaftlichen Konkurrenzkampf nicht zu einem sozialdarwinistischen Dschungel verkommen lässt, in dem sich der Brutalste durchsetzt, sondern als ein System von ‘checks and balances’ versteht, in dem Konflikt und Kooperation, Eigennutz und Gemeinsinn, Selbsterhaltungsstreben und Rücksichtnahme auf andere miteinander vereinbar sind. Der ethische Sinn dieser Ordnung besteht gerade darin, Eigennutz und den Nutzen der Allgemeinheit, Selbstverwirklichung und das Achten auf den Mitmenschen, individuelle Freiheit und soziale Verantwortung nicht zu unvereinbaren Gegensätzen werden zu lassen.”

Huber regards *political freedom* to be a meaningful aim for the political sphere, with civil and human rights forming the core of this freedom. On the one hand, these rights should safeguard all people against illegitimate uses of the power of the state; on the other hand, these rights should enable participation in political decision making and the responsible realisation of rights (Huber, 1996c:101; 1999:204). Huber (1996c:101; 1999:204) identifies three characteristics of the status of the individual that should serve as foundation for civil and human rights in a free society: the absence of illegitimate restrictions of freedom, the right to democratic participation in the formation of society and reciprocal respect based on the fundamental equality of all persons.

Huber (1999:204) understands democracy as the political system that best corresponds with the societal aim of political freedom as it respects civil and human rights³¹¹ and by implication humanity's inalienable dignity.³¹² Democracy can be understood as a system that institutionalises the need for responsibility and self-limitation. By means of majority rule, democracy can provide a meaningful way (*der Königsweg*) to facilitate societal pluralism (Huber, 1999:205).³¹³ Huber adds that democracy is dependent on the ability and willingness of citizens to take part in democratic processes as a subsequent aim of political freedom (Huber, 1999:205). Political freedom can only be maintained when citizens are willing and able to participate in political processes on behalf of society. The aim of political freedom is therefore dependent on the transparency, visibility, possibility of participation and integrity of political processes (Huber, 1999:206).³¹⁴

³¹¹ Cf. *Protestantismus und Protest* (1987:74–79), “Protestantismus und Demokratie” (1990c), “Der christliche Glaube und die politische Kultur in Europa” (2004h) and “Religionsfreiheit und offene Gesellschaft – ein Prüfstein aktueller Dialoge in Europa” (2004i).

³¹² Cf. also Huber's book *Rechtfertigung und Recht. Über die christlichen Wurzeln der europäischen Rechtskultur* (2001h:12–18) in which Huber succinctly explains the relationship between the Reformation, human dignity and the role of human rights in current-day global society.

³¹³ In constitutional democracies majority rule of course does not have the upper hand but is organised by a constitution. In this respect it should be noted that dictatorship of the majority also does not serve the peaceful co-existence of equal but different groups and individuals. Especially the way in which the difference between civil and human rights is realised and connected with political participation can lead to systemic exclusion of minority groups and can even result in a totalitarian type of majority rule. Although Huber at some points convincingly connects democracy with its sustaining pluralism (e.g. Huber, 1994a) Huber does not work out the implications of the protection and empowerment of minorities by democracy in depth.

³¹⁴ This is of special relevance for contexts of developing democracies and especially for democracies still reeling from the effects of systemic injustices, as the case is in South Africa. When the process of normalising a society includes implementing a new political system and enabling the majority of the country's citizens to partake in this system at the same time, an extremely concerted and

One of the important ways to form and maintain the political sphere and to make it accessible to all citizens is the continued protection and realisation of *cultural freedom*. In a society that consists of different spheres, groups and individuals the ability and willingness of citizens to engage in dialogue in order to take responsibility is an important goal for societal progress, as well as a measure thereof (Huber, 1999:206). These dialogues most often take place in symbolic terms, by means of the cultural resources of different groups, and are therefore dependent on the cultural freedom of society. Without cultural freedom the development, utilisation and articulation of the cultural resources will not be possible, and when citizens are not able or willing to engage in dialogue, the cohesion of society is endangered. When speaking of cultural freedom, therefore, one is not simply speaking of some additional societal resource but of “the decisive space of communication where the debates concerning society’s future take place and where societal cohesion is shaped” (Huber, 1999:207).³¹⁵

For cultural freedom to be practised, society needs to be open to the participation of all the inhabitants of the public sphere. Not only the protection of the freedoms of religion, art, science and opinion is therefore important but also the independence of institutions of civil society (Huber, 1999:207). Societal discourse by means of cultural communication is consequently not simply communication between different individuals. Indeed, such a viewpoint may be based on an illusionary view of society. Huber believes that rather than understanding the public sphere as consisting of free and rational subjects and dialogue to take place between these subjects, it is meaningful to base societal discourse on the interpretation communities that individuals – willingly or not – belong to (Huber, 1994a:170):

[T]he abilities to judge and to contribute to the responsible formation of the community are formed in the first instance in clear groupings, built on shared interpretations of reality, with their attention focused on specific

comprehensive effort is necessary to ensure continued political freedom (cf. Huber, 1999:205). Cf. in this regard Charles Villa-Vicencio and Erik Doxater (eds.), *Pieces of the puzzle: Keywords on reconciliation and transitional justice* (Cape Town: Institute for Justice and Reconciliation, 2004).

³¹⁵ “Kultur bildet den entscheidenden Verständigungsraum, in dem die Debatten über das Zukunftsbild der Gesellschaft ausgetragen werden und in dem sich gesellschaftliche Kohäsionskräfte bilden.”

duties within this reality and in this sense contributing to a richer and a more profound understanding of shared public responsibilities.³¹⁶

Therefore, civil society is one of the most important factors in reaching the goal of cultural freedom.

The fourth societal goal Huber formulates in terms of freedom is that of *personal freedom*. Despite criticism against individualism and the importance of supra-individual conditions, the individual person is fundamentally the 'carrier' of freedom and responsibility and modern societies should allow the unique abilities of the individual to be realised and put in service of the society itself (Huber, 1999:208).³¹⁷ As was seen in both Chapter 1 and Chapter 2, the question as to how personal freedom is to be realised can only be answered by having the freedom of other persons in view. Huber therefore strongly connects personal freedom with responsibility and argues for a society within which this connection is acknowledged and nurtured (Huber, 1996c:103; 1999:208).

As to *how* a concept of freedom is to be utilised as societal goal that can correct trust in progress Huber's work on the structure of modern societies is relevant. Although it may seem otherwise, Huber suggests freedom as a societal goal from the ranks of the church as one of the many different actors of civil society (cf. Huber, 1994a:168–172; 1996c:101–103; 1999:267–282). Suggesting societal goals in this way therefore does not imply an attempt at 'controlling' the public sphere but is one of the convinced expressions of concern needed for the sustenance of constructive societal discourse. The pluralism of individuals, groups and opinions – as we have seen in Chapter 2 – does indeed require profiled contributions.

³¹⁶ “[D]ie Urteilsfähigkeit und damit auch die Fähigkeit zur verantwortlichen Mitgestaltung des Gemeinwesens [bildet sich] zuerst in überschaubaren Gruppierungen ..., die sich auf eine gemeinsame Interpretation der Wirklichkeit verständigen, die ihre Aufmerksamkeit auf bestimmte Aufgaben in dieser Wirklichkeit konzentrieren und gerade so zu einer reicheren und gehaltvolleren Wahrnehmung der allen gemeinsamen öffentlichen Aufgaben beitragen.”

³¹⁷ Despite his defence of individual freedom Huber (1996c:112) regards the individual person to be faced with considerable challenges when attempting to realise freedom responsibly. Most notably the diminished influence of institutions places pressure on the individual's ability to understand both societal reality and individual biography: “Mit der abnehmenden Bedeutung von Institutionen erhöht sich ... die Gestaltungsaufgabe der einzelnen. Die Integrationsleistung, die bisher in erheblichem Umfang von den Institutionen übernommen wurde, muß nun von den Individuen selbst erbracht werden. Lebenslauf und Lebenssituation werden nun durch eine Abfolge individueller Entscheidungen bestimmt. ... Der einzelne wird zum Planungsbüro der eigenen Bastelbiographie.”

This concise discussion of how self-limitation and responsibility can form the basis for societal progress has made it possible to conclude the first of Huber's contributions to the renewal of modernity. In the following section, Huber's contribution to the restoral of comprehensive justice will be discussed as a second contribution. This will be done by investigating the way in which he reframes the tension between freedom and equality. The last section in this chapter will investigate the need for dialogue as an expression of responsible freedom in an interconnected world.

3. CONNECTING FREEDOM AND EQUALITY: MAKING MODERNITY MORE JUST

3.1 Introduction

In the previous section, Huber's thought was used to argue that the progress of modernity was originally aimed at liberation from inhumane societal conditions and that this impulse needs to be renewed by connecting freedom and self-limitation. During the Enlightenment especially the political structures of the time needed to conform to the basic recognition of the equal dignity of all persons, and processes were set into motion to institutionalise the recognition of the equal dignity of all persons. However, despite this societal progression millions of people are still not in a position to experience these advances. The United Nations' Human Development Reports, especially the 2005 report, serve to illustrate this state of affairs (United Nations Development Programme, 2005:17–18).

In 2003, for example, 18 countries' score on the human development index (HDI) weakened. These 18 countries have a combined population of 460 million people. Despite immense growth in some countries, 10.7 million children under the age of five still die yearly, more than one billion people have to survive on less than \$1 a day and 2.5 billion people live on less than \$2 a day. These 2.5 billion people account for 40% of the world's population but only contribute 5% of global income.

The global inequality these figures signify are alarming: The 500 richest persons in the world earn more than the income of the world's 460 million poorest people. The world's richest 10% earn 54% of its income.³¹⁸ Added to these figures one has to note that in 2003 alone three million people died of Aids and a further five million people were infected with HIV/Aids.

These and other global challenges convince Huber (e.g. 1996b:155–156) that the discourse on justice is of profound importance for the renewal of modernity and that communicative freedom can contribute to making modernity more just (1999:189–195).

This is significant as 'absolute' justice and 'absolute' freedom are often understood as being mutually exclusive.³¹⁹ Social justice, on the one hand, is often understood as a limitation of freedom, and as motivation for this line of argumentation ideologies such as National Socialism in Germany are used to illustrate how susceptible some conceptions of justice can be to being used for totalising equality (Huber, 1999:189).³²⁰ This totalitarian implementation of the idea of equality that disregards individual freedom has consequently led to some of the greatest atrocities of modern times (Huber, 1999:190). Freedom, on the other hand, is again often understood as incompatible with justice as it promotes individual achievement instead of the fundamental equality of humanity. Even in those cases where justice and freedom are connected, the focus is mostly on the legal dimension of justice (Huber, 1999:189) and freedom is understood in terms of Cicero's famous dictum *Suum cuique* ('To each his own', taken up in German literature as the equally famous phrase *Jedem das Seine*). This expresses an individualised understanding of justice

³¹⁸ For a South African interpretation, cf. Jacklyn Cock, *The war against ourselves: nature, power and justice* (Johannesburg: Wits University Press, 2007).

³¹⁹ For discussions on the relation between freedom and justice, especially in the German context, cf. Christian Schlüter, *Gleichheit – Freiheit – Gerechtigkeit: Versuch einer Ortsbestimmung in praktischer Absicht* (Dissertation written at the Humboldt University, 1999); Ulrich Steinvort, *Gleiche Freiheit: politische Philosophie und Verteilungsgerechtigkeit* (Berlin: Akademisches Verlag, 1999); Peter Fischer (ed.), *Freiheit oder Gerechtigkeit: Perspektiven politischer Philosophie* (Leipzig: Reclam, 1995); and Ralph Dahrendorf, *Die neue Freiheit: Überleben und Gerechtigkeit in einer veränderten Welt* (Munich: Piper, 1975)

³²⁰ For a useful account of the process of restoring justice in South Africa after apartheid, cf. The Institute for Justice and Reconciliation, *Truth, justice, memory: South Africa's truth and reconciliation process* (Cape Town: Institute for Justice and Reconciliation, 2008).

as the only understanding compatible with the individualism supposed to be associated with freedom (Huber, 1996b:157).

In his magisterial *Gerechtigkeit und Recht* (1996b:149–198) Huber consequently identifies the basic tension responsible for hampering the discourse of modernity on justice as the *tension between equality and freedom*.³²¹ “Real justice can only be realised to the extent that a balance between freedom and equality is made possible. It [justice] therefore aims at societal structures that allows for freedom and equality to nurture and define one another” (1996b:171).³²²

In addressing the continued injustice of modernity, Huber (1999:168–170; 1996c:104–106) proposes that the tension between freedom and equality should be reframed, and he suggests the connection between individuality and sociality made by communicative freedom to reframe this tension.³²³ The researcher will consequently investigate the reframing of the tension between freedom and equality as the second contribution to the renewal of modernity by communicative freedom.³²⁴

This will be done by commencing with a discussion on the role of justice in modern societies. This will form the background for discussing Huber’s suggestion that

³²¹ In this regard, cf. John de Gruchy’s endeavour to introduce justice to the Reformed symbols by showing it as not incompatible with these symbols in “Auf dem Weg zu einer reformierten Theologie der Befreiung: Die Wiederaneignung der reformierten Symbole im Kampf um Gerechtigkeit” (in *Zur Zukunft der Reformierten Theologie: Aufgaben, Themen, Traditionen*, edited by Michael Welker and David Willis, Neukirchen-Vluyn: Neukirchener Verlag, 1998:137–156).

³²² “Wirkliche Gerechtigkeit kann also nur in dem Maß verwirklicht werden, in dem ein Gleichgewicht zwischen Freiheit und Gleichheit ermöglicht wird; sie zielt also auf gesellschaftliche Strukturen, in denen Freiheit und Gleichheit sich wechselseitig fördern und begrenzen.”

³²³ In some of his works Huber explicitly also mentions globalisation as a challenge to create structures within which freedom and equality can “nurture and define one another”. In the speech “Freiheit und soziale Gerechtigkeit – Sozialer Protestantismus in der globalisierten Welt” (2007n) Huber engages the structural challenges arising from economic globalisation: “Angesichts der zunehmenden globalen Vernetzung industrieller Produktionsprozesse und der sich ähnlich schnell verändernden Spielräume nationalstaatlicher Politik ist der Anpassungsdruck auf bestehende Strukturen in Wirtschaft, Staat und Gesellschaft spürbar. ... Es gibt nicht mehr den großen Gegensatz zwischen der ‘freien Marktwirtschaft’ und den Planwirtschaften, sondern eine Vielfalt von unterschiedlichen Kapitalismen und damit verbundenen wirtschafts- und sozialpolitischen Pfaden in die Zukunft.” Cf. in this regard also Joseph Stiglitz, *Globalization and its discontents* (London: Penguin, 2002).

³²⁴ For more on restoring the equality within the context of modern societies, see Michael Walzer’s important book (originally in English) *Sphären der Gerechtigkeit: Ein Plädoyer für Pluralität und Gleichheit* (Frankfurt a.M.: Fischer, 1998). Cf. also a book such as *Solidarität in der modernen Gesellschaft* (Frankfurt a.M.: Fischer, 1992) by Karl Otto Hondrich and Claudia Koch-Arzberger.

justice can be restored in modern societies by linking the connective character of justice and the communicative character of freedom. Although he thus reframes the tension between justice and equality Huber does not resolve the tension, for he is of the opinion that the tension should also be reframed in terms of the eschatological character of justice. In the last part of this section the role that eschatology plays in this reframed but unresolved tension will be investigated, and it will be concluded with Huber's suggestion for a criterion by which to measure justice.

3.2 The dominance of *iustitia commutativa* in modern societies

3.2.1 *The development of justice*

In *Gerechtigkeit und Recht* (1996:151–156) Huber describes the role of justice in modern societies. His argument is that the Aristotelian division between different forms of justice was taken up in modernity and that one of these forms, namely that of *iustitia commutativa*, gained ascendancy.³²⁵ He illustrates this by tracing significant moments in the development of justice and argues that a more comprehensive understanding of justice is necessary for making modernity just (1996b:155–156).

In Greek Antiquity already the meaning of justice was the subject of discussion and differing viewpoints. In the city states the standing of the citizen in society was the result of individual competencies and earnings, and justice meant the protection of this societal standing. The criterion by means of which these competencies and earnings should be measured gave rise to an important debate in which Plato and the Sophists represented the two important positions. Whereas Plato understood the realisation of the idea as the main criterion for measuring competencies and earnings, the Sophists understood achievement as the main criterion. In Plato's case the purpose (*telos*) was of primary importance, whereas the Sophist laid emphasis on usefulness (*techne*). It is noteworthy that in Greek Antiquity already equality was a fundamental element of justice but not to be equated with a totalitarian concept of equality (Huber, 1996b:151).

³²⁵ For a more detailed description of Aristotle's concepts of justice, cf. John-Stewart Gordon, *Aristoteles über Gerechtigkeit: das V. Buch der Nikomachischen Ethik* (Freiburg: Alber, 2007).

Aristotle partly took over Plato's conception but also developed the Greek understanding of justice further and introduced new categories (Huber, 1996b:152). He distinguished between justice in a broad and in a narrow sense. *Iustitia legalis* refers to justice in the broad sense, and it describes the citizen's duty to respect the law. *Iustitia legalis* therefore organises both the citizen's relationship to the *polis*, as well as the public relationships citizens may have with one another.

To refer to justice in the narrow sense Aristotle made use of two terms, namely what was later transcribed to Latin as *iustitia distributiva* (Greek: *dianemetikon dikaion*) and *iustitia correctiva* (Greek: *diorthikon dikaion*) (Huber, 1996b:152). In terms of *iustitia distributiva* the citizen is assigned goods and positions according to the social order of society. In a democracy, for example, all citizens would theoretically be entitled to the same goods and positions, whereas in an oligarchy public positions are reserved for specific classes of people. For Huber this conception of justice is helpful in that it articulates an important question, namely according to which criteria societal goods and positions are to be distributed (1996b:151–152).

Iustitia correctiva refers to the dimension of justice that organises the divergences from the given order in the relationships between citizens. These divergences can be the result of reciprocal consent, for which buying and selling or payment for a service rendered serve as classic examples. A divergence from the given order can also be the result of an action perpetrated against the will of the other person. In this case theft, libel and murder serve as classic examples.

The fact that *iustitia correctiva* refers to both acceptable and unacceptable divergences from the given order have logically caused the concept to be difficult to use. Huber regards Thomas Aquinas's replacement of *iustitia correctiva* with *iustitia commutativa* as an attempt to address this ambiguity (Huber, 1996b:153). *Iustitia commutativa* includes not only the divergences in individual relationships but also those between groups and consequently included such relationships as those between husbands and wives and between children and parents.

Aquinas's more detailed definition did not mean *iustitia correctiva* disappeared altogether but rather led to its retaining its corrective meaning and being moved to

the fringes of the different dimensions of justice. Aristotle's two senses of *iustitia correctiva* consequently developed into civil law and criminal law. Justice in its narrow sense therefore developed three dimensions: *iustitia distributiva*, *iustitia commutativa* and *iustitia correctiva* (Huber, 1996b:153).

In his commentary on Aquinas's *Summa Theologica* Cardinal Thomas Cajetan connected the broad and narrow senses of justice in a way that is still of importance for modern societies (Huber, 1996b:154–155). According to Cajetan, *iustitia legalis*, *iustitia distributiva* and *iustitia commutativa* correspond with the three basic societal relationships. *Iustitia legalis* is decisive for the relation of the part to the whole of society; *iustitia distributiva* organises the relationship of the whole with the individual parts; and *iustitia commutativa* forms the standard for the relationship of the individual parts with one another.

In modern societies *iustitia legalis* concerns the individual citizen's duty towards the constitutional state and this relationship is characterised by two points of reference: obedience to the law and – when the state is experienced to have disrespected the borders set by *iustitia legalis* – civil disobedience (Huber, 1996b:155).³²⁶ *Iustitia distributiva* again concerns the responsibility of the state towards its citizens.³²⁷ In this regard the extent to which the state needs to direct the understanding of societal justice or whether the state simply needs to fulfil a corrective function is of continued relevance (Huber, 1996b:155). It is clear, however, that the state has a definite responsibility towards its citizens, and *iustitia distributiva* serves to articulate this. Despite the continued relevance of the different dimensions of justice as Aristotle developed it, Huber is of the opinion that *iustitia commutativa* has developed into the dominant conception of justice in modern societies, which jeopardises its comprehensive character (1996b:155–156).

³²⁶ In the light of globalisation justice is of course taking on increasingly transnational dimensions. For a discussion on the current trends of global justice, cf. Barry K. Gills (ed.), *Globalization and the global politics of justice* (London: Routledge, 2007).

³²⁷ Cf. Ross Zucker, *Democratic distributive justice* (Cambridge: Cambridge University Press, 2001).

3.2.2 Subjecting justice to the market

Huber (e.g. in 1996b:151ff) interprets the dominance of *iustitia commutativa* as meaning that justice is realised primarily in the relationships between members of society *at the marketplace*. The autonomous self-control of the market is understood to be the most trustworthy protector of justice, as it is understood as the most trustworthy protector of freedom. According to this notion, the state should respect the autonomy of the market by interfering as little as possible. The state is in the first instance responsible for creating a fruitful institutional environment by ensuring stability of the law.

At first glance it may therefore seem as if *iustitia legalis* and *iustitia distributiva* are subordinated to *iustitia commutativa*. Huber is of the opinion, however, that the supposed dominance of *iustitia commutativa* disguises the fact that it in effect means that justice itself is subordinated to the market mechanism.³²⁸ In terms of determining prices and wages Huber motivates his view as follows:

The process of negotiating prices and wages is not determined by justice but by those who can force their way through. Price levels are not determined by how just they are but with which prices the supplier can compete on the market. Wage structures are not determined by asking which wages are fair but by the ability of employers or employees to get their way by means of force and by the incentives employers are willing to give in order to increase productivity. The classical concepts of a 'fair

³²⁸ Although formulating the challenge of making modernity more just in these terms is a decidedly Huberian contribution, a number of sources assist in elaborating on this theme and at the same time indicate how relevant it is for the current state of world politics and the world economy. Cf. e.g. Stuart L. Hart, *Capitalism at the crossroads: The unlimited business opportunities in solving the world's most difficult problems* (Upper Saddle River: Wharton School, 2005); Colin C. Williams, *A commodified world? Mapping the limits of capitalism* (London: Zed Books, 2005); Alex Callinicos, *An anti-capitalist manifesto* (Cambridge: Polity, 2003); Anthony Giddens (ed.), *The progressive manifesto: New ideas for the centre-left* (Cambridge: Polity, 2003); Robert L. Heilbroner, *The making of economic society* (Upper Saddle River: Prentice Hall, 2002); Leslie Sklair, *Globalization: Capitalism and its alternatives* (Oxford: Oxford University Press, 2002); Philip Brown, *Capitalism and social progress: The future of society in a global economy* (Basingstoke: Hampshire, 2001); Matthias Herfeld, *Die Gerechtigkeit der Marktwirtschaft: eine wirtschaftsethische Analyse der Grundvollzüge moderner Ökonomie* (Gütersloh: Gütersloher Verlagshaus/Kaiser, 2001); David Harvey, *Spaces of capital: Towards a critical geography* (Edinburgh: Edinburgh University Press, 2001); and Michael S. Irving, *The moral limitations of capitalism* (Aldershot: Avebury, 1994).

price' and 'fair wages' have largely lost their meaning (Huber, 1996b:155–156).³²⁹

Subordinating justice to the market mechanism and the assumed positive influence of an 'invisible hand' or a 'trickle-down effect' opens the possibility for new forms of exclusion and exploitation. Huber argues that those who find themselves in positions of structural exclusion, and therefore not in the position to bargain for better prices or wages, are made vulnerable to be "blackmailed by deprivation" (1996b:156). In situations of extreme poverty and high levels of unemployment – and millions of people find themselves in such situations – the market does not warrant justice but aggravates "the imbalance between power and powerlessness" (Huber, 1996b:156).³³⁰

This implies that in an unequal world a conception of justice built on the exchange of so-called equal goods and services requires more than measures of control but indeed measures to set societal aims. The United Nations Development Programme's *Human Development Report 2005* articulates this illusionary moment in the perceived justice of the market model strikingly by illustrating how even the value of the same amount of money is relative:

One-fifth of humanity lives in countries where many people think nothing of spending \$2 a day on a cappuccino. Another fifth of humanity survives on less than \$1 a day and lives in countries where children die for want of a simple anti-mosquito bed net (United Nations Development Programme, 2005:17).

³²⁹ "[D]er Prozeß des Aushandelns von Preisen und Löhnen am Markt wird nicht durch Maßstäbe der Gerechtigkeit, sondern durch die Frage der Durchsetzungsmacht bestimmt. Nicht welche Preise gerecht sind, sondern mit welchen Preisen ein Anbieter sich am Markt behaupten kann, entscheidet über die Höhe der Preise. Nicht welche Löhne gerecht sind, sondern welche Durchsetzungsmacht Arbeiterinnen und Arbeiter, sowie Angestellte für die Verwirklichung ihrer Forderungen mobilisieren können und welche Anreize Arbeitgeber zur Steigerung der Produktivität einsetzen wollen, entscheidet über die Lohnstruktur. Die klassischen Begriffe des gerechten Preises und des gerechten Lohns haben unter den Bedingungen der Marktwirtschaft ihren Sinn weitgehend eingebüßt."

³³⁰ The sociologist Manuel Castells' theory of the 'fourth world' serves to illustrate this imbalance. In *End of Millennium* (200b), the third volume of his trilogy *The Information Age: Economy, society and culture*, he describes this fourth world as "the exclusion of people and territories which, from the perspective of dominant interests ... shift to a position of structural irrelevance. This widespread, multiform process of social exclusion leads to the constitution of ... the black holes of informational capitalism" (Castells, 2000b:165).

According to Huber, the assumption that the market mechanism is conducive to creating a just society is in need of substantial criticism (1996b:156). The equal opportunity to realise freedom requires attentiveness to the unjust circumstances into which many people are forced. Huber's contribution concerns the connection he makes between the pursuit of freedom and the acknowledgement of the equality of all persons. This connection is, according to Huber, of determining importance in restoring the search for justice in modernity. In the next section this contribution to the renewal of modernity will be investigated.

3.3 Reframing the tension between freedom and equality

In order to address the subjugation of justice to the market in modern societies, Huber suggests that a comprehensive form of justice needs to be regained. In order to make modernity more just the perceived incongruity between equality and freedom needs to be overcome. Huber reframes this tension by employing the inalienable and personal character of communicative freedom to identify respect for human dignity as a goal shared by both the discourse on freedom as well as by the discourse on equality. He regards freedom and equality – and by implication justice – as two different *perspectives* on human dignity and he does not regard their realisation as goals in themselves. In *Kirche in der Zeitenwende* Huber therefore states, “The arbitrary use of the basic principles of justice is excluded only when the equal dignity of all human beings is acknowledged as the basic measure for a humane society. Freedom and justice should be connected using the concept of human dignity” (1999:193).³³¹

In order to express this connection Huber (cf. 1996b:149–183) develops the concept of ‘connective justice’ as complement to communicative freedom, as both concepts have a relational understanding of human dignity as presupposition. According to Huber, both justice and freedom are based on God's initiative and can only be realised relationally within a concrete socio-historical context (cf. Huber 1999:168ff;

³³¹ “Ein willkürlicher Umgang mit den Grundsätzen der Gerechtigkeit ... ist nur dann ausgeschlossen wenn die gleiche Würde aller Menschen als grundlegender Maßstab einer humanen Gesellschaft anerkannt wird. Es kommt also darauf an, Freiheit und Gerechtigkeit im Begriff der Menschenwürde miteinander zu verbinden.”

1996b:158ff; 1996c:104ff).³³² Huber reframes the tension by turning for an answer not to the Aristotelian tradition of justice, Marxist frames of reference,³³³ or the 'liberal' intellectual tradition, but to the Christian resources of justice (1996b:160–162) and freedom (cf. Chapter 1).

In developing connective justice Huber draws on Jan Assmann's seminal study on the Egyptian understanding of justice, *Ma'at. Gerechtigkeit und Unsterblichkeit im Alten Ägypten* (Munich, 1990).³³⁴ According to Assmann (cited in Huber, 1996b:159), the ancient Egyptian view on justice was built on the concept of reciprocity. Relationships that are entirely reciprocal can therefore be described as also just. Assmann regards *ma'at* therefore not as referring to the transpersonal order of the universe but as anchored in interpersonal relationships. The three enemies of justice Assmann consequently identifies serve to illustrate its reciprocal character. The inertia of not remembering, being deaf for the voice of the other and greed exclude one from the community and disable justice (Huber, 1996b:159–160).

Huber regards the relational character of justice that Assmann identifies as being transferrable to also the world of the Old Testament. One significant difference in the Old Testament places Assmann's research in perspective. In the Old Testament justice is, in the first place, connected to God as the giver of justice (Huber, 1999:191).³³⁵ Justice is not, however, understood as a 'characteristic' of God, but his actions are understood as being the quintessence of justice (Huber, 1996b:161).³³⁶

³³² On justice in the context of globalisation, cf. e.g. Thom Brooks (ed.); *The global justice reader* (Malden: Blackwell, 2008); Per Pinstrup-Andersen and Peter Sandøe, *Ethics, hunger and globalization: In search of appropriate policies* (Dordrecht: Springer Verlag, 2007); Jean-Christophe Merle, *Globale Gerechtigkeit* (Stuttgart: Frommann Holzboog, 2005); and Susan George, *Globalisierung oder Gerechtigkeit? Politische Gestaltung und soziale Grundwerte* (Hamburg: VSA-Verlag, 2003). Concerning the debates regarding social justice, cf. e.g. David Miller, *Grundsätze der sozialen Gerechtigkeit* (Frankfurt a.M.: Campus, 2008); and Matthew Clayton and Andrew Williams, *Social justice* (Malden: Blackwell, 2004).

³³³ On justice in Marx's work, cf. e.g. Elliot R. Pruzan, *The concept of justice in Marx* (New York: Lang, 1989).

³³⁴ Assmann's study fulfils a meaningful place in *Gerechtigkeit und Recht* (1996b:159–160) and in *Kirche in der Zeitenwende* (1999:191–192). Cf. also Assmann's *Religion und kulturelles Gedächtnis: Zehn Studien* (Munich: Beck, 2000), as well as Anna Mancini, *Ma'at revealed: philosophy of justice in ancient Egypt* (New York: Buenos Books, 2006).

³³⁵ Cf. Charles Marsh's description of justice based on Christian faith in *The beloved community: How faith shapes social justice, from the civil rights movement to today* (New York: Basic Books, 2005).

³³⁶ For an influential German work on God's righteousness, cf. Eberhard Jüngel, *Das Evangelium von der Rechtfertigung des Gottlosen als Zentrum des christlichen Glaubens*, 1999:43–74; 221–234 (Tübingen: Mohr Siebeck).

Israel's knowledge of God's justice therefore has an existential character: Their experience of God's loving faithfulness orientates their knowledge of his justice.

By means of his Torah God gives his people the possibility to participate in his just actions (Huber, 1990b:45; 1999:192).³³⁷ Huber regards the connection between God's justice, the Torah and human justice as one of the enduring themes of the Old Testament (1996b:161). The aim is a community where justice prevails, so as to have *shalom* restored (1996b:160).³³⁸ Huber (1987:27) describes *shalom* in relational terms, namely as the restored relationships between the diversity of groups and individuals who live in a certain society as well as the restoration of their relationship with God.³³⁹

In *Friedensethik* (co-written by Hans-Richard Reuter) Huber (1990b:21) extends the frame of reference of *shalom* to international politics. A Christian understanding of peace should not be confined to one community but also includes relationships that transcend the border of a specific country. Moreover, not only violence should be understood as the opposite of peace (Huber, 1990b:21), but whenever the societal relationships do not correspond with the dignity of all of the members of society, *shalom* is endangered.³⁴⁰ Justice is therefore of fundamental importance for attaining societal wholeness.³⁴¹ Huber (1990b:21) can therefore also pick up Gerhard von Rad's conviction that there is no concept in the Old Testament with such a central

³³⁷ Huber furthermore establishes a close connection between the Torah and the identity that flows from this existential experience of God's righteousness: "[Die Torah] stellt das Volk vor die Frage, wie es sich selbst angesichts der ihm zugewandten göttlichen Gerechtigkeit verstehen und verhalten will. Sie beschreibt das Verhalten derer, die so in dem von Gott angebotenen und eröffneten Gemeinschaftsverhältnis bleiben ..." (Huber, 1996b:161).

³³⁸ In *Protestantismus und Protest* Huber (1987:27) calls for a council of peace between churches to contribute to the restoration of *shalom*. Even though he limits dialogue here to the Christian community, in 1987 already he regarded dialogue as prerequisite for a just society when he picked up on Bonhoeffer's suggestion for a council of peace: "Der Prozeß konziliarer Verständigung, in den christlichen Gruppen, Gemeinden und Kirchen eingetreten sind, umfaßt die Überwindung von Ungerechtigkeit, die Bändigung der Gewalt und die Versöhnung mit der Natur. ... Als ein 'Konzil des Friedens' wird dasjenige Ereignis immer wieder bezeichnet, von dem viele hoffen, daß es die Verbindlichkeit ethischer Einsichten für politisches Handeln mit Vollmacht und Wirkung ausspricht."

³³⁹ In terms of the New Testament Huber (1987:129) describes peace as "die Gnade der Versöhnung, al ein Geschenk, das die Liebe gegenüber dem Feind möglich macht". For Huber, this means that peace is not to be achieved by means of projecting guilt onto one person or group of persons, as it is the Christian conviction that Christ already took the guilt on him.

³⁴⁰ For a South African interpretation of this theme, cf. Traggy Maepa (ed.), *Beyond retribution: prospects for restorative justice in South Africa* (Pretoria: Institute for Security Studies, 2005).

³⁴¹ Cf. John de Gruchy's argument that the restoration of justice can also be described as reconciliation in *Reconciliation: restoring justice* (Minneapolis: Fortress, 2002).

place as that of justice: “It applies to all human relationships and signifies the foundation on which everything that lives depend on. Those who live up to the particular community’s requirements are just.”³⁴²

At this stage of the discussion it may already be clear how communicative freedom is complemented by the concept of connective justice, and how the tension between freedom and justice is thus reframed. In the first two chapters it has been shown that communicative freedom is to be understood as God’s initiative (e.g. Huber, 1985:211; 1999:171ff), which is also the case with connective justice. It was also shown that the diversity of abilities does not separate people from one another but requires being realised in community (Huber, 1999:167–175). It was shown that human beings are always “persons in relationship” (Huber, 1996c:106) and that it is the character of God’s act of constituting freedom (Huber, 1999:172) that calls for its responsible realisation in relationships with fellow human beings (Huber, 1990a:135ff). By means of Huber’s argument in his book *Rechtfertigung und Recht* it was subsequently shown in Chapter 2 how the meaning and implications of the equal human dignity of all people form the basis for questions regarding the realisation of freedom (2001h:18–33).³⁴³

Both communicative freedom and connective justice take the inalienability of human dignity and the *Gleichursprünglichkeit* of individuality and sociality as presupposition. Whereas communicative freedom views the connection between individuality and sociality from the perspective of humanity’s diversity of gifts, connective justice views the connection from the perspective of humanity’s fundamental equality. Whereas communicative freedom is especially attentive to the disregard for every person’s inalienable dignity (e.g. Huber 1985:210), freedom of conscience (cf. e.g. Huber, 1987:56; 1996c:108) and the responsible realisation thereof (cf. Huber, 1993b:70–81; 1990a:193–194; 1990a:204–207), connective justice is attentive to the disregard for humanity’s fundamental equality (cf. Huber, 1996b:225–267) and situations where people are isolated and exploited (cf. Huber, 1987:19; 1996b:161).

³⁴² “Er bezieht sich auf alle menschlichen Gemeinschaftsverhältnisse; er bezeichnet die Grundlage, auf der alles Leben ... beruht. Als gerecht gilt, wer den jeweiligen Anforderungen, die ein Gemeinschaftsverhältnis an ihn stellt, gerecht wird.”

³⁴³ Cf. in this regard also attempts to view injustice and inequality from the perspective of human rights, e.g. Evelyn Kallen in *Social inequality and social injustice: a human rights perspective* (Basingstoke: Palgrave Macmillan, 2004).

At this juncture it should be noted that the reframed tension between freedom and equality does not mean that the tension is resolved (Huber, 1996b:167–183). Especially attempts at realising freedom and justice bring to the fore the persisting tension. In the next section Huber’s suggestion that the remaining tension is not the result of inherent contradictions but of the imperfection of present reality will be investigated.

3.4 Recognising the persisting tension

3.4.1 *The eschatological entrance point*

As we have seen in the previous section, Huber utilises Christian resources to reframe the tension between equality and freedom. This he does by making use of the concept of human dignity to connect equality and freedom. In this section it will be shown that this reframed relationship still does not imply that the tension is resolved. Huber regards the idea of complete justice as an eschatological idea and “the problem of historical realisation” (1996b:171) as the main reason why the tension between *iustitia distributiva* and *iustitia commutativa*, achievement (*Leistung*) and need (*Bedürfnis*), and freedom and equality should be seen in a broader perspective (1996b:170).

Huber (1996b:173) regards eschatology as the ‘systematic entrance point’ to the question to how justice is to be realised in a concrete historical situation,³⁴⁴ which corresponds with what was described in Chapter 1 as the ‘provisional character’ of communicative freedom (cf. Huber, 1999:174ff). Justice as the relieved tension between freedom and equality is at most ‘a treasure in clay pots’ and it can be nothing more than a parable of complete justice:

³⁴⁴ Eschatology as the systematic point of entrance to the understanding of justice corresponds with the eschatological character Huber also regards the concept of peace to have. In *Friedensethik* Huber (1990b:46–47) explains this correspondence by means of the early Christians’ experience: “Die frühen christlichen Gemeinden blieb die Spannung zwischen dem in ihrem Glauben enthaltenen Friedensverständnis und dem politischen Friedenskonzept ihrer Umwelt nicht verborgen. ... Dieser eschatologisch bestimmte Frieden wird als Maßstab für das Zusammenleben in der christlichen Gemeinde verstanden.”

History can be characterised as the search for provisional, imperfect and improvable forms of justice, as the search for parables of complete justice, which still is not realised. Historical actions that are orientated by the realisation of such parables are always aimed at lessening the tension between freedom and equality. [But] no historical epoch, culture or political program can claim to have found and realised a final solution.³⁴⁵

Huber (1996b:167–168) understands justice in teleological rather than in deontological or utilitarian categories. For Huber, reducing justice to duty or usefulness or attempting to functionalise the concept contradicts its true intention. Any theory of justice is aimed at its realisation and in this very basic sense teleological. Eschatology can be understood as the Christian interpretation of the teleological character of justice. However, the eschatological access point places the teleology of justice in a significantly different frame of reference than the case would be in non-Christian interpretations. Rather than concerning the relative purposes inherent in persons and actions, eschatology interprets history as the gradual realisation of God's will within reality (Huber, 1996b:168).

In the light of an eschatological access point, therefore, the continued tension between freedom and equality does not imply their incompatibility. Eschatology reinterprets the provisional realisation of justice as the continuing call to participate in God's realisation of his ultimate justice (Huber, 1996b:172). The eschatological view of justice therefore allows for human actions to realise justice as an answer to God's liberation and reconciliation that are already taking place:

Eschatological visions start realising a future in which the individuality of everything that exists can unfold itself and where, at the same time, a comprehensive community can exist on the basis of complete equality. In this way an understanding of history is established where human actions

³⁴⁵ "Die Prozeß der Geschichte läßt sich charakterisieren als die Suche nach vorläufigen, unvollständigen und verbesserungsfähigen Formen der Gerechtigkeit, als Suche also nach Gleichnissen der vollkommenen Gerechtigkeit, die als solche immer noch aussteht. Geschichtliches Handeln, das sich an der Verwirklichung solcher Gleichnisse orientiert, ist immer darauf aus, die Spannung zwischen Freiheit und Gleichheit zu vermindern; keine historische Epoche, keine Kultur, kein politisches Programm kann für sich in Anspruch nehmen, dafür eine endgültige Lösung gefunden und verwirklicht zu haben."

are understood as an answer to the presence of God's liberating and reconciliatory Spirit (Huber, 1996b:171–172).³⁴⁶

Huber views the *church* as the community where God's future is paradigmatically – albeit in a fragmentary manner – experienced.³⁴⁷ Following Paul, Huber understands the church as the community where the tension between freedom and equality is resolved in a fragmentary manner and where this partly resolved tension can already be experienced. The church is the body of Christ where each member's individuality is necessary for the functioning of the community. In the church freedom can already be experienced as a form of self-determination that is compatible with life in community (1996b:173). Indeed, life in community is shown to be dependent on the freedom for individuality and self-determination.³⁴⁸

As community where justice and freedom are already partly experienced, the church is also able to contribute to the realisation thereof in society. This movement from the church as community of experienced justice to its duty to advocate for a just society characterises Huber's ecclesiology. In his article "Kirche als Raum und Anwalt der Freiheit" in *Folgen christlicher Freiheit* (1985:205–216) he describes the church as the space where freedom is experienced and consequently practised and that this

³⁴⁶ "Eschatologische Visionen vergegenwärtigen eine Zukunft, in der Individualität alles Seienden sich entfaltet und zugleich eine umfassende Gemeinschaft auf der Basis vollständiger Gleichheit herrscht. So eröffnen sie ein Verständnis von Geschichte, in welchem menschliches Handeln als Antwort auf die Gegenwart von Gottes befreiendem und versöhnendem Geist aufgefasst wird."

³⁴⁷ This corresponds with Huber's understanding of Christ being the primary Subject of the church and Christians being its secondary subjects: "Die Kirche kann nur wirkliche Kirche sein, wenn die Differenz zwischen Jesus Christus als ihrem primären Subjekt und den in der Kirche versammelten Menschen als dem sekundären Subjekt nicht geleugnet wird" (1985:148). This distinction is of the utmost importance in understanding how the church is the space within which God's future is experienced in a fragmentary manner but also paradigmatically.

³⁴⁸ The church, however, is not excluded from the provisional nature of the present. Already in *Kirche* Huber (1979:97–140) uses the term *wirkliche Kirche* to describe the ambiguity of the historical existence of the church. In *Folgen christlicher Freiheit* (1985) he then describes the *wirkliche Kirche* as "der Ort, an dem der Kampf zwischen wahrer und falscher Kirche ausgetragen wird; der Ort also, an dem der Kampf um Entsprechung oder Verfehlung der wahren Kirche immer wieder von neuem ansteht" (1985:148). Rather than disregarding the importance of historical existence, Huber nonetheless regards the *wirkliche Kirche* as a reminder of the relevance of the historical form of existence of the church: "Von der Sozialgestalt der Kirche kann nicht gesprochen werden, ohne daß zugleich von ihrem Wesen die Rede ist; von der erfahrenen Kirche kann nicht gesprochen werden, ohne daß zugleich von der geglaubten Kirche die Rede ist" (1983:169).

experience of liberation sharpens Christians' sensitivity to oppression in society and compels the church to advocate for a more just and free society (1996b:173).³⁴⁹

The actions of the church should, however, be characterised by the conviction that its experience of equality and freedom still remains fragmentary and therefore is at most parables of justice (Huber, 1996b:173). Huber formulates this vision of God's realised future that allows for actions of solidarity strikingly:

Where justice is realised the differences between people cease to separate them from one another. [These differences] can now be enriching diversity. Radical equality is realised. At the same time and in an equally radical way freedom is realised, namely freedom as the liberation from the power of sin, deception and death. ... Freedom is understood as a type of self-determination that complies with life in community without restraint. Freedom is intended as communicative freedom (1996b:172).³⁵⁰

In this section it was shown that an eschatological perspective causes the fragmentary character of the realisation of justice to sharpen attentiveness to injustice as well as the willingness to advocate for a more just society. The double movement Huber introduces when understanding the church as both space and advocate of freedom was used to show how the fragmentary character of justice is not a reason for despair or doubting the necessity of keeping the connection between freedom and equality intact.

Connective justice and communicative freedom were shown to be connected in terms of their fundamental movements but also to represent different perspectives on the connection between individuality and sociality. As an expression of the focus of justice on the equal dignity of all people, Huber consequently identifies a criterion

³⁴⁹ In *Protestantismus und Protest* Huber (1987:54) reminds the reader that Christian freedom also has an important self-critical tendency. The implication of his description of the church as 'space' and 'advocate' for freedom is that the church is not excluded from the critical impulses of freedom.

³⁵⁰ "Dort, wo sie [Gerechtigkeit] sich durchsetzt, verlieren die Differenzen zwischen Menschen ... ihre trennende Bedeutung. Nun erst können sie als bereichernde Vielfalt zur Geltung kommen. Gleichheit in radikalem Sinn verwirklicht sich. Zugleich aber und in ebenso radikalem Sinn wird die Freiheit wirklich: die Freiheit nämlich als Befreiung von den Mächten der Sünde, der Täuschung und des Todes. ... Freiheit ist hier als diejenige Art der Selbstbestimmung verstanden, die zwanglos mit dem gemeinsamen Leben zusammenstimmt. Freiheit ist als kommunikative Freiheit gedacht."

by means of which justice is to be measured. In opposition to the implicit assertion of *iustitia commutativa* that the market will maximise justice, Huber suggests that the position of the powerless should be used to gauge societal justice.

3.4.2 A criterion by which to measure justice

In identifying a criterion by means of which justice should be measured Huber initiates dialogue with especially John Rawls. In *Gerechtigkeit und Recht* he consequently also devotes a whole section to the theme ‘justice as fairness’ (1996b:184–198) and in a subsection he investigates Rawls’s theory of justice (1996b:186–190).³⁵¹ In distinction to Rawls, however, Huber motivates the need for a criterion by which to measure justice in terms of the biblical witness.

He recognises a criterion for justice already in the *Old Testament’s* accounts of the prophets of the eighth century (Huber, 1996b:161). If it is said that human justice participates in God’s justice by means of the Torah, it cannot be ignored that God’s just actions have a specific focus, namely taking the side of poor and the oppressed (Huber, 1987:19; 1996b:161).³⁵² If the lesser members of society are granted the same dignity as its strongest members, one can regard a society as just (Huber, 1999:192).³⁵³ Huber understands the situation of those members of society who find themselves in disadvantaged positions as touchstone for societal justice also in the *New Testament* (Huber, 1999:192). In the parable of the Last Judgement in Matthew 25:31-46 the behaviour of Jesus’ real followers will be measured by their treatment of the sick, lonely, hungry, thirsty and imprisoned. This criterion of justice requires a

³⁵¹ For recent discussions on Rawls’s theory, cf. Chris Wyatt, *The difference principle beyond Rawls* (London: Continuum, 2008); Thom Brooks and Samuel Richard Freeman, *Rawls* (London: Routledge, 2007); Rex Martin and David A. Reidy (eds.), *Rawls’s law of peoples: a realistic utopia?* (Oxford: Blackwell, 2006); Fabian Freyenhagen (ed.), *The legacy of John Rawls* (London: Continuum, 2005); Eckard Romanus, *Soziale Gerechtigkeit, Verantwortung und Würde: der egalitäre Liberalismus nach John Rawls und Ronald Dworkin* (Freiburg/Munich: Alber, 2008); and Andrew Levine, *Engaging Political Philosophy. From Hobbes to Rawls* (Oxford: Blackwell, 2002).

³⁵² Huber often chooses the parable of the Final Judgement to motivate this perspective, as he also did in “Kirche als Raum und Anwalt der Freiheit” from where this quote originates. The advocacy of the church should be characterised by its witness to God taking the side of “den Schwachen und Gedemütigten, den Leidenden und Entrechteten, denjenigen, die im neutestamentlichen Gleichnis vom Weltgericht als die geringsten Brüder Jesu bezeichnet werden” (1985:242).

³⁵³ Cf. in this regard Huber’s (1980:54–61) discussion of ‘black theology’ and ‘liberation theology’ in *Die Streit um Wahrheit und die Fähigkeit zum Frieden: Vier Kapitel ökumenische Theologie* as taking in the position of the oppressed into account and presenting ‘Western’ theology with a legitimate challenge.

change of perspective from the person who practices justice (or injustice) to those who are recipients of justice (or injustice) (Huber, 1996b:186).³⁵⁴

Huber regards such a change of perspective as necessary for the struggle for justice within the concrete confines of reality's imperfection. When the position of those who are poor, oppressed or exploited is taken into consideration,

[t]hen injustice appears to be not simply the absence of a virtue but the denial of recognition. Recognition is denied or revoked especially where there is no respect for human dignity, where the rights to life and respect for one's body are disregarded, where access to freedom, equality and participation in society is forcefully refused.³⁵⁵

The position of the poor and oppressed as criterion of whether the reciprocity of justice is practised is therefore built on the question of whether or not the dignity of all members of society is respected. Respect for the dignity of all members of society can only be realised in reciprocal relationships, and therefore the exclusion of the weakest members of society implies a misbalance in societal relationships.³⁵⁶

The relationality inherent in Huber's proposed concept of justice therefore does not contradict freedom but picks up on its relational character. He reframes the discussion on the tension between freedom and equality by showing how the inalienable equality of all persons forms the basis of communicative freedom and is understood as God's gracious bestowal of human dignity. The pursuit of both freedom and of justice is aimed at giving expression to the dignity bestowed by God.

³⁵⁴ In *Protestantismus und Protest* Huber (1987:19) speaks of taking the 'underside' (*Kehrseite*) of history as point of reference rather than the perspective of the victors (*die Sieger*). When the perspective of the disenfranchised is taken into account, protest is an expected reaction.

³⁵⁵ "Dann erscheint Ungerechtigkeit nämlich nicht als Abwesenheit einer Tugend, sondern als Verweigerung von Anerkennung. Vor allem dort wird Anerkennung vorenthalten oder entzogen, wo die Achtung vor der menschlichen Würde verleugnet, wo das Recht auf Leben und körperliche Unversehrtheit mißachtet, wo Menschen der Zugang zu Freiheit, Gleichheit und gesellschaftlicher Teilhabe durch Zwang verweigert wird."

³⁵⁶ In this regard, cf. Huber's reference (1987:22) to the description of injustice by the USA's Bishops' Conference as "wenn Menschen oder Gruppen aktiv so behandelt oder passiv in einem Zustand gehalten werden, als ob sie nicht Glieder der menschlichen Gattung wären. Menschen so zu behandeln bedeutet, daß sie nicht als menschliche Wesen zählen. Das kann in vielen Formen geschehen; sie lassen sich alle beschreiben als unterschiedliche Arten der Marginalisierung oder des Ausschlusses vom Leben der Gesellschaft."

It should be noted that this does not mean that the aim is that all members of society should fulfil the same roles or even take the same places in the societal structure. Huber regards the equal dignity of all persons to be the basis for legitimate inequality. According to him, legitimate inequality is expressed by the undeniable and important individuality of all people (1999:193). At the same time human dignity limits inequality: Only those inequalities that cultivate a culture of human dignity are acceptable (1999:193). In other words, connective justice can be understood as connecting the differentiation tendencies of freedom and the balancing tendencies of equality with one another on the grounds of the shared and inalienable dignity of all people. What connective justice aims at is contributing to a societal structure within which all are respected as bestowed with equal dignity.

In order to contribute to more comprehensive justice in modern societies, the convictions nurtured and developed within Protestant Christianity cannot be confined to this community as modern societies are dependent on continuous repositioning brought about by societal discourse (cf. Huber, 1999:282; Welker, 2002:209ff). Huber therefore understands the crossing of Protestant, and indeed Christian, borders as necessary for making modernity more just (Huber, 1993a:171). At the same time Huber regards a world that is increasingly integrated³⁵⁷ and increasingly characterised by violence on the grounds of culture and religion in dire need of constructive dialogue that takes the other's freedom of conscience as seriously as one's own (see e.g. 2004l; 2005h). The concluding section of this chapter will investigate Huber's work on dialogue and tolerance as last contribution of communicative freedom to the renewal of modernity that will be investigated.

³⁵⁷ Of the many available sources on the subject, an overview of globalisation such as that of Roland Robertson entitled *Globalisation: Social theory and global culture* (London: Sage, 1992) serves as an useful study to described increased global integration coupled with localising tendencies.

4. PUTTING COMMUNICATIVE FREEDOM INTO PRACTICE: DIALOGUE AS THE REFLEXIVE USE OF PRINCIPLES

4.1 Introduction

In Chapter 2 it was shown that Huber (e.g. 1990a:193–194; 1990a:204–207; 1990b:243–246; 1999:210–215) regards responsibility and self-limitation to be forms of the expression of communicative freedom. By means of the work of Max Weber (Huber, 1990a:138ff), Dietrich Bonhoeffer (Huber, 1990a:144–145; 2006b; 2006m; 2007k) and to a lesser extent Hans Jonas (Huber, 1990a:147; 1999:183) one then saw that communicative freedom is embedded in an ethic of responsibility, characterised by the reflexive use of ethical principles (Huber, 1990a:140ff; 1993b:74). This expresses the fact that freedom can only be realised communicatively if others' freedom of conscience is taken as seriously as one's own (Huber, 2006aa; 1996c:108).

Freedom of conscience therefore not only means that the own liberated conscience serves as hinge between the freedom of faith and freedom in society (cf. e.g. Huber, 1987:62; 1996c:108) but also means that others' freedom of conscience should be respected and integrated into the process of ethical decision making (Huber, 1991:672). In this regard Huber (1990a:151) suggests dialogue as a way to put communicative freedom into practice, for an ethic of responsibility should 'necessarily' have a dialogical structure as it concerns the dialogue between "different interpretations of the situation" in order to enable a "shared analysis of the situation".³⁵⁸

³⁵⁸ Dialogue, and interreligious dialogue, is a very relevant theme in contemporary theological discussions and in particular in the German context. Cf. e.g. the many insightful books on the topic that have appeared the last few years, e.g. Reinhold Bernhardt and Perry Schmidt-Leukel (eds.), *Kriterien interreligiöser Urteilsbildung* (Zürich: Theologischer Verlag Zürich, 2005); Heinrich Bedford-Strohm, "Konflikt oder Konsens? Zur soziaethischen Bedeutung 'runder Tische'" (in Reuter, H-R., Bedford-Strohm, H., Kuhlmann, H. & Lütcke, K-H., eds.); *Freiheit verantworten: Festschrift für Wolfgang Huber zum 60. Geburtstag*. Gütersloh: Kaiser, Gütersloher Verl. Haus, 2002:255–270); Joachim Zehner, *Der notwendige Dialog: Die Weltreligionen in katholischer und evangelischer Sicht* (Gütersloh: Gütersloher Verlagshaus Gerd Mohn, 1992); Leonard Swidler, *Die Zukunft der Theologie: Im Dialog der Religionen und Weltanschauungen* (Regensburg/Munich: Pustet/Chr. Kaiser, 1992); Karl-Wolfgang Tröger (ed.), *Weltreligionen und christlicher Glaube: Beiträge zum interreligiösen Dialog* (Berlin: Wichern 1993); Werner Brändle and Gerhard Wegner (eds.), *Unfervügbare Gewißheit: Protestantische Wege zum Dialog der Religionen* (Hannover: Lutherisches Verlagshaus, 1997); and

It is the argument of this last section that by suggesting dialogue in order to realise freedom responsibly, Huber is – in accordance with Beck *et al.* in “Theorie reflexiver Modernisierung” (2001:11–62) – contributing to the ‘modernising of modernity’, or in terms of the argument of this dissertation to the renewal of modernity. The basis for this contribution on dialogue is communicative freedom and in particular the fact that it is dependent on the reflexive use of principles for its realisation (cf. Huber, 1991:672ff; 2005aa; 2006l). This renewal comprises also crossing the boundaries between those societies who choose to describe themselves as ‘modern’ and those who do not choose to describe themselves as modern.³⁵⁹ Modernising modernity therefore will be shown not to harmonise differences but to accept, respect and integrate differences in dialogue.

In 1993 already Huber (1993a:170–171) stated that dialogue between differing groups is necessary in order to realise human freedom responsibly:

Human power is not restricted to certain regions anymore but now concerns the whole earth. Accordingly, human responsibility also grows. ... An ethic of responsibility that sets itself the current challenge of the intensity and extent of human power I call a ‘planetary ethic’. ... This theme cannot be clarified in closed regional, cultural or religious circles but requires dialogical understanding across the boundaries of regions, cultures and religions.³⁶⁰

Andreas Bsteh (ed.), *Dialog aus der Mitte christlicher Theologie* (Mödling: St Gabriel, 1987). For a specifically Catholic view, cf. Robert B. Sheard, *Inter-religious dialogue in the Catholic Church since Vatican II: A historical and theological study* (New York/Ontario: Edwin Mellen Press, 1987).

³⁵⁹ Beck *et al.* (2001:20) significantly identify the demarcation of borders by means of the logic of the nation-state as the first characteristic of first modernity and consequently regard globalisation as one of the primary reasons for the development of second modernity (Beck *et al.*, 2001:22).

³⁶⁰ “Menschliche Macht ist nicht mehr auf einen engen Umkreis beschränkt, sondern betrifft die Erde im Ganzen. Entsprechend wächst die Reichweite menschlicher Verantwortung. ... Eine Verantwortungsethik, die sich der Intensität und Extensität menschlichen Machtgebrauchs in der Gegenwart wirklich stellt, nenne ich ‘planetarische Ethik’. ... Dieses Thema aber kann nicht mehr in regional, kulturell oder religiös geschlossenen Zirkeln geklärt werden; vielmehr erfordert es dialogische Verständigungen über die Grenzen von Regionen, Kulturen und Religionen hinweg.”

At that stage³⁶¹ Huber could hardly have foreseen how relevant the communicative expression of freedom by means of dialogue would become. In the time after Huber wrote this book, global challenges changed to an extent that was hardly imaginable in 1993. In the light of increased global integration and the consequent increased global tension and violence the challenge of transcending ‘first modernity’ (Beck) is burningly relevant. In the speech “Religionsfreiheit und offene Gesellschaft – ein Prüfstein aktueller Dialoge in Europa” Huber (2004I) delivered in Brussels in 2004 he articulated the continued need for dialogue in a radically changed world:

The past years’ shocking religiously motivated acts of violence cast a dark shadow over the [possibility of] peaceful co-existence of people and religions. ... Both big world religions [i.e. Christianity and Islam] should purposely oppose violence, and they should do everything in their power to contribute to society’s inner peace. This includes dialogue among one another and the discourse with politics as to what the meaning and limits of religious freedom should be in the open society in which we live and want to live in.³⁶²

On one level communicative freedom as it has been developed in this dissertation serves as the *reason* why dialogue should be engaged, for only by means of dialogue can freedom be realised responsibly. At the same time it is a critical concept and therefore serves as a *contribution* that can be made to peaceful co-existence by means of dialogue. Instead of retreating into simplistic interpretations or directionless relativism (Huber & Graf, 1991), Huber (1993a:113) suggests relating the freedom of different people and groups with one another in order to be able to address the current (global) challenges:

³⁶¹ Carl Friedrich von Weizsäcker’s *Der bedrohte Friede* (3rd edition, Munich: Hanser, 1982) serves as excellent background for Huber’s earlier work on the need for dialogue, as does *Christliche Ethik und Sicherheitspolitik* (edited by Erwin Wilkens, Frankfurt a.M.: Evangelisches Verlagswerk, 1982).

³⁶² “Die erschütternden religiös motivierten Gewaltakte der letzten Jahre werfen düstere Schatten auf das friedliche Miteinander von Menschen und Religionen. ... Beide großen Weltreligionen [d.h. Christentum und Islam] müssen daran arbeiten, der Gewalt entschlossen entgegen zu treten und alles zu tun, was in ihrer Macht steht, um einen Beitrag zur Stabilisierung des inneren Friedens in der Gesellschaft zu leisten. Dies schließt den Dialog unter ihnen und den Diskurs mit der Politik darüber ein, was Inhalt und Grenzen der Religionsfreiheit in der offenen Gesellschaft sind, in der wir leben und leben wollen.”

In a world that has coalesced into one world, whoever offers an escape into simple solutions does not serve new orientation but rather endangers freedom. ... Those who want to avoid that must start to search for a form of coexistence that not only is in agreement with the freedom of every individual but that also helps to unfold their freedom.

In this section, Huber's work on dialogue will be developed as an expression of communicative freedom in an increasingly integrated but also increasingly divided world (cf. Huber, 1991:672; 1993a:180). This will be done by investigating two of the most significant areas of focus in Huber's work on dialogue, namely the search for what is held in common and respecting what is not held in common. Throughout his work both of these themes are of importance, although it is possible to identify slight shifts in focus. In his work on ethos and dialogue in the early 1990s Huber makes use of the term 'relative universalism' to denote the position necessary for constructive dialogue (1993a:179–182), which emphasises that which is held in common by different groups.³⁶³ In his more recent work, this term has gradually been replaced by the term 'convinced tolerance',³⁶⁴ whereby the issue of the unique identity of those who engage in dialogue seems to receive more emphasis.³⁶⁵

4.2 Searching for shared concern

Huber's earlier work on dialogue focuses on how to address the challenge of increased responsibility in a world increasingly endangered by the arbitrary use of new technology and scientific progress (1993a:170–184; 1994b:32–46). He develops dialogue as the primary way by means of which extended forms of responsibility can

³⁶³ Cf. also Ian S. Markham, *Plurality and Christian Ethics* (Cambridge: Cambridge University Press, 1996) for a discussion on the implications deep-seated societal differences have for Christian ethical convictions.

³⁶⁴ Cf. e.g. Huber's lectures "Religionsfreiheit und offene Gesellschaft – ein Prüfstein aktueller Dialoge in Europa" (2004), "Der Auftrag der Kirchen in einem Zusammenwachsenden Europa" (2005d) and "Unvereinbare Gegensätze? Scharia und säkulare Recht" (2005q).

³⁶⁵ Closer inspection reveals, however, that the slight changes in terminology are not the result of fundamental changes in Huber's thought but should rather be understood as a reflection of changed global circumstances. The difference between 'relative universalism' and 'convinced tolerance', for example, seems to represent two different perspectives on the same subject matter. Huber's fundamental question still concerns the contours of the realisation of communicative freedom in an increasingly integrated and complex world. This Huber does by searching for ways in which to enable the peaceful co-existence of different groups and people whilst at the same time respecting their freedom.

take form. This dialogue should be built on a shared perception of the relevant concerns and should be aimed at finding principles that are essential for the co-existence of different individuals and groups who share the same living space (Huber, 1994b:37).³⁶⁶

In developing an ethos built on mutual concern, Huber makes use of a number of different concepts, most notably 'overlapping areas' (*Überschneidungsbereiche*), 'basic conditions' (*Minimalbedingungen*) the 'openness to different motivations' (*Begründungsoffenheit*) and the position of 'relative universalism' (*relative Universalismus*). Together these concepts signify Huber's conviction that a shared perception of challenges forms the basis of finding shared principles necessary for taking corporate responsibility. In this part of the section these concepts will be related to one another and employed in Huber's critique of Hans Küng's *Projekt Weltethos*.³⁶⁷

In searching for shared principles, the possibility of 'overlapping areas' (*Überschneidungsbereiche*) between different ethical traditions and convictions is a *first* basic presupposition (Huber, 1993a:180). It is important to note, however, that Huber does not regard these overlapping areas as the result of harmonising the differences between different groups. They are to be borne from agreement on some of the most significant shared challenges faced by the respective community (Huber, 1993a:171). Huber articulates this shared agreement in different ways.

In *Protestantismus und Protest* Huber (1987:19) describes the agreement on shared challenges as the shared willingness to engage in protest actions against attempts to

³⁶⁶ For a detailed discussion on the role of Christianity in a pluralist context where dialogue is necessary, see Hans-Joachim Jöhn, *Postsäkular: Gesellschaft im Umbruch – Religion im Wandel* (Paderborn: Ferdinand Schöningh, 2007) and Christoff Schwöbel, *Christlicher Glaube im Pluralismus* (Tübingen: Mohr Siebeck, 2003), in particular "Religiöser Pluralismus als Signatur unserer Lebenswelt" (2003:1-24), "Partikularität, Universalität und Religionen" (2003:133–156) and "Toleranz und Glauben. Identität und Toleranz im Horizont religiöser Wahrheitsgewißheiten" (2003:217–244).

³⁶⁷ A number of attempts to integrate different religions' convictions into one ethos exist. Cf. e.g. Anton Grabner-Haider (ed.), *Ethos der Weltkulturen: Religion und Ethik* (Göttingen: Vandenhoeck & Ruprecht, 2006); Leonard Swindler (ed.), *Toward a universal theology of religion* (New York: Orbis, 1987); Paul F. Knitter, *Jesus and the other names: Christian mission and global responsibility* (New York: Orbis, 1996); and Hans Kessler (ed.), *Ökologisches Weltethos im Dialog der Kulturen und Religionen* (Darmstadt: Wissenschaftliche Buchgesellschaft, 1996).

underplay the extent of the challenges.³⁶⁸ On the grounds of such an agreement it is possible to search for those basic conditions (*Minimalbedingungen*) that are shared and are necessary for humanity's survival, the conservation of nature and the protection of coming generations' right to life (Huber, 1993a:172).

This implies, *secondly*, that these basic conditions should be characterised by the openness to different motivations by different groups (Huber, 1993:172–174; 1994b:38–42). Huber uses the term *Begründungsoffenheit* to indicate that the basic conditions are not meant to replace the specific answers of respective communities to how to contribute to communal life in a pluralistic, secular and globalising community (1994b:39). The openness to different motivations is meant to respect the differences between different groups, whilst at the same time recognising that these principles, once agreed on, require a degree of commitment.

The *Begründungsoffenheit* of the *Minimalbedingungen*, *thirdly*, creates the possibility of 'relative universalism'. Huber develops this position specifically in *Die tägliche Gewalt: gegen den Ausverkauf der Menschenwürde* (1993a:181ff) and with even more conceptual clarity in his article "Gewalt gegen Mensch und Natur – Die Notwendigkeit eines planetarischen Ethos" in the book *Verantwortlich Leben in der Weltgemeinschaft. Zur Auseinandersetzung um das "Projekt Weltethos"* edited by Rehm (1994b:30–46). This concept takes the possibility and necessity of shared principles as starting point for continued life on earth, but at the same time recognises that these principles can at most be 'provisional' and 'relative' (Huber, 1993a:181; 1994b:43).³⁶⁹ He articulates this position as follows:

³⁶⁸ Here Huber (1987:19), in accordance with Anthony Giddens in his book *Runaway world: How globalisation is reshaping our lives* (London: Profile, 2002), chooses to call modern society a 'risk society', with protest consequently being an important form of taking responsibility for politics. At the time of writing *Protestantismus und Protest* Huber (1987:128) regarded especially three themes of importance in addressing the risk of society and contributing to lasting peace, namely "[B]ändigung der Gewalt", "Förderung der Gerechtigkeit" and "Bewahrung der Natur". In this regard, cf. also Ulrich Beck and Elisabeth Beck-Gernsheim (eds.), *Risikante Freiheiten* (Frankfurt a.M: Suhrkamp, 1994); Ulrich Beck, *Auf dem Weg in eine andere Moderne* (Frankfurt a.M: Suhrkamp, 1986); and Niklas Luhmann, *Soziologie des Risikos* (Berlin/New York: De Gruyter, 1991).

³⁶⁹ In Huber's work the United Nations' Universal Declaration of Human rights of 1948 is one important example of how *Überschnittungsbereiche* can be found in order for different groups and individuals to develop certain *begründungsoffene Minimalbedingungen* necessary for peaceful co-existence. In *Friedensethik* Huber (1990b:257–266; 340–342) emphasises the importance of the place of origin (*Entstehungsort*) of this document. In *Menschenrechte: Perspektiven einer menschlichen Welt* Huber and Tödt (1977:14–17; 124–130) also acknowledge the place of origin of the concept. Consensus concerning human rights grew from the experience of disregard for the

Only by means of the particularities and cultures – and not by passing it over – can consensus regarding ... elements of a planetary ethos be achieved. The [position of] relative universalism does not pretend that access to such an ethos can be gained directly and independently of its context. ... Such a planetary ethos cannot be implemented by means of abstract theory. It can only take on form when it is alive in those communities where people's moral convictions are formed and where they are passed on (1993a:181).³⁷⁰

Huber's critique of Hans Küng's *Projekt Weltethos* illustrates how he understands the abovementioned concepts to be connected by utilising them in his critique against what he calls Küng's "ethical reductionism" (cf. Huber, 1993a:171).

4.2.1 Huber's critique of Projekt Weltethos

Küng's project is directed by three convictions, namely (a) peace among nations is not possible without peace among religions, (b) peace among religions is not possible without dialogue between religions and (c) dialogue between religions is not possible without investigating the shared foundations of religions (Küng, 1994; 2008). The importance of religion in world society and the extent to which religion

humanity of all people. Rather than founding the document on a specific philosophical or ethical tradition, the document was written in reaction to a shared perception of the challenge that was faced. Therefore this document is still especially relevant "[w]o immer Menschen verhungern oder gefoltert werden, wo immer ihnen die Freiheit des Glaubens und der Meinungsäußerung geraubt oder ein faires Verfahren vorenthalten wird, wo immer ihnen die Chancen verweigert werden mit eigener Arbeit für ihren Lebensunterhalt zu sorgen" (Huber, 1990b:340). In *Gerechtigkeit und Recht*, Huber (1996b:260) does concede, however, that the combined global effort to combat the disrespect for human dignity does not form its only place of origin but that the idea of human rights owes its origin to a "spezifische religiöse und kulturelle Tradition". He regards the concept nonetheless as *Begründungsoffen* in the sense that its places of origin need not be appreciated or subscribed to in order for people to adhere to its principles. For a different position, cf. e.g. Friedrich Wilhelm Graf's article "Die umstrittene Allgemeinheit der individuellen Menschenrechte" in *Unverfügbare Gewißheit: Protestantische Wege zum Dialog der Religionen* (Hannover: Lutherisches Verlagshaus, 1997:72–87).

³⁷⁰ "Nur durch die Besonderheiten von Kulturen und Religionen hindurch, nicht an ihnen vorbei, kann der Konsens über ... Elemente eines planetarischen Ethos entwickelt werden. Der relative Universalismus nimmt nicht an, daß es eine direkte, kontextunabhängige Einsicht in das alle Menschen verbindende Ethos gibt. ... Nicht auf dem Weg abstrakte Lehre wird sich ein planetarisches Ethos durchsetzen. Es wird nur Gestalt gewinnen, wenn es in den Gemeinschaften lebendig ist, in denen Menschen ihre moralischen Überzeugungen ausbilden und weitergeben."

can activate commitment to shared principles are two elements regarded as of importance.

According to Küng, in the development of a global ethic, the shared awareness of a God, primal reason, primal principal or transcendent aim³⁷¹ should be used as the basis for the search for binding ethical principles. On the basis of the shared belief of religions in a transcendent entity Küng believes it is possible to combat “differing, contradictory or even ethics that fight one another” (cited in Huber, 1993a:171). It is at Küng’s harmonising of cultural, religious and ethical differences, and even his attempt to raise suspicion of these differences, that Huber directs his criticism.³⁷²

Huber is of the opinion that the differences between individuals and groups should be understood as resources that must be integrated rather than ignored in the search for dialogue (1993a:172). A pluralistic society is sustained by the diversity of its different constituting groups and the consequent and constant processes of repositioning this diversity leads to. Huber therefore regards the ‘ethical learning processes’ that ethical diversity leads to as being necessary to gain a better understanding of the present and possible future (1993a:172). In this regard Michael Welker³⁷³ (1993b:528) quotes Huber: “Whoever attempts to reduce religions of

³⁷¹ Küng (1994) speaks of “Urgrund, Urhalt, Urziel”.

³⁷² Huber himself suggests the following ‘perspective formulations’ as a possible contribution to a planetary ethos (1993a:183–184): “Achte die gleiche Würde aller Menschen ebenso wie die Würde der Natur; Respektiere die Freiheit, die Gleichheit und die Teilhaberechte aller Menschen; Übe Toleranz gegenüber den Überzeugungen und Lebensformen der anderen; Nimm das Leben und das Lebensrecht der nächsten Generation so ernst wie das eigene; Tritt für die Rechte und die Zukunft der Schwächeren ein; Beteilige dich am Abbau von Benachteiligungen und Diskriminierungen; Trage persönliche, gesellschaftliche und politische Konflikte gewaltfrei aus; Nutze die Natur in einer mit ihrer Würde zu vereinbarenden Weise und trage zur Bewahrung der natürlichen Grundlagen des Lebens bei; Beteilige dich an gesellschaftlicher und politischer Verantwortung; Verantwortete den Gebrauch deiner Freiheit.”

³⁷³ Welker is especially depreciatory in his criticism of *Projekt Weltethos*. Welker and Küng notoriously engaged one another in the German journal *Evangelische Kommentare* in 1993. See Welker in “Gutgemeint – aber ein Fehlschlag. Hans Küngs ‘Projekt Weltethos’” (Welker, 1993a) and “Autoritäre Religion. Replik auf Hans Küng” (Welker, 1993b) and also. Küng in “Nicht gutgemeint – deshalb ein Fehlschlag. Zu Michael Welkers Reaktion auf ‘Projekt Weltethos’” (Küng, 1993). Welker is of the opinion that Küng’s project shows signs of a “one-sided concept of order” (Welker 1993a:356). According to Welker, Küng uses religion to solve the world’s problems without truly integrating the deforming effects religious convictions have had. The result is that Küng makes use of a vague concept of religion that contradicts the self-understanding of different religions. Cf. e.g. Welker 1993a:356: “Nachdem ‘Urgrund, Urhalt, Urziel’ lebensförderlich oder dämonisch wirksam wirken können, nachdem bloße Autonomie nicht unterscheiden kann zwischen ‘wahren und illusionären, objektiven und subjektiven, akzeptablen und verwerflichen Interessen’ ist das Rezept am Ende von der traurigen Ausgangslage nur unter einer einzigen Bedingung zu unterscheiden: Es muß die Bereitschaft bestehen, darauf zu hoffen und sich dem anzutruen was ... ‘die Leiter und Lehrer’ der

cultural traditions to what they share with one another would obstruct the only sources from which a planetary ethos can flow.”³⁷⁴

Huber regards taking others’ freedom of conscience as seriously as one’s own as the presupposition for dialogue.³⁷⁵ The search for common concerns enables the search for the *Überschneidungsbereiche* (overlapping areas) that are necessary for the *Minimalbedingungen* (basic conditions) that can enable taking responsibility across regional, cultural and religious boundaries. Placing the focus on addressing specific challenges rather than looking for overlapping areas as an aim in itself provides the opportunity for the different groups to motivate their commitment in heterogeneous ways, making *Begründungsoffenheit* (the possibility for different motivations) possible without endangering the ethical project itself. Against the reductionist tendencies of Küng’s *Weltethos*, Huber’s planetary ethos incorporates the diversity in ethical convictions in his concept.

After Huber has spent a number of years and many pages on motivating how shared convictions are possible, he currently focuses on the importance of the unique resources different groups bring to the dialogue. With increased tension and conflict especially between religious communities Huber increasingly emphasises the necessity of articulating diversity as first step in searching for shared basic convictions. In the following part of this section this development will be investigated. Whereas we have just seen that Huber regards global responsibility to be dependent on searching for basic conditions of agreement and that these conditions can only be reached by means of dialogue, the next part will approach dialogue from another perspective.

großen Religionen mit ... ‘allen ihnen zur Verfügung stehenden Mitteln und Möglichkeiten’ für die Propagierung und die Exekution des Projekts Weltethos tun und ansinnen werden.”

³⁷⁴ “Wer die Religionen oder kulturellen Traditionen auf das gemeinsam Aussagbare reduzieren würde, würde gerade die Quellen verstopfen, aus denen allein ein planetarisches Ethos fließen kann.”

³⁷⁵ Cf. e.g. “Religionsfreiheit und Toleranz – Wie aktuell ist der Augsburger Religionsfriede?” (Huber, 2005aa) and “Religionsfreiheit und offene Gesellschaft – ein Prüfstein aktueller Dialoge in Europa” (Huber, 2004l).

4.3 Respecting differences

Especially since the acts of terrorism in the United States of America on the 11th of September 2001, the contribution religious communities can make to the peace and stability but also the destabilisation of global society has become more relevant than ever before. Ever since the acts of 9/11³⁷⁶ it has become clear that attempts such as those by Küng to harmonise cultural and religious differences increasingly seem to be out of touch with global reality.³⁷⁷ In reaction to the changes in global politics, Huber's work on dialogue also started to reflect this change in focus.³⁷⁸

Although Huber still regards the setting of shared aims as important, he currently devotes the bulk of his work on dialogue to how it should take place between religions. This is possibly the result of the need for deepened understanding developing into one of the *Minimalbedingungen* necessary for peaceful co-existence. Consequently, Huber's work on dialogue is now characterised by developing ways in which to recognise and respect differences between groups whilst contributing to the

³⁷⁶ For the connection between current-day Islamic fundamentalism, cf. Faisal Devji's *Landscapes of the Jihad: militancy, morality, modernity* (London: Hurst & Co., 2005) and Tariq Ali, *The clash of fundamentalisms: crusades, jihads and modernity* (London: Verso, 2003).

³⁷⁷ However, Huber (e.g. in 2004I; 2005; 2005aa) regards critique as not excluded by the call for respect for the diversity of different groups. This is especially clear in his criticism towards Turkey's apparent unwillingness to subscribe to those *Minimalbedingungen* Huber regards as necessary for the peaceful co-existence of a plurality of groups: "Die Religionsfreiheit als individuelles Menschenrecht im eben dargestellten Sinne ist durch den Islam im Ganzen bisher nicht anerkannt worden. Zwar gibt es durchaus differenzierte Zugänge zu den Menschenrechten im Islam, die Religionsfreiheit eingeschlossen. ... Diese Trennung von Religion und staatlicher Rechtsordnung vollzieht der Islam aufs Ganze gesehen nicht. Das ist auch in der Türkei trotz ihrer besonderen Gestalt von Laizismus nicht der Fall."

³⁷⁸ On the 26th of September 2001 Huber delivered a speech at the Bremer Tabakskollegium in Augsburg (Germany), and already in this speech his changed focus was clear. The speech was aptly titled "Gerecht aus Glauben – die Gegenwartsbedeutung des christlichen Menschenbilds" (2001a), and although the theme was chosen even before 9/11, this theme provided Huber with an opportunity to consider the implications of the changes in world politics. He reacted by mentioning a theme that would characterise his work in the following years, namely appreciating the unique profile of Christian convictions: "Heute müssen wir zu beidem bereit sein, zur Verteidigung wie zur Erneuerung unserer Werte. Zur Verteidigung unserer Werte gehört die kritische und gegebenenfalls auch kämpferische Auseinandersetzung mit denen, die eine solche Kultur der Anerkennung zum Einsturz bringen wollen; zu ihr gehört deshalb auch die kritische und gegebenenfalls auch kämpferische Auseinandersetzung mit einem Islamismus, den wir nicht aus einem Geist multikultureller Schönfärberei verharmlosen dürfen." Although this quotation sound unnecessarily harsh, Huber continues by qualifying what is meant with 'our values': "Zur Erneuerung unserer Werte aber gehört, dass wir gerade heute bewusst eine Kultur der Anerkennung stärken, die auch den anderen, den Fremden einschließt. Deshalb sollten wir uns auch durch die Erschütterung dieser Wochen nicht dazu hinreißen lassen, dem Islam schlechterdings und im Ganzen die Teilhabe an Kultur und Zivilisation abzusprechen."

peaceful and humane co-existence of different groups.³⁷⁹ In this part of this last section of Chapter 3, his focus on the profile of the participants in dialogue will be interpreted as his working out of the implications of the concept of 'relative universalism' he developed in *Die tägliche Gewalt* (1993a).³⁸⁰

Huber starts his argumentation for profiled interreligious dialogue with the character of the truth around which religious communities understand themselves to be orientated.³⁸¹ He is convinced that there is no religion without implications for the lifestyle of its members as religions believe their founding truths to encompass the whole of reality (Huber, 2004l; 2005aa; 2007g).³⁸² All religions consequently have a public character, as they believe that the all-encompassing character of their truth needs to be implemented wherever they should find themselves.³⁸³

³⁷⁹ In the speech "Religion – Politik – Gewalt" (2005b) Huber used his introduction to a theological conference to explain the renewed relevance of interreligious dialogue in terms of the renewed connection between religion and politics: "Getrennt voneinander lassen sich Religion, Politik und Gewalt heute nicht mehr betrachten. Auch diese Themen werden hineingezogen in den Prozess der Globalisierung. ... Der wieder erstarkte Hindunationalismus in Indien ist dafür ebenso ein Beispiel wie die islamistische Verbindung zwischen Religion und Macht. Die neue Nähe zwischen Kirche und Staat in einigen orthodox geprägten Ländern weist ebenso in diese Richtung wie die neue Nähe zwischen Religion und Politik, die sich in den USA unbeschadet des von der Verfassung vorgesehenen wall of separation entwickelt hat. Religion, Politik und Gewalt – das ist nicht nur ein europäisches Thema; und die Frage danach, wie das Verhältnis der drei Begriffe bestimmt und geordnet werden kann, stellt sich nicht nur im Horizont des christlichen Glaubens."

³⁸⁰ Concerning the importance and implications of identity in dialogue cf. e.g. Reinhold Bernhardt, *Ende des Dialogs? Die Begegnung der Religionen und ihre theologische Reflexion* (Zurich: TVC, 2005); Gregor Maria Hoff, *Ökumenische Passagen – zwischen Identität und Differenz: fundamentaltheologische Überlegungen zum Stand des Gesprächs zwischen römisch-katholischer und evangelisch-lutherischer Kirche* (Innsbruck: Tyrolia, 2005); Jean C. Kapumba Akenda, *Kulturelle Identität und interkulturelle Kommunikation: zur Problematik des ethischen Universalismus im Zeitalter der Globalisierung* (Frankfurt a.M.: IKO, 2004); Heinrich Schmidinger (ed.), *Identität und Toleranz: christliche Spiritualität im interreligiösen Spiegel* (Innsbruck: Tyrolia, 2003); and Miroslav Volf, "Gerechtigkeit, kulturelle Heterogenität und christlicher Glaube" (in *Evangelische Theologie* 56 1996:116–128).

³⁸¹ Some of Huber's most important speeches in this regard are "Religionsfreiheit und offene Gesellschaft – ein Prüfstein aktueller Dialoge in Europa" (2004l), "Religionsfreiheit und Toleranz – Wie aktuell ist der Augsburger Religionsfriede?" (2005aa) and "Dialog der Religionen – Ansprache bei der Matthiae-Mahlzeit im Rathaus zu Hamburg" (2007g).

³⁸² In a meaningful move Huber (e.g. 2005h) describes tolerance as exactly one of these founding truths of Christianity, as he understands it to be grounded on God's tolerance: "Toleranz dagegen muss jedenfalls in christlicher Perspektive in einer Glaubensgewissheit gründen, um deretwillen der Mitmensch als Nächster geachtet und in seiner abweichenden Glaubensweise respektiert wird. Reformatorisch geprägter Glaube stützt sich dafür auf eine göttlich zugesprochene Anerkennung der menschlichen Person, die unabhängig von ihren Taten und damit auch von ihren Überzeugungen gilt. Denn diese göttliche Anerkennung beruht gerade nicht auf den von Menschen erbrachten Leistungen, sondern auf einer göttlichen Toleranz, die den gottlosen Menschen als von Gott geliebtes Geschöpf annimmt."

³⁸³ In this regard, cf. Raimon Panikkar, *The intra-religious dialogue* (New Jersey: Paulist Press, 1999, 2nd ed.) and specifically his "Rules of the game in the religious encounter" (1999:61–72).

This is also applicable to the Christian contribution to interreligious dialogue. In *Der christliche Glaube* (2008b:79–131) Huber lucidly expounds the central role that Jesus plays within Christianity and describes how the testimony to his exclusivity cannot be left out of interreligious dialogue as the belief in Jesus influences the whole of the Christian existence (2008b:128–131). He sketches especially two implications for interreligious dialogue. *Firstly*, respecting the unique profile and self-understanding of different religions means that developing a general theory of religion and making it the basis for interreligious dialogue is incompatible with the essence of religions. According to Huber, a general theory of religion implies that the concept ‘religion’ can exist apart from its content (2008b:128). This means that a central religious question, namely concerning truth and the commitment to truth, cannot be asked. This implies that the central question of religions cannot be asked, which raises questions about the legitimacy of the dialogue.

Huber regards the focus on the assumed commonalities between the three monotheistic religions, *secondly*, as another way by means of which questions regarding truth are ignored (2008b:129). Especially the presence of Abraham in Christianity, Islam and Judaism is often used as link between these three religions.³⁸⁴ Apart from excluding other religions, Huber shows how this link diverts attention from Abraham’s differing role in these different religions and causes central beliefs not to be discussed or to receive disproportionate attention.³⁸⁵

³⁸⁴ For discussions on dialogue between Christianity and Islam, cf. Andreas Renz and Stephan Leimgruber (eds.), *Christen und Muslime: Was sie verbindet, was sie untescheidet* (Munich: Kösel, 2005, 2nd edition); Ludger Kaulig, *Ebenen des christlich-islamitischen Dialogs: Beobachtungen und Analysen zu den Wegen einer Begegnung* (Münster: Lit, 2002); Hansjörg Schmid, Andreas Renz and Jutta Sperber (eds.), *„Im Namen Gottes...“: Theologie und Praxis des Gebets in Christentum und Islam* (Regensburg: Pustet, 2006); Hansjörg Schmid, Andreas Renz, Jutta Sperber and Duran Terzi (eds.), *Identität durch Differenz? Wechselseitige Abgrenzungen in Christentum und Islam* (Regensburg: Pustet, 2007); and Hansjörg Schmid, Andreas Renz, Jutta Sperber and Abdullah Takim (eds.), *Prüfung oder Preis der Freiheit: Leid und Leidbewältigung in Christentum und Islam* (Regensburg: Pustet, 2008).

³⁸⁵ Interestingly, Huber recently also started to develop the concept of ‘profiled ecumenism’ according to which ecumenical dialogue should also take the profile of different denominations seriously (cf. Günter Gloede, *Ökumenische Profile: Brückenbauer der einen Kirche* (Stuttgart: Evang. Missionsverlag, 1961). Although he does set some different accents when discussing dialogue between churches, the theme of a profiled access to dialogue is still present. In his speech “Was bedeutet Ökumene der Profile?” (2006p) Huber identifies five theses that should characterise profiled ecumenism, namely (a) “Uns verbindet mehr, als was uns trennt”; (b) “Die Herausforderung zum gemeinsamen ökumenischen Zeugnis wird nicht schwächer, sondern starker”; (c) “Das eigene kirchliche Profil zu leben und zu deuten, ist selbst eine ökumenische Aufgabe”; (d) “Wir müssen lernen, mit bleibenden Differenzen ökumenisch zu leben”; and (e) “Eine ‘Ökumene der Profile’ entwickeln wir heute angesichts einer gemeinsamen missionarischen Aufgabe”. Although Huber’s

Much rather than refraining from speaking about binding truth in public discourse, and in particular in interreligious dialogue, Huber regards the freedom to articulate convictions concerning binding truths as the presupposition for religious freedom (1999:187).³⁸⁶ Religious freedom serves as the acknowledgement of the importance of religion for society and the right of members of society to commit themselves to communities where a truth is taught that encompasses the whole of human existence. Huber is therefore of the opinion that real dialogue requires that the reticence to refer to truth be abandoned (1994a:175). Forms of communication whereby people are enabled to search for binding truth and respect differing views should be cultivated (1994a:175). This also the reason why Huber develops a theory on freedom explicitly from Christian resources, whilst staying within the parameters of the institutionalised freedom of modern societies.

Huber therefore advocates a position of ‘convinced tolerance’.³⁸⁷ Whereas tolerance itself is of central importance for the peaceful co-existence of different groups,³⁸⁸ Huber warns against an empty understanding of tolerance. Tolerance without the

suggestion of profiled ecumenism has a strong focus on what is shared between churches, one might argue that this focus has weakened since he wrote *Die Streit um die Wahrheit und die Fähigkeit zum Frieden: Vier Kapitel ökumensiche Theologie* in 1980. One may argue that in 1980 Huber laid more emphasis on community than seems to be the case in his later work. Here Huber (1980:16) regards *wechselseitige Besuch* as of importance in ecumenism, as the first basic principle of ecumenism is ‘experienced community’. He states unequivocally (1980:21–22) that real ecumenism exists only there where ‘community’ and ‘reciprocal understanding’ are real and therefore states, “Leibhaftes Miteinandersein ist der Lebensvollzug von Ökumene”. In this book Huber (1980:45–79) consequently develops ecumenical theology as “Theologie in der Begegnung”. Cf. in this regard also Konrad Raiser’s article “Freiheit und wechselseitige Verantwortung der Kirchen in der ökumenischen Gemeinschaft” (in Reuter, H-R., Bedford-Strohm, H., Kuhlmann, H. & Lütcke, K-H. (eds.), *Freiheit verantworten: Festschrift für Wolfgang Huber zum 60. Geburtstag*, Gütersloh: Kaiser, Gütersloher, 2002:66–75).

³⁸⁶ Cf. e.g. the religiously informed reaction from the Muslim community in Germany after Pope Benedict XVI delivered his now infamous speech in Regensburg on the 12th of September 2006 in Haider Ali Zafar, *Glaube und Vernunft aus islamischer Perspektive: Antwort auf die Regensburger Vorlesung vom Papst Benedikt XVI.* (Frankfurt a.M.: Verlag der Islam, 2007). Cf. also Cäcilia Schmitt, *Islamische Theologie des 21. Jahrhunderts: Der aufgeklärte Islam* (Stuttgart: Basis Verlag, 2007).

³⁸⁷ Although Huber makes use of this concept often in his recent work, see the following speeches for adequate accounts of his view in this regard: “Religionsfreiheit und offene Gesellschaft – ein Prüfstein aktueller Dialoge in Europa” (2004I), “Der Auftrag der Kirchen in einem Zusammenwachsenden Europa” (2005d), “evangelisch – profiliert – wertvoll” (2005h), “Unvereinbare Gegensätze? Scharia und säkulare Recht” (2005q) and “Religionsfreiheit und Toleranz – Wie aktuell ist der Augsburger Religionsfriede?” (2005aa).

³⁸⁸ Huber describes *Toleranz* as the ‘presupposition’ for peaceful co-existence in a pluralistic society (2004I): “Sie [Toleranz] ist die Voraussetzung für das friedliche Zusammenleben in der pluralen Gesellschaft und für den Frieden zwischen Völkern, Kulturen und Religionen. Sie zu erhalten ist – um Gottes und der Menschen willen – Aufgabe jeder Religion.”

openness to truth is denigrated to indifference (Huber, 1999:187).³⁸⁹ When respect for the other's viewpoint is borne from the appreciation of one's own point of view, Huber chooses to speak of convinced tolerance³⁹⁰:

Tolerance should not be equated with regarding everything or everybody as being right. Things [then] become indifferent and arbitrary and lose bonding force and legitimacy if everything is equally valid. Religious tolerance means to bear with differences and engage them. A free and open society is not sustained by leaving one another alone but needs astute and convinced tolerance that requires dialogue and engages in the struggle for freedom (2004l).³⁹¹

In his speech "Der Auftrag der Kirchen in einem Zusammenwachsenden Europa" (2005d) Huber elaborates the concept by identifying three areas where tolerance should be practised. Personal tolerance, in the first place, is understood to originate in the individual's freedom of conscience and it respects the other's freedom of conscience.

The second area where tolerance should be practised flows from the first and is tolerance in society. Due to personal conviction and respect for others' freedom of conscience it is possible to respect the convictions and ways of living of other groups. Respect for others indeed does not mean indifference towards their way of life but means accepting the differences as necessary for the functioning of a pluralist society.³⁹² The last area Huber identifies for tolerance is the political sphere.

³⁸⁹ Cf. "Christian belief and respect for difference" in Kathryn Tanner's *The politics of God* (Minneapolis: Augsburg Fortress, 1992:193–224).

³⁹⁰ Cf. "Religionsfreiheit und offene Gesellschaft – ein Prüfstein aktueller Dialoge in Europa" (Huber 2004l), "Religionsfreiheit und Toleranz – Wie aktuell ist der Augsburger Religionsfriede?" (Huber 2005aa) and "Dialog der Religionen – Ansprache bei der Matthiae-Mahlzeit im Rathaus zu Hamburg" (Huber, 2007g).

³⁹¹ "Toleranz ist ... nicht gleichzusetzen mit: alles für richtig halten und jedem Recht geben. ... Wenn alles gleich gültig ist, wird alles gleichgültig, beliebig und verliert an Bindungskraft und Überzeugung. Religiöse Toleranz meint das Aushalten und Austragen von Differenzen in Anerkennung der Gleichrangigkeit. Die freiheitliche offene Gesellschaft lebt dabei nicht von einem sich gegenseitig in Ruhe lassen; sie braucht die wache, überzeugte Toleranz, die den Dialog einfordert und dem Streit um die Wahrheit nicht ausweicht."

³⁹² Cf. the relevance of questions regarding identity in Huber's discussion of convinced tolerance. Cf. e.g. Kathleen R. Arnold, *Homelessness, citizenship, and identity: The uncanniness of late modernity* (Albany: State University of New York Press, 2004); Richard Madsen (ed.), *Meaning and modernity: Religion, polity, and self* (Berkeley: University of California Press, 2002); Elisabeth Mudimbe-Boyi,

Political tolerance is aimed at creating spaces where differing convictions can be nurtured and can be put in dialogue. Freedom of religion does not simply mean the freedom from religion but also implies a freedom for religion and the consequent spaces for its articulation.

5. SUMMARY

In this chapter the researcher investigated the ways in which communicative freedom contributes to the renewal of modernity. He discussed three dimensions of its contribution, namely its critique of progress, and its focus on justice and dialogue.

In this first section it was shown that the way in which communicative freedom connects freedom and self-limitation forms the basis for Huber's critique against the trust in progress of modernity. It was shown, furthermore, that the trust in progress of contemporary modernity is at odds with its founding ideas as a blind trust in progress is based on a profound irrationality. The Enlightenment rather focused on liberated and mature persons' ability to make rational decisions for the betterment of humankind. Societal structures that correspond with human dignity and freedom were therefore the initial thrust of progress. It was shown how Huber consequently suggests the responsible realisation of freedom as aim for societal progress rather than an irrational trust in human abilities.

In the second section the inequality and unjust structures that still characterise many modern societies formed the background for Huber's suggestion that modernity should be made more just. It was shown that Huber understands comprehensive justice in modern societies to depend on how the tension between freedom and equality is addressed. It was shown that the connection between sociality and individuality made by communicative freedom reframes this tension and that Huber develops the concept 'connective justice' as the corresponding concept of justice. It was then shown that the reframed tension does not imply that the tension between

Beyond dichotomies: histories, identities, cultures, and the challenge of globalisation (Albany: State University of New York, 2002); and Anthony Giddens' well-known *Modernity and self-identity: Self and society in the late modern age* (Cambridge: Polity, 1991).

freedom and equality is resolved but that it persists. Huber interprets this persisting tension from an eschatological perspective and he regards it as the call to action. The section concluded with showing that the perspective of the powerless is to be understood as the criterion by which societal justice should be measured and that should direct the struggle for justice.

In the third section the realisation of communicative freedom in the context of an increasingly integrated world was discussed. The need for corporate responsibility, especially in the light of cultural and religious conflict, formed the background of this section. As was seen in Chapter 2, the reflexive use of principles is necessary for the realisation of communicative freedom. In this section it was shown that the reflexive use of principles in an increasingly integrated and divided world is to be realised by means of dialogue. Huber's concepts of *Überschneidungsbereiche*, *Minimalbedingungen*, *Begründungsoffenheit*, *relative Universalismus* and *überzeugte Toleranz* were consequently discussed to outline his understanding of what kind of dialogue should ensue from communicative freedom. Huber rejects attempts to harmonise differences but is of the opinion that the freedom of conscience and the cultural and ethical particularities of others should be respected. Huber understands the search for shared convictions of less importance for corporate responsibility than the search for a shared perception of the challenges. In the concluding part of this section newer themes in his thought were investigated and it was seen that differences play an important role in dialogue and that the participation of groups should be based on their own, unique convictions.

CONCLUSION

This study was an investigation into the role and place of the concept of freedom in the theology of Wolfgang Huber. It was done by investigating how communicative freedom engages modernity. In this concluding section the way in which this investigation was done and the role that freedom plays in Huber's work will be traced. The section will conclude with two sets of comments born from the context within which this study was conducted.

1. COMMUNICATIVE FREEDOM AS ENGAGEMENT OF MODERNITY

In Chapter 1 the theological sources of communicative freedom were investigated. It was shown that Huber does not aim to develop a new concept of freedom but that he understands communicative freedom as a rearticulation of the concept of freedom the Reformation already testified to (cf. Huber, 1987:54; 1992a:115; 1996c:61; 2007b). This was made clear by the important role Paul's theology and specifically Martin Luther's interpretation thereof plays in the concept of communicative freedom. In particular Luther's double thesis was shown to play a central role in understanding the connection between individuality and sociality in the concept of communicative freedom (cf. e.g. Huber, 1985:210). On another level, Luther's focus on the freedom of conscience as the hinge between individual freedom and social responsibility was shown to be a strong influence on the connection between freedom and societal responsibility made by communicative freedom (cf. e.g. Huber, 1987:62; 1996c:108).

By means of the influence of Dietrich Bonhoeffer and Heinz Eduard Tödt it was shown, furthermore, how the Confessing Church movement plays a decisive role in Huber's understanding of how freedom should be rearticulated in a contemporary way. Bonhoeffer's focus on the church as 'church for others' (cf. e.g. Huber, 1985:173ff; 2007k) and the emphasis on responsibility and substitutionary action in his work (cf. e.g. Huber, 1990a:143ff; 2006m) were shown to be of importance for

the way in which Huber develops communicative freedom within an ethic of responsibility (cf. e.g. 1990a:136–157).

Heinz Eduard Tödt's integration of Bonhoeffer into his own work on ethics was shown to have influenced Huber's work on freedom (cf. Schuhmacher, 2006:23ff). One of the first published uses of the concept communicative freedom was shown to be in *Menschenrechte: Perspektiven einer menschlichen Welt* (co-written by Huber and Tödt, 1977). As was seen in Chapter 2, Tödt's influence on Huber's work on human rights and their connection with freedom is also significant (cf. e.g. Huber, 1996b:246ff; Huber & Tödt, 1977:163ff).

In subsequent discussions of Huber's understanding of communicative freedom it became clear how he develops the concept in continuation of Reformational theological sources. Huber's systematisation of the theological content of communicative freedom consequently reflected classic Reformed emphases, namely freedom as grounded in God's grace (cf. e.g. Huber, 1985:211ff; 1996b:107ff; 1999:171ff), to be realised in relationship with others (cf. e.g. Huber, 1999:168–170; 1996c:104–106) within the context of sin (cf. e.g. Huber, 1996c:107ff; 1999:174ff). It was shown that Huber does not articulate communicative freedom as a goal in itself, but as a means by which to engage modernity, and consequently Chapter 2 and Chapter 3 were devoted to investigating how communicative freedom engages modernity.

In Chapter 2 it was seen that Huber (cf. e.g. 1991:672; 1993b:71; 2004c; 2007b) strongly emphasises both the Protestant influence on the development of modernity as well as the duty of Protestantism to contribute to the societal discourse on freedom by means of the understanding of freedom by the Reformation. Huber (1990d:47) therefore regards attempts to depart from modernity as premature and proposes a critical alliance (1990d:50).

In Chapter 2 the engagement by communicative freedom of modernity's structuring of human sociality was examined. In a first step the engagement by communicative freedom of the central place modernity attributes to the individual was investigated. It was shown that God's constitution of communicative freedom is experienced as the

inalienable character of human dignity (cf. e.g. Huber, 1985:211ff; 1999:171–176) and that it provides for a point of connection with the role of human rights in modern societies (cf. e.g. Huber, 1996b:136–137; 2001h:12ff). It was also shown that communicative freedom does not imply unqualified support for modern ideas concerning the role of the individual but takes on the form of a critical affirmation. Huber uses this concept of freedom to imbed the central role of the individual in an ethic of responsibility (cf. e.g. 1990a:136–157). In particular the personal character of communicative freedom and the way in which it connects human individuality with human sociality were shown to form the basis for imbedding human dignity in an ethic of responsibility.

The second part of Chapter 2 concerned the engagement of the societal aspects of modernity by communicative freedom. Huber regards modernity as conducive to a form of societal organisation that allows for the peaceful and humane co-existence of a diversity of people and groups. It consequently became clear how communicative freedom also critically affirms and contributes to processes of secularisation, democracy and pluralism. Processes of secularisation were shown not to imply the disappearance of religion but indeed to provide the opportunity to engage political power and the space for religiously informed concepts such as communicative freedom (cf. e.g. Huber, 1999:62ff; 2004h; 2005i; 2007l). Communicative freedom was consequently described as a contribution to the maintenance of an enlightened form of secularity.

With regard to democracy it was shown how both the belief of the Reformation in the inalienable freedom of all persons and the institutionalisation of freedom by democracy meet in the concept of human dignity (Cf. e.g. 1987:74–79m; 2004q; 2004r; 2006x) and this serves as basis for the critical affirmation of democracy. It was shown, furthermore, how the concept of communicative freedom contributes to the sustenance of such an understanding of democracy by building trust in the system by means of its own sources (cf. e.g. Huber, 1987:74ff; 2006x). Lastly it was shown that Huber (1991:671ff) develops communicative freedom as a reaction to pluralism that transcends reactions such as fundamentalism, relativism and integrationalism. Communicative freedom is a position that respects societal pluralism but does not view pluralism as a goal in itself (Huber, 1994a:167–172). It

therefore supports the pluralisation of society as a way in which to enable the co-existence of different people and groups.

In Chapter 3 it was shown that communicative freedom also expresses Huber's contribution to the renewal of modernity. In the first section Huber's critique of the irrational trust in progress of modernity was shown to depend on the indissoluble connection between freedom and responsibility that communicative freedom expresses (Huber, 1990a:195–207). The ecological and societal challenges this trust in progress leads to were shown not to be the result of insufficient control of progress but to be due to the absence of goals by means of which progress can be directed (Huber, 1990a:204–205). This section then also concluded with suggesting a comprehensive understanding of freedom as basis for setting societal goals.

The second section concerned the continued presence of injustice in modern societies, still present despite major advances. It was shown that Huber (cf. e.g. 1996b:155–156) regards the tension between freedom and equality in need of reinterpretation in order to contribute to making modernity more just. It was shown that this tension is the result of a reductionist understanding of both freedom and justice and that developing both of these concepts in terms of the connection between individuality and sociality leads to the tension being reframed (cf. e.g. Huber, 1996b:149–198). Huber (cf. e.g. 1996b:159ff; 1999:135ff) suggests the concept of connective justice to complement communicative freedom. It was also shown that reframing this tension does not imply that the tension is resolved and that eschatology serves as entrance point to the remaining tension.

In the third section the realisation of communicative freedom in the context of an increasingly integrated world was examined. Communicative freedom can only be realised by means of responsibility and is dependent on the reflexive use of principles, as was seen in the previous chapters (cf. e.g. Huber, 1990a:193–194; 1990a:204–207; 1990b:243–246; 1999:210–215). In this section Huber's work on dialogue as was investigated an expression of communicative freedom (1993a:170–171). It was shown that dialogue should not be based on the harmonisation of differences but should be based on the shared perception of shared challenges (cf. e.g. 1993a:170–184; 1994b:32–46). The shared perception of challenges then forms

the basis for searching for principles by means of which responsibility can be taken. In this regard it was shown how Huber uses concepts such as *Überschneidungsbereiche*, *Minimalbedingungen*, *Begründungsoffenheit* (cf. e.g. Huber, 1993a:180ff; 1994b:38ff) and *überzeugte Toleranz* (cf. e.g. Huber, 2004l; 2005aa; 2007g) to develop a model for dialogue where differences between groups serve as basis for shared responsibility.

In the light of the above, it can therefore be said that this study has shown that the concept of communicative freedom in Wolfgang Huber's theology can be interpreted as a rearticulation of the rediscovery of freedom by the Reformation in order to engage modernity critically. The critical engagement has been shown to consist of two dimensions, namely a critical affirmation of principal characteristics and a contribution to its renewal. The dissertation is concluded with some comments concerning Huber's work on communicative freedom from a South African perspective.

2. SOME FURTHER REMARKS

Although the primary aim of this study was investigating freedom in Huber's theology, it also serves a secondary aim, namely providing resources for contributing to the discourse on freedom in South Africa. The way in which the material was presented was intended to make Huber's work on freedom also accessible to contexts other than his native Germany, and in particular to South Africa. To conclude, however, two perspectives more obviously connected to the South African context will be considered. Each of these perspectives consists of an appreciatory and critical element.

2.1 Complementing liberation with communicative freedom

In the Introduction the relevance of freedom for the South African context was sketched in terms of the importance of the concept of freedom in the struggle against apartheid.

In post-apartheid South African major advances have been made in achieving freedom for all, and liberation in the narrow sense – namely the attainment of equal institutionalised freedoms for all – has been reached.³⁹³ The clearest example is the Bill of Rights in the South African Constitution. In this second chapter of the Constitution the institutionalisation of the basic equal freedoms of all South Africans is affirmed, as is illustrated also by the non-derogable rights, namely equality (Section 9), human dignity (Section 10), life (Section 11), freedom and security of the person (Section 12), freedom from slavery, servitude and forced labour (Section 13), children's freedom (Section 28) and the freedoms of arrested, detained and accused persons (Section 35).

The fact that constitutionally guaranteed freedoms have been achieved for the whole of South African society does not mean, however, that the struggle for freedom has ended. In post-apartheid South Africa a new range of challenges requires public attention. Even only a passing glance over the current South African reality reveals some daunting challenges.

Many South Africans, in terms of the Freedom Charter's programmatic statements, still do not have the opportunity to participate in government, they still do not have work and security, not all have opportunities for learning, many still do not have houses and many still do not experience peace and friendship.³⁹⁴ For example, the United Nations places South Africa only 121st of 177 countries on its Human Poverty Index (2007/2008), the country has one of the highest Gini-coefficients in the world (an indication that the South African society is one of the most unequal in the world), an HIV/Aids-pandemic is endangering a whole generation (estimations are that 5.5 million of South Africa's inhabitants are HIV positive)³⁹⁵ and South Africa's crime statistics are of the worst in the world (according to official statistics³⁹⁶ for April 2006

³⁹³ Concerning the reconstruction of the idea of being 'South African', cf. T. Brinkel, *Nation building and pluralism. Experiences and perspectives in state and society in South Africa* (Den Haag: Sdu Uitgevers, 2006).

³⁹⁴ Cf. Raymond Suttner (ed.), *50 years of the Freedom Charter* (Pretoria: Unisa Press, 2006).

³⁹⁵ <http://www.unaids.org/en/KnowledgeCentre/HIVData/EpiUpdate/EpiUpdArchive/2007/default.asp>. Adding to that, the WHO's *Global TB Report 2006* placed South Africa 5th out of the world's 22 high-burden TB countries.

³⁹⁶ These statistics are available at http://www.saps.gov.za/saps_profile/strategic_framework/annual_report/2006_2007/nat_crime_situation.pdf

to March 2007, 19 202 people were murdered, 52 617 were raped and 13 599 motorcars were hijacked).

In his last State of the Nation Address delivered on the 8th of February 2008 President Thabo Mbeki stated the continuing challenges in an unprecedented manner, namely as 'deeply troubling' to many South Africans:

... I am aware of the fact that many in our society are troubled by a deep sense of unease about where our country will be tomorrow. They are concerned about the national emergency into which the country has been thrown by the unexpected disruptions in the supply of electricity. ... They are concerned about some developments in our economy.... They are worried about whether we have the capacity to defend the democratic rights and the democratic Constitution which were born of enormous sacrifices (Mbeki 2008).

In this context it is significant that the African National Congress, the country's ruling party, still states its main objectives in terms of liberation, namely the creation of "a united, non-racial, non-sexist and democratic society", as well as "the liberation of Africans in particular and black people in general from political and economic bondage. It means uplifting the quality of life of all South Africans, especially the poor".³⁹⁷

It is clear that the attainment of the goals of liberation as understood in its narrow sense by no means implies that the struggle for freedom has ended. A significant challenge within the South African context Huber's work addresses is complementing the discourse on liberation with a proactive discourse on freedom, which should be informed by concepts such as communicative freedom. He has shown that freedom can function as a constructive concept that connects societal and individual concerns with the context of democratic societies. In this regard the concept of communicative freedom articulates the continued challenge of freedom in

³⁹⁷ The self-description of the party is available at <http://www.anc.org.za/about/anc.html>.

a constructive manner. The challenge is not the struggle against unjust structures but how to connect individual freedom with societal freedom.

In the study it was shown that the resources of the Reformation assist in showing how individuality and sociality presuppose one another and that self-limitation, responsibility, dialogue and justice are expressions of the inalienable freedom equally bestowed on all people.

2.1.1 The relative significance of freedom

In this regard also, however, qualifying remarks concerning the role of freedom should be made. It has been shown that Huber regards freedom as arguably the most important theological theme in Paul's work and indeed in the Bible as such. It was shown that Huber regards freedom as the 'Protestant principle' (1990d:59), that ethics concerns the question how to best use one's freedom (1985:113), that the church is primarily the 'space' and 'advocate' for freedom (1985:205–216) and that he regards freedom as the major theme of the 21st century (2008c).

However, even a relatively superficial view of Paul's theology and specifically his theology in Galatians reveals that identifying freedom as its main theme is not an incontestable interpretation. Concerning the 'centre' of Paul's theology, Dunn (1998:722) regards the only identifiable 'fulcrum' or 'pivot point' of Paul's theology its Christ imagery. He regards the identification of this 'living centre' (1998:730) the nearest one can come to the centre of Paul's theology, as Christ seems to be "the central criterion by which Paul made critical discrimination of what counted and what was of lesser moment" (1998:723). Moreover, when he identifies what he understands as the innovative features of Paul's theology, he fails to mention freedom as such, as he regards these features as 'gospel', 'grace' and 'love' (1998:733), Paul's distinction between 'body' and 'flesh' (cf. 1998: 70–72), his coining of the term 'charisma' (1998:733, 552–560), his analysis of the human condition in terms of Adam and the reality of sin and death (1998:734, 79–127), justification by faith (1998:334–389), salvation within eschatological tension (1998:735, 461–498), his focus on 'paranesis', his ecclesiastical self-sufficiency and his method of writing letters (1998:736–737). Dunn rarely mentions freedom as a

significant theme in Paul's work, and its only significant place is as the fourth implication of Paul's view on the justification by faith alone (1998:388).

In Marshall's *New Testament Theology: Many witnesses, one Gospel* (2004) the title already signifies the challenge when identifying a unifying theme in the New Testament (and by implication of the Bible as such). Marshall (2004:713), for example, again quotes Kümmel's view that the unifying theme of the New Testament as such can at most be described as the approaching kingdom of God as preached by Christ and the consequent connection between the presence of salvation and the person of Christ.

That freedom is an important concept these researchers agree on (cf. also Wenham in Marshall, 2004:227 and Schüssler Fiorenza's interpretation of Galatians 5:28 in 1997:224–230), but identifying it as the central theme of Christianity requires a fair amount of interpretative effort. A close reading of Paul's letter to the Galatians itself reveals the lack of consensus among scholars on its central theme. Jones (1987:86) shows, for example, that Bultmann's identification of Christian freedom as entailing freedom from the law, sin and the world and its deathly impulses is nothing less than a theologically informed interpretation (Jones, 1987:13). Researchers have also not reached consensus concerning the role of Paul's concept of freedom. Whereas Schmitz and Brandt are of the opinion that freedom plays no central role in Paul's theology, others such as Bultmann, Wedell and Cambier are of the opinion that freedom does play a central role (Jones, 1987:15). Concerning the meaning of freedom, scholarly opinions range from freedom as meaning union with Christ (e.g. Wedell), or as being closely connected to baptism (e.g. Reicke), or as fundamentally being freedom from the law (e.g. Grossouw) to freedom being an eschatological concept (e.g. Gulin) (Jones 1987:13–14).

The legitimacy of Huber's conviction that the Bible gives reason enough to regard freedom as the most central theme in the Bible is not refuted by these scholars. It does focus one's attention on the fact that this is but one line of interpretation and

that other biblical themes may also be shown to contribute to constructive societal dialogue.³⁹⁸

It should therefore be noted that the complexity and richness of the biblical witness reminds one that any one theme can only have relative significance as there are a number of biblical impulses that may be available for the participation of the church in the public sphere.³⁹⁹ The reception of communicative freedom in the South African context will therefore necessarily be accompanied by other theological impulses too, and may even have to be superseded in importance by other important biblical impulses.

2.2 Conceptualising the place of the church in society

In this dissertation we saw that Huber uses communicative freedom to show that the churches from the Reformation have an important role to play in modern societies to contribute to a humane society. It was shown that the Reformational understanding of freedom is a multidimensional concept that provides for many resources by means of which to engage modernity. It was also shown that concerning the structure of modern societies, this concept is of particular relevance to engage secularisation, democracy and pluralisation in a constructive manner.⁴⁰⁰

As is the case in Germany, South Africa understands itself as a constitutional democracy within which the values of secularisation, continued democratisation and pluralism and pluralisation are of central importance. Huber's work on

³⁹⁸ In this regard it is worthwhile to note that Huber in some instances does relativise his own conviction that freedom forms the basic thrust of Paul's theology and of indeed the whole Bible. In *Die Streit um die Wahrheit und die Fähigkeit zum Frieden: Vier Kapitel ökumenische Theologie* Huber (1980:74–76) makes use of the work of Allan Boesak and Manas Buthelezi to identify *Ganzheit des Lebens* as a legitimate African interpretation of the thrust of the gospel.

³⁹⁹ This is illustrated, for example, by the South African theologian Russel Botman's suggestion (2006:72) that the 'discourse of equality' and the 'discourse of reconciliation' should currently characterise the church's public involvement in South Africa.

⁴⁰⁰ For more on modernity and politics in Africa, cf. in this regard also Peter Burnell and Vicky Randall (eds.), *Politics in the developing world* (Oxford: Oxford University Press, 2008); *Negotiating modernity: Africa's ambivalent experience* (Dakar: Codesria Books, 2005) edited by Elísio Salvado Macamo; James Ferguson *Global shadows: Africa in the neoliberal world order* (Durham: Duke University, 2006); Manfred O. Hinz and F. Thomas Gatter (eds.), *Global responsibility – local agenda: the legitimacy of modern self-determination and African traditional authority* (Münster: Lit Verlag, 2006); and Lennarth Wohlgemuth and Ebrima Sall, *Human rights, regionalism and the dilemmas of democracy in Africa* (Dakar: Council for the Development of Social Science Research in Africa, 2006).

communicative freedom is of special relevance, *firstly*, as it conceptualises the *place* of the church in society. It was shown how his work on communicative freedom is unambiguously done within the context of secularisation (cf. e.g. Huber, 1999:62ff; 2004h; 2005i; 2007l), constitutional democracy (cf. e.g. 1987:74–79m; 2004q; 2004r; 2006x) and pluralism (cf. e.g. 1991:671ff; 1994a:167–172) and how communicative freedom is developed as a Christian concept relevant for the public sphere whilst affirming the secularisation of society, democracy and pluralism. Huber (1996c:102–103; 1999:273–275) showed that the church can only fulfil its duty in this regard by contributing to the diversity, independence and civil courage of civil society

Huber's work on communicative freedom assists, *secondly*, in its assertion that the church has the *responsibility* to play a public role. In the South African context it means that the church should contribute to the maturing of democracy in South Africa. In their study *Civil society, democratisation and foreign aid in Africa* Robinson and Friedman show that the assumed set of democratic institutions, namely “free and fair elections, the freedom to participate in autonomous organisations outside the realm of the state, an elected legislature, an independent judiciary and an accountable political executive” (2005:41) are not necessarily present in all African democracies and also not in South Africa. “While South Africa ... [is a] functioning multi-party [democracy], [it] is [not] fully responsive to its citizens: liberal democratic norms may be present in some institutions and procedures, but absent in others because democratic institutions are still maturing” Indeed, in many cases the public space in Africa is characterised not by civil society's search for legitimacy, but indeed by the state's search for legitimacy. Diaw (2005:31) therefore holds that the public sphere in many African societies is characterised by their “backlash, their inventiveness in escaping the subjection that the post-colonial African state [tries] to impose on them in its slide into authoritarianism” (Diaw 2005:31).

This reminds one of the fact that the structure of South African society – although broadly built on the same principles – differs from that in most Western liberal democracies. The state of democracy in South Africa is still not as such that one can assume that “all citizens enjoy the capacity to influence government decisions” in order for the influence of civil society to be “a function of how it is organised rather

than external constraints” (Robinson & Friedman, 2005:41). Robinson and Friedman (2005:7) cite Fattouh and Kasfir to highlight the challenges civil society faces:

Prevailing ethnic and kinship structures, the legacy of colonialism, the pattern of economic development, and authoritarian forms of political rule gave rise to civil societies that differ markedly from the voluntary associational form characteristic of the United States and Western Europe.

In this context it is meaningful to have seen that secular and pluralist democracies not only provide religious communities with a place in which to practise their beliefs but that these societies are also dependent on religiously informed contributions by faith communities for their maintenance. Huber’s understanding of Böckenförde’s dictum (cf. Huber, 1987:74; 2005f; 2006x) served to illustrate how churches can contribute to societal cohesion by means of profiled contributions.

2.2.1 Differing contexts for public theology

In order to engage the public discourse, one should also note that South African churches are faced with some challenges not directly addressed by this study. Most notably the question regarding representation in the public sphere places South African churches before unique challenges.

When viewed superficially, statistics seems to indicate that churches in South Africa should have an even greater opportunity than those in Germany to contribute to societal discourse. The Census of 2001 (SSA 2001) found, for example, that 79.77% (35 750 645) of South Africans are Christians, whereas in Germany 62.7% (52 455 348) of its inhabitants are Christians (EKD, 2006b). The breakdown of the different figures, however, reveals two very different contexts for public theology.

Christians in Germany generally belong to one of two confessions, each with roughly the same number of members; either they are Lutheran (48%) or Roman Catholic (49%). In South Africa, the breakdown of the more than 35 million Christians illustrates a more complex situation. Of the mainline denominations the largest

groupings are the Reformed, Catholic and Methodist churches and each of these denominations has about 9% of all Christians as their members. By far the largest grouping is the Zionist African Independent Churches with nearly 20% of Christians belonging to this group. Calling the Zionist churches a denomination is of course misleading, as these churches are not organised in a larger representative structure such as the mainline denominations.⁴⁰¹ When grouped together with other African churches, including the significant number of members of the Ethiopian churches⁴⁰², this group represents nearly 25% of all South African Christians. When grouped together with Charismatic and Pentecostal churches, one realises that the majority of South African Christians, roughly 43%, belong to largely unaffiliated church groupings. For public theology this indeed creates interesting challenges as Christianity in South Africa is characterised by a multitude of voices and a great deal of apathy concerning its public role.

This study is concluded with a thought that Huber (1979:44–58) already developed in his book *Kirche* and that might prove to be of help in understanding how freedom can be realised communicatively in the South African context. In this passage Huber reminds the reader that the church does not only exist as a denomination but that there are different forms in which the church exists, notably *Ortsgemeinde*, *Initiativgruppe*, *Regionalkirche* and *Föderation*. This differentiation can be developed further by acknowledging that the public theological responsibility of the church is not the task only of the denomination or only of individual members.

In the light of many local challenges and the continued reality of local separation due to apartheid, South African churches might do well to develop local discourses on

⁴⁰¹ The Zionist Churches have their roots in the theology of John Alexander Dowie from Zion City (Illinois, USA). De Gruchy (1995:85) regards the first Zionist congregation to have been founded by DRC missionary Petrus le Roux in Johannesburg in 1895. He eventually was forced to leave the DRC but stayed with his congregation where traditional language, symbols, dress and worship developed. However, Le Roux became disenchanted with Dowie's teachings and left the congregation. He later contributed to the founding of the Apostolic Faith Mission in 1908.

⁴⁰² The first church with 'Ethiopian' in its name was founded on the Witwatersrand in 1892 (Kiernan, cited in De Gruchy & Prozesky, 1995:119). Ten years earlier, however, the Tembu Church was founded and it had features that are now associated with the Ethiopian churches. The concept 'Ethiopian' comes from a reading of Psalm 68:31 as referring to Ethiopia. It is also connected to Ham's son Cush who settled in North Africa. By means of these roots the Ethiopian churches understand themselves to have access to the Bible independently from colonial influences and therefore the Ethiopian churches also have an important political dimension.

freedom as the expression of local public theologies.⁴⁰³ Communicative freedom is one such resource that can provide an impetus to initiate dialogue, build trust, engage local authorities, work for justice and support the responsible realisation of freedom also in local contexts. This may even be one of most meaningful ways in which to rearticulate the understanding of freedom by the Reformation in current-day South Africa.

⁴⁰³ Cf. e.g. xenophobia as a problem that can foremostly be addressed in local context. Cf. Jonathan Crush (ed.) *Immigration, xenophobia and human rights in South Africa* (Cape Town: Southern African Migration Project/South African Human Rights Commission, 2001).

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