Bonhoeffer gave a theocentric basis for human rights, as God is the ground of ethics. In our earthly world, the “ultimate” must be prepared by what is “penultimate.” That includes humanity’s natural life and bodily wholeness, leading to human duties crafted by human reason. Nowadays, biblical texts should not be used as partisan weapons attacking government provision of health care, since all Scripture (even the Law) is seen as a Christ-centered focus on human redemption. Thus, Bonhoeffer implies a right to universal health care, but leaves entirely open which practical structures may best provide it.

**Keywords** Human rights · Health care · Penultimate · Natural life

The human species has always been marked by an urge to care for members of the group who are unable to flourish or even survive without assistance. Archeology seems to confirm this. A number of excavations have disclosed prehistoric individuals who apparently survived into adulthood or even old age, despite injuries or defects rendering them incapable of caring for themselves. Loss of an eye or a limb, fused vertebrae, spina bifida, dwarfism, and other handicapping conditions would have been fatal in a hunter-gatherer society without help, the sustained care from other members of the group. Yet, some lived for years into adulthood. The earliest example comes from a Neanderthal grave (the “Shanidar 1” site in Iraq), some 45,000 years ago, but about 30 other cases from Neolithic times are known. One author calls these evidences of altruism “the archeology of health care” (Gorman 2012).
Human Rights and Health Care

Subsequent history shows that such benevolence has ebbed and flowed over countless generations. In our times it has been formalized under the rubric of “human rights.” This topic has been widely discussed (Huber 1978, 1979; Morsink 1999; Orend 2002; Bor-sema 2011; Donnelly 2013), but the term has become a part of the vocabulary of the Westernized world. Although often attributed to the eighteenth-century Enlightenment, Europeans have been slower than American scholars to acknowledge its religious roots. But, in fact the language of human rights does have biblical roots and was developed further by St. Athenagoras, St. Basil, St. John Chrysostom, the Western conciliar movement, and Free Church Puritanism (Westmoreland-White 1995, pp. 78–82). Indeed, as Glenn Stassen argues, such language came to fruition in the seventeenth century in a series of treatises by the English Baptist, Richard Overton, who expounded human rights “delivered of God by the hand of nature…. For by nature we are the sons of Adam, and from him have legitimately derived a natural property, right and freedom” which is bestowed on us by God (Stassen 1992, quoted on pp. 151–152; see Stassen 2012, pp. 67–69).

But as time passed, discussions of rights became detached from their original vision grounded in the cosmos. More and more the concept was narrowed into the confines of a social contract. And by our day, even this contract has often shriveled into a celebration of private freedoms, privileged self-seeking, and a disregard for community relationships.

It is in this constricted framework that current discussions are taking place about human well-being, and particularly about the quality of and access to health care in our society. In an increasingly commercialized era, what role can remain for the public good? “Modernity,” as Rodney Clapp claims, “is that period in history that has allowed for only two public institutions: the state and the market” (Clapp 1998, p. 7). Must human sustenance fall then between the cracks? Can Christianity help restore a balanced concept of human rights that includes participation as well as freedom and equality (Huber 1979)? And can theology regain its voice in speaking to health issues that have increasingly been dominated by technology and business concerns (Tödt 1977; Miller-McLemore 1991; Chapman 1994)? May there be a retrievable theological tradition today for people of faith who struggle for wider public access to health care?

Moreover, our American discussion of human rights generally, and health care in particular, has turned increasingly acrimonious. Bitter partisanship only compounds the many stresses of our economic downturn, when public funds for every essential of human sustenance are under question. In the federal budget, such funding is normally done, not annually at the discretion of Congress, but as a relative constant “entitlement.” But increasingly, that rubric has acquired a nasty connotation, as our society and its governance slip toward becoming dysfunctional. Today, the term “entitlement” often is voiced with contempt, a smear word implying reward for the undeserving.

Can human rights, including health care, regain their earlier setting? Can they be cleansed from being snubbed as a mere entitlement? Better still, can a compelling theological ground be revived? Theology is important, because ironically many voices disdainful of the very concept of rights claim to be motivated by religious scruples, an alarmism at subversion by dreaded secularism. So it is time to ask whether “entitlement language” be replaced by a more “theocentric language.”
Bonhoeffer and Human Rights

I suggest that the iconic figure of Dietrich Bonhoeffer offers such reclaiming of the heritage. And I offer this, despite the fact that the current best-selling biographer of Bonhoeffer, Eric Metaxas, chooses to depict Bonhoeffer as a heroic opponent of liberal and secular encroachments (Metaxas 2010). By inditing liberalism as linked to the Nazified faction that took control of German Protestantism, Metaxas cleverly reshapes Bonhoeffer to fit contemporary culture wars in the United States. An example is the author’s discussion of the German Christian movement and its denigration of Judaism and the Old Testament: “There’s little question that the liberal theological school of Schleiermacher and Harnack helped push things along in this direction” (Metaxas 2010, p. 174). This, I believe, is perverse, a partisan misreading, perhaps even a “hijacking” (Green 2010).

So let us turn, instead, to today’s controversy about access to health care. We will examine whether Bonhoeffer’s writings (DBWE 1993–2013) may offer in principle an effective theocentric grounding for human rights in general, and for universal health care in particular. And in closing we will ask whether he suggests what might be the most practical means of assuring that such health care is indeed accessible to everyone.

Bonhoeffer’s Theocentric Grounding for Rights

Human rights, of course, have been widely debated in our day (Moran 2012). Factions divide along ideological lines (Lagon and Schulz 2012), or whether the concept is too Eurocentric (Matua 2002), not to mention the usual alarms about government activism (Gratzer 2009). And issues are raised about implicit religious assumptions behind the concept (Hughes 2011; Reinhold 2011).

In postwar times human rights, including universal health care, have been affirmed by the United Nations General Assembly, 1948. The Universal Declaration of Human Rights (UDHR) states, in Article 25: “Everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medicare care and… the right to security in the event of… sickness…” (UDHR 1948). This was reaffirmed in 1966 in the International Covenant on Economic, Social and Cultural Rights, which in Article 12 recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” It urges “creation of conditions which would assure to all medical service and medical attention in the event of sickness” (ICESCR 1966). And here in the United States since 1948, various proposals for a healthcare system accessible by all citizens have been raised—and, sad to say, successively ignored (Harrington and Estes 2008; Schimmel 2013). Now the Affordable Health Care Act has finally been passed (U.S. Government Congress 2010), but the controversies have only escalated (for example, see Pipes 2010; Arkes 2011; Tanner and Cannon 2012). If the public expansion of health care is to be acknowledged as a universal right (for example, Zaremski 2012), much of today’s dispute is whether that claim may be sustained on a theological basis. And if so, may Bonhoeffer’s writings offer such a grounding?

However, comparatively little has been written about Bonhoeffer that links him to today’s topic of human rights (Connor 1977; Westmoreland-White 1997; Tödt 2007; Schliesser 2012). As a churchman, he could show disdain for the Enlightenment’s impatience with religious warrants and its grounding of values in some innate human worth. Especially his early writings reflect such suspicions of anthropocentrism. But in later life, amid the maelstrom of the Third Reich, he ventured to reclaim some secular allies in the
joint struggle for decency. So we should turn to his more mature insights as collected
posthumously in \textit{Ethics} (DBWE 6 2005) to find guidance today in our own controversies
concerning President Abomey’s healthcare reforms, especially the issue of universal access
to such care as a human right.

On the wider topic of human rights, Bonhoeffer by now can be acknowledged as having
implicit authority. The research of Christine Schliesser has established this (Schliesser
2012). Of course, Bonhoeffer never lived to see the UN’s adoption of the Universal
Declaration of Human Rights in 1948. And he would hardly be an advocate for the French
Revolution and its Enlightenment heritage on the subject. Nevertheless, the struggle
against Nazi barbarism led him to new thinking, and so his posthumous writings deserve
attention. In fact, the editors of the German edition of his \textit{Ethics} maintain that he presents
“the first theological-ethical doctrine of basic human rights developed by a twentieth-
century German Protestant theologian” (DBWE 6 2005, p. 218, n. 162; Tödt 2007,
pp. 142–150). We may conclude that “Bonhoeffer manages to combine being as socio-
ethical as any humanist advocate for human rights, yet still being thoroughly theological by
embedding his call of human rights profoundly in a spiritual dimension, without, however,
lessening its very worldly and very real appeal” (Schliesser 2012, pp. 2–3). Perhaps, it is
precisely this theological approach which may help people of faith break the impasse
nowadays in the political squabbles about Obamacare. The \textit{Ethics} volume contains three
fragments pertinent to our analysis: “Ultimate and Penultimate Things,” “Natural Life,”

In our time we hear excessive shouting about alleged dichotomies between rights and
freedom, and between government control and individual choice. Bonhoeffer of course
opposed the despotic government of his time, but certainly, he would be no friend of
today’s barrage of slogans about “freedom,” a word too often held captive by partisan
agendas. For him, a stark individual autonomy would hardly be an antidote, even in a
struggle against totalitarian regimes, past or present. Instead of all the loose talk about
“rights” and “freedoms” that flood our post-Enlightenment society, he began with a quite
different polarity—the essential distinction between what is ultimate (\textit{Letztes}) and what is
penultimate (\textit{Vorletztes}). The ultimate, he insisted, can be nothing else than God’s “just-
ification of the sinner by grace alone” (DBWE 6 2005, p. 146). This, and this alone, can be
ultimate, the final substance of God’s gracious will as extended toward all humanity and
creation.

In addition, however, there always is at work something “penultimate” that which is
preceding and supporting the ultimate, something temporal and ancillary. Always we have
various factors that in human space/time aim toward the ultimate. Neither exists without
the other, yet the priority is unshakable. We mortals can never fully grasp the ultimate, but
our finite endeavors, and our institutions do deserve care and nurture for the sake of the
ultimate. So the penultimate is a matrix of preparation, a preparing of the way for the
justifying Word, and as such must be safeguarded. “Arbitrary destruction of the penulti-
mate seriously harms the ultimate. When, for example, a human life is deprived of the
conditions that are part of being human, the justification of such a life by grace and faith is
at least seriously hindered, if not made impossible” (DBWE 6 2005, p. 160).

And what are these penultimate conditions? Immediately Bonhoeffer sketches exam-
examples. With echoes of Isaiah 40:3 and of the mission of John the Baptist, he characterizes the
penultimate’s task: “The way for the word must be prepared. The word itself demands it”
(DBWE 6 2005, p. 160). It is from the Gospel imperative that obligations of social justice
flow: “The hungry person needs bread, the homeless person needs shelter, the one deprived
of rights needs justice, the lonely person needs community, the undisciplined one needs
order, and the slave needs freedom” (DBWE 6 2005, p. 163). In fact, “If the hungry do not come to faith, the guilt falls on those who denied them bread” (DBWE 6 2005, p. 163). While acknowledging that this does not mean “simply a matter of... creating a program of social reform,” because the ultimate remains “a spiritual reality... the coming of Christ” (DBWE 6 2005, p. 164), yet for Bonhoeffer the implication of a social responsibility remains clear.

Rights and the Nature of Reality

Perhaps, today’s cynics would call such appeals for justice merely naive, simply “unrealistic.” Reform always confronts that accusation. But the unspoken issue remains: What indeed is reality? Must believers simply acquiesce to society’s commonplaces about so-called realism? Turning to another fragment within the Ethics, “History and Good [1],” we see that Bonhoeffer renounces such cynicism. Instead, he insists that, after all, “the most fundamental reality is the reality of the God who became human. This reality provides the ultimate foundation and the ultimate negation of everything that actually exists” (DBWE 6 2005, p. 223). Not worldly-wise fatalism but “action in accordance with Christ is action in accord with reality” (DBWE 6 2005, p. 229). For this reason, one of Bonhoeffer’s list of four structures of responsible life is, precisely in that sense, an “accordance with reality” (das Wirklichkeitsgemäße). Here is the conviction that emboldened, in his later years, the seeming compromises of a pastoral theologian becoming a member of the German Resistance.

Realism, thus theologically defined, maintains that the God who became incarnate in Christ has ordained that we humans are also thoroughly material creatures. We are deeply embedded in historical existence. And within history we therefore have responsibilities for our fellow humans, obligations for one another, for the neighbor (DBWE 6 2005, pp. 219–221). What is “good” cannot be confined to abstractions or private advantage but is, so to speak, incarnate within the very world God has created. Although Bonhoeffer personally would likely shrink from any rough-and-tumble arena of politics, the direction of such an incarnational ethic would seem to require collective actions of responsibility. And nowadays for us, as in any democracy, this implies some immersion in public policy and rational computations.

So the role of human reason (and implicitly, human governance) is after all defended by Bonhoeffer, although not in the way Enlightenment rationalism would understand it. While wary of self-sufficient reform movements, or of any lapse of Christocentric focus, it was through his later life in the Resistance that Bonhoeffer did create positive openings for alliance with secular movements—and, thereby, with social justice and governance. Awareness of the penultimate attests that “Christ alone creates faith. Nevertheless, there are situations that make it either harder or easier to have faith” (DBWE 6 2005, p. 167).

Rights Implied in the Natural

Such openings are explored in an adjoining part of the reconstructed Ethics volume in a section entitled “Natural Life” (DBWE 6 2005, pp. 171–218). Contrary to most contemporary Protestant theology, Bonhoeffer did not fear to dip into “old and new Catholic wisdom” (see DBWE 6 2005, p. 419) and restate how “the natural” may contribute to Reformation ethics. Far from being defined either by irrevocable corruption or by pristine
innocence, “(t)he natural is that which, after the fall, is directed toward the coming of Jesus Christ.” “The unnatural,” by contrast, “is that which, after the fall, closes itself off from the coming of Jesus Christ” (DBWE 6 2005, p. 173). He goes on to explicate: “Only through Christ’s becoming human do we have the right to call people to natural life and to live it ourselves,” so the natural is recognized and can be welcomed as “that form of life preserved by God for the fallen world that is directed toward justification, salvation, and renewal through Christ” (DBWE 6 2005, p. 174). Or as a more recent formulation puts it, the natural is seen as “God’s providential preservation of the fallen created order until his kingdom comes on earth” (Reed 2007, p. 72). Only such an eschatological reformulation of what is penultimate safeguards it from lapsing into conventional two-sphere thinking.

In its form, as we have seen, the natural is determined by God through Christ. But on the other hand, its content can be recognized by human reason. And reason, in turn, is finally driven by the primal urge of life itself, preserving and protecting natural life. Thus, conceived, therefore, reason is capable of promoting a range of alliances with social forces. And it does so for the purpose of guarding against all that is “unnatural,” all that undermines life itself.

God remains the ultimate guarantor of life itself in all its fullness. This entails ends as well as means. Life as an end itself is expressed in “rights,” while life as a means to such ends is expressed in “duties.” But the rights of natural life take precedence over its duties, since as Creator “God gives before God demands” (DBWE 6 2005, p. 180). So it is here that we clearly find “rights” language for Bonhoeffer, but with a carefully explicit theological support. Human duties then derive from God’s generosity in bestowing life, rather than from, say, the demands of state authorities.

The Natural is Found in Bodily Life

The essay on “Natural Life” proceeds toward those particular instances of bodily life which in Bonhoeffer’s day required special attention. Although we as American readers may find much of his writing abstruse and nonspecific, it is important to realize that for him, theological analysis must become actualized in whatever is concrete. Preeminent in his text, we note the right to life in its bodily form. Just as the Incarnation is at the heart of his faith, so embodied praxis is the hallmark of his ethics. That concern is quite material, embracing “problems of housing, food, clothing, recreation, play, and sexuality,” and even including “a right to bodily joys” (DBWE 6 2005, p. 186). Indeed, “bodily life is meant for joy” (DBWE 6 2005, p. 188).

But since he writes when the Third Reich was at its pinnacle of power, his focus is on those threats to bodily life most urgent at the time. Understandably, these would not include issues that today obsess American politics, such as our healthcare debate. Indeed, for his generation the basic outlines of universal health care had already been established. This was done by Chancellor Otto von Bismarck, who during his unification of Germany saw that the Reichstag passed the Sickness Insurance Law of 1883. Together with other public welfare legislation, Bismarck said this should be viewed as “a program of applied Christianity” (Reid 2009, p. 73) and as such remains to this day one of the several models for health care in most industrialized nations.

Thus, it was not the delivery of health care to which Bonhoeffer directed his attention, but to other ways by which bodily life in his day was put in jeopardy, the cruelties of a totalitarian regime. He began this essay, which his untimely death left truncated, by referring to the deliberate killing of innocent life, the mentally handicapped and the
incurably ill—and this at a time (1943) when Nazi programs of euthanasia were at their peak. “There is no worthless life before God, because God holds life itself to be valuable. Because God is the Creator, Preserver, and Redeemer of life, even the poorest life before God becomes a valuable life” (DBWE 6 2005, p. 193). Next, he considers suicide, which he chooses to call “self-murder,” as it is “the ultimate and extreme self-justification of the human being” (DBWE 6 2005, p. 197), an act of desperation that refutes God’s rightful sovereignty over all life.

Included in his list of rights of preserving bodily life are the rights of reproduction, birth control, and personal choice of a marriage partner (DBWE 6 2005, pp. 203–214). These paragraphs present another implied critique of the Nazi regime, namely its racially based marriage laws. He is most explicit in attacking “state-compelled sterilization,” since “once this boundary has been crossed... soon all the boundaries that are set by the human right to bodily inviolability will fall” (DBWE 6 2005, p. 212). In historical fact this does echo how Hitler’s policies evolved. But also Bonhoeffer dissented from Catholic moral theology in its restrictive view of contraception as complete sexual abstention. Marriage, he writes, involves “a right to full bodily communion... which is distinct but never separated from the right to reproduction” (DBWE 6 2005, p. 210). To prohibit this would be to fall into “the unnaturalness of a marriage without bodily communion” (DBWE 6 2005, p. 209). And in this context, Bonhoeffer condemns abortion: “To kill the fruit in the mother’s womb is to injure the right to life that God has bestowed on the developing life” (DBWE 6 2005, p. 206).

The subsection on “The Freedom of Bodily Life” continues this overarching theme of respect for our material existence. “The living human body is always the human person himself or herself. Rape, exploitation, torture, and the arbitrary deprivation of physical freedom are all serious invasions of the right conferred on human beings at creation” (DBWE 6 2005, p. 214). Each of these examples he proceeds to elaborate on briefly. Then he begins a new section, “The Natural Rights of the Life of the Spirit,” that is, “all aspects of the conscious person” (DBWE 6 2005, p. 217, n. 159 by editor Clifford Green). But it is here, unfortunately, that the unfinished segment of his manuscript breaks off.

Implicit Rebuttal to Critics of Obamacare

So at this point we are left with his incomplete vision of those rights appropriate to the human body and spirit. But how may these fragments be applied to the issue of health care today? Such an extrapolation of Bonhoeffer’s ethic on behalf of Obamacare may be countered nowadays, and many critics count themselves as devout believers. They too appeal to Scripture, but customarily use a barrage of citations about supposedly inexorable rules, divinely decreed for all time. They object to the notion that a government can rightfully mandate universal health care.

We should of course respect the motives of opponents when they ask how one can be biblically faithful. And biblical texts do exist that seem to caution against a collective responsibility for human nurture and well-being. On the other hand, for generations in this country we have witnessed a legalistic view of the Bible, verses that have been cherry-picked to ward off successive government proposals for health care. Instead, we should ask whether the Reformation heritage be retrieved, to rectify selective misuse of the texts about God’s commands. Bonhoeffer would counter, I believe, by his decidedly Christocentric vision of Scripture. And this in turn is what gives leverage for his exegesis which repeatedly exalts the Law—a perhaps surprising turn for a Lutheran theologian. Divine
law, he maintains, points to the underlying concept of what is, after all, the true “reality” — and that, as we have noted, is the God who became human in Christ.

This explains his fondness for Psalm 119 with its twenty-two stanzas incessantly celebrating God’s decrees/statutes/instruction (see DBWE 15 2011, pp. 496–528). He can do this because he conceives “Law,” not as a set of infallible edicts from above, but supremely as God’s redemptive act. “No one understands the law of God who does not know of the redemption that has already occurred and the future promise” through Christ (DBWE 15 2011, p. 498f; see also DBWE 5 1996, p. 161). This gracious act we call “law” because it celebrates repeatedly the divine beginning, which is already done and yet is continually being reestablished.

It is this salvific focus that allows Bonhoeffer to relativize what are seemingly incompatible texts. Because our lives are so complex and new situations ever arise, he wrote, “only the entire richness of God’s commandments can guide me safely through my life,” and that flexibility, that expansiveness requires a “tireless asking, and learning… to recognize the right commandment and to recognize the inexhaustible kindness of God in all his commandments” (DBWE 15 2011, p. 508). Biblical literalism and legalism, then, must not be allowed to obfuscate the living presence of God-in-Christ within Scripture.

So as readers of Scripture who now return to our present policy debates, we may infer that this unimpeded redemptive focus must have serious implications for public health. Surely, Scripture reinforces the ancient human trait of caring for the well-being of our fellow humans.

Implementation of Healthcare Reforms

And now we turn to the final question: How best to put such reform into effect. Here the answer must be far more brief. Once the biblical urgency for universal access to health care has been established, does Bonhoeffer offer any clues as to what form a public implementation should take? Which of several models might offer the best guidance for a government’s policy? (Reid 2009). At this point, however, no answer is possible. Here Bonhoeffer is silent. Indeed, that silence is certainly what we would expect of a theologian with his personal reserve and temperament, not to mention one living under a police state.

In the last years of the Third Reich, of course his purpose was more narrow: to articulate the theological mandate for a new dedication to human well-being, including bodily health. For anything more, for any political applications in a postwar situation, he would have to rely on the practical wisdom of others, of persons combining both good will and expertise. Such a division of labor became quite personal in his final years, as he emerged from his earlier parameters as a churchman. Rubbing shoulders with fellow conspirators against the Hitler regime, he discovered a growing admiration for those leading the German Resistance. For the most part, that leadership came from secular officials, men with only tenuous ties to the church and who were experienced in matters of military command and general governance (Dramm 2009; Whalen 1993).

Bonhoeffer remains “a man of his times” (Bethge 2000, pp. 676–678), confined to his own milieu. To us in a later generation, then, he can give to our quest for public policy only the barest hint. Writing in the last months before his arrest, he did point out that “civil courage can grow only from the free responsibility of the free man… founded in a God who calls for the free venture of faith to responsible action,” a courage arising from those who dedicate themselves to how “a coming generation is to go on living” (DBWE 8, pp. 41–42).
Yes, universal health care should be considered a human right. On this premise Bonhoeffer points the way. Once that is acknowledged, however, it is the present generation who must turn to the task of answering just how best to structure and implement a more universal access to health care. For our time and place, that task now rests on our shoulders.

References


