When preparing to compose this talk, I found myself reflecting on the rhetorical style appropriate for what I want to say and for who I am. I know the rules of academic rhetoric. Instead of using the personal “I” and “me,” one is to use the impersonal one for example. Personally I have no compunctions about violating that rule every now; in fact quite often, and using the first person singular. But what about the “we” and the “us” of my discourse today. Normally when one gives a lecture it is audience and speaker combined who are the “we” and the “us” for the occasion. But I want, here’s the prophetic part, to talk about the troubled relationship between Christians and human rights. And I am myself a Christian who has some things he wants to say on this occasion and others to his fellow Christians on this matter. So do I change the “we” of my discourse, and make it we Christians rather than we here assembled. That would have the effect of distancing myself rhetorically from some of you and I don’t like that. Or do I instead hold my fellow Christians at a rhetorical distance and talk as if I were merely an observer and not one of them?

I don’t see any happy solution to that problem. But a choice must be made. And so for no good reason, I’m going to follow academic convention and speak of all of us here as “we” and “us” and treat my fellow Christians as “them.” Though on a few occasions, I will explicitly speak of “we Christians” and you will know then that, at least for the moment, I have shifted my reference.

I call my talk the “Troubled Relationship between Christians and Human Rights.” Now one obvious aspect of this troubled relationship is that Christians have participated in some of the most egregious violations of human rights. Sometimes this is because they have sold their soul to one or another nationalism or patriotism: in serving what they judge to be the interests of their people or country, they have wronged those who are not of their people or country. And sometimes this has been because they have sold their soul to mammon; in pursuit of their own wealth, they have wronged their neighborhood. But sometimes they have used explicitly Christian reasons for wronging the other; and sometimes they have gone so far as to claim that they were acting out of Christian love. All of us here can give examples of each of these.
On this occasion though I want to focus my brief comments not on the ways in which Christians have participated in violating human rights but on the discomfort of many American Christians with the very conceptuality of rights, and with the conceptuality even of justice. Now my evidence for the claim that many Christians do experience this discomfort is necessarily in great measure anecdotal. I know of no social scientific research on the matter. But let me just mention one of the many anecdotes in my bag of evidence that I acquired there very recently. It was reliably reported to me that at the last national assembly of my own denomination, a speaker got up and declared, in objecting to one of the documents before the assembly, that the word “rights” should never appear in any document of the church. I’m told that no one arose to disagree with him and that the document was rejected on the ground that the word “rights” did occur in it.

To the anecdotes should, of course, be listed the writings of various theorists who don’t like rights and sometimes not even justice.

I must insert a qualification. When their own perceived interests and convictions are at stake, often those same Christians who express discomfort with rights-talk happily employ such talk: they defend the rights of parents, they defend religious rights, they argue for the right to prayer in the public schools, they discuss abortion in terms of right to life. I assume that what’s going on here is that they have observed that the great reform movements of the 20th century were all conducted in terms of rights, and they have decided for the occasion to borrow the rhetorical of those movements to pursue their own purposes -- apparently without noticing the irony of what they are doing.

Now I think I understand why many of my fellow Christians are uncomfortable with rights-talk. They have several reasons, among the most important of which I judge to be that they hear such talk as expressing and promoting an attitude of possessive individualism. Rights-talk, so they believe, is for insisting on getting what one thinks one is entitled to. And they find such insistence incompatible with the call of the Christian gospel to extend oneself in loving service to the neighbor.

The more intellectual among them support this aversive reaction by sighting a popular narrative concerning the origin of the idea of natural rights. The idea of natural rights, so it is commonly said, arose out of the individualistic political thought of the Enlightenment -- the word “secular” usually prefacing the word “Enlightenment.” A variant on this narrative is that although the political philosophers of the secular Enlightenment certainly employed the concept of natural rights, they did not originate it; it first made its appearance centuries earlier when the nominalist William of Ockham introduced and employed the idea in the course of defending his fellow Franciscans against vigorous attacks from the Pope.

There’s a second reason why many Christians are uncomfortable, not only with the conceptuality of rights, but even with the conceptuality of justice, whether or not justice is thought of in terms of rights. It is commonly assumed by Christians and non-Christians alike that justice has been supplanted in the New Testament by agapic love, this being understood as gratuitous benevolence. The love that Jesus attributed to God and enjoined on us with respect to our neighbors is said to be a love that promotes the well-being of the neighbor whether or not justice
requires it. In fact it’s said that agapic love is justice-blind and justice-indifferent. The exemplary and the paradigmatic example of such love is God’s forgiveness of the sinner; forgiveness in the nature of the case does not render to the wrongdoer what justice requires, since justice does not require forgiveness.

Given this widespread understanding of Christian love, it is no accident that Christian social agencies and international aid organizations very typically formulate their mission in terms of charity rather than justice; they see themselves as charitable organizations. Jesus’ parable of the great assize, of the great judgment, as it was traditionally called, has long been the grand charter of Christian social work: as you do it unto one of the least of these, so also you do it unto me, says Jesus. That which Jesus cites as done unto the least of these is understood then not as rendering to her what justice requires but as extending to her the hand of gratuitous charity.

Now it’s my conviction that until these roots of discomfort with the conceptuality of justice in general, and of rights in particular, are rooted out, a great many Christians will be indifferent if not plain hostile to the struggle for human rights -- except when it comes to their own interests. And in a world where a billion or more people are Christians, that constitutes a serious impediment to the cause of human rights. And I think rooted out those roots of discomfort must be. For in my judgment, both are seriously misguided. In the remainder of my talk, let me try to explain why I think that.

It is of course true that one can use the language of rights to insist that one get what one sees oneself as entitled to. But I submit that if that is the extent of one’s employment of rights-language, one is abusing the language. All moral language can be abused. When the authoritarian gets hold of duty-language, he abuses it by highlighting the duties of others while downplaying his own. So yes, it’s true. When the possessive individualist gets hold of rights-language, he abuses it by insisting on his own entitlements to the ignoring of those of others.

And now on the surface anyway, you are going to hear coming to the surface a somewhat different understanding of natural rights from that of David Novak. Maybe if we talked a day or a week you’d see it’s only on the surface but here it goes. When you come into my presence, you come bearing morally legitimate claims on me as to how I treat you; if I fail to honor those claims, I wrong you. Likewise when I come into your presence, I come bearing morally legitimate claims on you as to how you treat me; if you fail to honor those claims, you wrong me. The situation is completely symmetrical. The language of rights is for bringing those normative social facts to speech. And social facts they are; rights like duties require at least two. The difference is that when I think of your and my normative social relationship in terms of my duties, I focus on myself and my agency; when I think of it in terms of your rights, I focus on you and on the actions that respect for your worth require of me and on the fact that you can be wronged and not simply that I can be guilty.

So what then about the narrative which says that the idea of natural rights was born of either the individualism of the Enlightenment or the nominalism of Ockam, and that possessive individualism is in its very DNA. Well that’s the result of the work of such eminent legal historians as Brian Tierney supported by the Center and Charles Reid, we now know that both of those narratives are flatly false, as false as anything has ever proved to be in intellectual history,
it seems to me. Tierney, Reid and others have shown beyond the shadow of a doubt that the
canon lawyers of the 12th century had already articulated and were employing the concepts of
natural and human rights. And no one has yet suggested that the 12th century canon lawyers
were infected by possessive individualism.

That raises the question: then where did the 12th century canon lawyers get these concepts from,
or were they original with them? My own answer is that though the canon lawyers may have
been the first to articulate these concepts with clarity, at least in the West, one finds a recognition
of what have come to be called “natural human rights” in the Church fathers -- for example, in
the claim of many of the fathers that the excess goods of the wealthy “belong” to the
impoverished.

And where did the recognition by the Church fathers of the phenomenon of natural rights come
from, or was it original with them? My own view is that it comes from the New Testament, and
back beyond that, from the Hebrew Bible. I recognize that this is an extremely controversial
claim. On this occasion I don’t have time to defend it. In my forthcoming book, Justice: Rights
and Wrongs, I do so at great length. Here today I can only give a glimpse of how part of my
defense goes.

One clue to the fact that rights are recognized in some piece of discourse, even though the
concept itself may not be explicitly employed, is that people in that discourse are understood as
susceptible to being wronged; to be wronged is to be deprived of that to which one has a right.
And in turn, one of many clues to the fact that persons are understood in some piece of discourse
as susceptible to being wronged is that someone is said to have forgiven someone. One can only
forgive someone if he has wronged one, and only for the wrong he did one. The declaration that
God forgives runs throughout the Hebrew Bible and the Christian Bible. God forgives us for
wronging God, for depriving him of the worship and the obedience to which he has a right.

Another clue to the fact that rights are recognized in some piece of discourse, even though the
concept itself may not be explicitly employed, is that persons are understood as having a worth
that requires of us that we treat them in certain ways. Obviously God is understood as, in the
Hebrew Bible, as having such worth. But so too are human beings. The writer of Psalm 8
exclaims over the elevated status of human beings in the cosmic scale of beings; they bear the
image of God. And in Genesis 9, murder is declared to be a deed worthy of corporal punishment
because “in his own image God made humankind.”

Well I said earlier that many of my fellow Christians have embraced the common narrative
which says that the concept of natural human rights was an invention of the secular
Enlightenment and that it carries possessive individualism in its DNA. Having accepted the
narrative, they have proceeded to hand over the concept of natural human rights to the secularists
among us and have announced that hence forth they will confine themselves to talking in terms
of love and charity and freedom and so forth. I find this painful. The recognition of natural
human rights is a gift of the Hebrew and Christian Bibles to the world and perhaps of the Koran--
I’m not qualified to speak on that. It is, in my judgment, a pearl of great price. Once one has
affirmed that each human being has the worth of being created in the image of God and
redemptively loved of God, the recognition of natural human rights is right there in front of you.
“Half right,” many of my fellow Christians will reply. “Right about the Hebrew Bible. Wrong about the New Testament. In the New Testament, justice and rights, they say, have been supplanted by agapic love, by gratuitous, justice-blind benevolence.” Here I can give you just one of my several reasons for concluding that this interpretation is mistaken. My view is that justice is at the core of the New Testament; pull justice out and everything unravels.

Jesus declares in Matthew 22 that the two greatest commandments in the Torah are that you shall love the Lord your God, with all your heart, with all your soul and with all your mind, and that you shall love your neighbor as yourself. What Jesus cites here as the second of the two greatest commandments in the Torah is taken from Leviticus 19. Let me quote the passage that leads up to the command. The situation is that Moses is delivering to his fellow Israelites God’s instructions on how they are to treat their fellow Israelites and the resident aliens among them. The resident aliens are explicitly included. Here’s the passage:

“You shall not render an unjust judgment; you shall not be partial to the poor or defer to the great; with justice you shall treat you neighbor. You shall not go around as a slanderer among your people, and you shall not profit by the blood of your neighbor. You shall not hate in your heart anybody of your own kin; you shall reprove your neighbor, or you will incur guilt yourself. But you shall not take vengeance or bear a grudge against any of your people.” Now the command. “But you shall love your neighbor as yourself; I am the Lord.”

The injunctions fall into two groups. Some are injunctions to practice primary justice toward the neighbor and some are injunctions on how to treat the neighbor who has violated primary justice. Israelites are not to render unjust judgments, neither against the poor nor against the powerful. They’re not to slander their neighbors. When their neighbor is in trouble, they are not to stand idly by. They are to reprove those who do wrong; but they’re not to bear grudges against them, hate them, or take vengeance on them. In short, each is to love his or her neighbor. So you see the point.

Love and justice are not pitted against each other; rendering justice is a manifestation of love. To be faithful to our own scriptures, we who are Christians must articulate and employee an understanding of love which incorporates the pursuit of justice rather than being blind and indifferent to what justice requires. New Testament love, I submit, is not super irrigatory gratuitous benevolence.

I must conclude. Had I conducted this discussion in the usual way, I would have conceded that the UN documents on human rights are a glorious legacy of the secular Enlightenment and I would then have gone on to ask whether they’re perhaps nonetheless Christian reasons for getting on board with human rights. But I’ve come to think that the assumptions behind this way of conducting the discussion are all wrong. And I’ve come to think that the right question to ask and so it’s the right question I have asked is why so many Christians are so reluctant to embrace human rights as an incredibly important and precious part of their own heritage, and then whether the grounds of their reluctance are tenable grounds.

Christians apparently constitute a majority of the American populous. If large numbers of those of us who are Christians are uneasy about human rights claims and even about rights claims in
general, we had better expect that our country will continue to treat human rights in the
politicized, self-serving, way that it so often does. We had better expect that our president, be
that the current holder of the office or another, will lecture those countries who are not our allies
on their violations of human rights while at the same time treating our enemies as if they were of
less worth than Americans, engaging in legalistic arguments as to whether or not detainees have
habeas corpus rights, and whether certain forms of extremely hard treatment constitute torture,
and refusing to join the ancient Church fathers in acknowledging that impoverishment amidst
wealth is not a violation of gratuitous charity but a violation of natural human rights. Thank you.