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**Human Rights and
Christian Ethics**



Pro mundis

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Human Rights and Christian Ethics¹

Thomas K. Johnson, Ph.D.

In spite of the growth of democracy in much of the world, there is still reason to be very concerned about the protection of human rights. In addition to the terrorism associated with matters in the Middle East, the genocide associated with conflicts in Africa, the seemingly growing religious persecution in several parts of the world, and widespread abortion in much of the first and second worlds, two particular matters merit our attention, since they represent similar events in several parts of the world. The first of these: the European Humanities University of Minsk, Belarus, a fine liberal arts university with an openly pro-democracy orientation, was closed by force at the orders of the dictator in 2004, as part of a general crack down on any persons or groups seeking political, economic, or religious freedom. This was a clear violation of freedom of speech which should provoke indignation among all people of good will. Much to our regret, totalitarianism is not dead in the post-communist world.

A second matter that should provoke our concern is the loss of civil rights due to the expanding influence of certain types of Islam. It is noteworthy that the Dutch press, made sensitive to these matters by recent events in the

Netherlands, is taking a serious interest in the new use of Islamic Shariah law in Ontario, Canada. Women from Iran, who fled to Canada to find equal protection for the rights of women, are now terrified that their rights will be abused by the imposition of the Shariah within a western democracy. As one Muslim spokeswoman in Ontario put it, „Women and children are being sacrificed on the altar of multiculturalism.“² If multiculturalism means that all systems of law, including those that do not protect human rights, are now acceptable in the west, the rights of more people will be at serious risk, even within our western democracies that claim to stand under the rule of law.

Heart rending problems such as these will not be eliminated merely by philosophical clarity on the theory of rights, but the practical problems may be compounded by the widespread confusion on the topic of human rights found in the writings of many ethicists and philosophers today. And just as the concern to protect human rights arose largely under the influence of the Christian movement, it may be possible for a clear theory of rights to arise in the Christian community and then cross over into the broader political culture.³

One of the earlier Christian ethicists to write on the topic of human rights was Thomas Aquinas (1225–1274). Though what he wrote on the topic was brief, his incisive analysis provides a very constructive starting point that can be easily clarified and expanded by bringing it into dialog with recent theories and questions. St. Thomas asks, „Are we morally obligated to obey human laws?“ His question assumes his distinctions between the four types of laws: (1) the eternal law which exists in the reason or mind of God; (2) the natural law, which is the reflection or image of the eternal law written by creation into human reason; (3) the divine law, which is the special revelation of God in the Bible; and (4) human law, the very fallible rules written and enforced in every society.⁴ The answer Thomas gives to his own question is very interesting.

The ordinances human beings enact may be just or unjust. If they are just, then we have a moral obligation to obey them, since they ultimately derive from the eternal law of God. . . . An ordinance may be unjust for one of two reasons: first, it may be contrary to the rights of humanity; and second, it may be contrary to the rights of God.⁵

The conclusion that Thomas draws from this assessment is that people have no strict moral obligation to obey unjust laws, though prudence does require great caution before deciding to disobey a law. However, in some situa-

tions, one may have a moral obligation to disobey a seriously unjust law, which is to practice civil disobedience.

I The Proper Function of Human Rights Claims

This assessment of Aquinas gives us the classical Christian definition of the proper function of human rights claims: to show that the actions of a government are so terribly unjust that one should protest or disobey. There are several ideas related to this definition of the function of human rights claims that Aquinas either assumes or articulates. He assumes that the proper function of government is to protect human rights by means of enforcing just laws. He clearly teaches that there is a standard of justice higher than government, a standard which exists in the eternal mind of God. He believes that human beings have rights because they are created in the image of God. And he argues that human practical reason, the image of God's reason, can generally, with careful use, write laws that are more just than the laws of his day.

The importance of this classical, Christian theory of human rights became much more clear during the course of the twentieth century, and that for a profound but simple reason. During the twentieth century many of the worst crimes against humanity were committed by several governments against their own citizens or against people over whom they ruled. One can

easily mention the Nazi Holocaust, the Stalin purges and death camps, the atrocities in Asia during World War II, South African Apartheid, and many other events that properly belong in a nightmare. At the time when people often looked to government to protect them, they mostly needed protection from an unjust government, often from their own government. One can see why the Apocalypse of John portrays unjust government as a devouring beast. Helmut Thielicke sagely commented,

Man must be protected against himself. The so-called basic rights, or human rights, have been formulated in light of this insight. From the dawn of their first realization they contain a protest against the trend of the state towards omnipotence.⁶

2 The Ontological Status of Human Rights Claims

Unfortunately the classical Christian philosophy of rights has been widely denied in philosophy in the twentieth century. One can understand this problem by asking ontological questions such as „Do human rights really exist?“ and „What is the source of human rights?“ The answers one encounters to such questions are quite disturbing when viewed from within the classical Christian perspective. For example, Delos McKown writes, „The concept of inherent, natural human rights was at best a useful myth in the days of yore,

but it was a myth nevertheless, with all the vulnerability that this implies. Accordingly, the idea of natural human rights should be demythologized.⁷ If human rights are seen as a myth to be demythologized, our culture has truly fallen into metaphysical despair, without a theoretical foundation for government or justice.

In answer to the question, „Where do rights come from?“ there are three types of answers. The first says that human rights come from the State or from Society. Variations on this theme are found both in western democratic philosophy and in Marxist or Communist philosophy. For example, Soviet Secretary Leonid Brezhnev, without doubt following the official communist line of thought, wrote „the rights and freedoms of citizens cannot and must not be used against our social system,“ clearly assuming that rights come from the government or the communist party.⁸ Strangely, this is not very different from what one finds in the works of some western humanists. Paul Kurtz wrote, „rights have evolved out of the cultural, economic, political, and social structures that have prevailed.“⁹ In other words, rights come from Society and/or government. The obvious problem with any theory that says that rights come Society or the State is that what the State gives the State can take, leaving people with the impression that they are the property of the State and without an effective way of talking about the fundamental injustice of many states. If one says rights come from the State or

from Society, the discussion of human rights has lost its fundamental purpose and function.

The second answer to where human rights come from is to say that rights come from the self. This is most commonly found in western liberalism. A typical representative philosopher, Michael Tooley, claims that rights are based on the interests of the individual, and that the interests of the individual are based on the consciousness and desires of that individual.¹⁰ This type of individualism can be seen as the extreme opposite of the collectivism that says rights come from the State or from Society. It too has serious philosophical problems. On the one hand, it leads to unlimited and irrational claims of rights, for once I say my rights come from my interests and desires, it is difficult to say which interests and desires do not lead to rights. Maybe I have a right to everything I desire. On the other hand, if I have no desires or interests, maybe I have no rights at all. This is why western liberalism cannot decide if I have unlimited rights or no rights.

In passing one should notice two serious problems that arise whether one claims rights come from the self or one claims rights come from the State/Society. The first can be called „functional dehumanization.“ Both collectivism and individualism strongly tend to see the value of a person as rooted in some function or ability. Western liberal individualism tends to see the value of the person as rooted in a function such as the ability to communicate, the abil-

ity to reason, or the ability to be creative. Collectivist theories tend to see the value of the person as rooted in a societal function, such as the ability to be economically productive or to contribute to a particular type of society. The similarity between the two is that the value of the person is based in some function or ability. Rather consistently, both individualism and collectivism tend to think that a person who has lost or never had some particular function or ability is sub-human or a non-person, and therefore without all rights. People without the ability to function in a particular way as defined within the theory ruling over that society are then discarded, whether through a concentration camp, abortion, euthanasia, or some other means.

The second serious problem that arises from both individualist and collectivist theories of the origin or source of human rights is that human rights are seen as alienable. This is closely related to the problem described of functional dehumanization. When the American Declaration of Independence claimed that people are endowed by their Creator with inalienable rights, a very important claim was being made. This is that certain basic rights cannot be lost, whereas rights that are alienable can be lost or given away. In some varieties of seventeenth and eighteenth century philosophy, the individual was seen as the source and owner of rights, but these rights could be given away in exchange for security, since the rights were alienable. Once these rights were

given away to the sovereign, or so it was claimed, the individual no longer had any rights over against the sovereign state, which begins to lay the theoretical foundation for totalitarianism.¹¹ This made the claim that some rights are inalienable very important.

The third type of answer to the question of the source of human rights is to say that rights come from God. This is, of course, the classical Christian point of view seen in the great Christian thinkers, based on the biblical account of humans being created in the image of God. This point of view is also seen, more or less, in many of the deist thinkers of the Enlightenment, who tended to selectively accept some ideas from classical Christianity, in so far as they related to political ethics.¹² This point of view claims that human rights come from God without regard to functions or abilities a person may or may not have, and that some basic rights cannot be taken away by the State or Society. There is, thus, an ultimate guarantee of the value of each human life, such that an attack on a person is ultimately an attack on God. It is best to interpret the classical Christian understanding of the value of human life as a gift that comes from God that is therefore extrinsic to the person and not to talk as if humans have some inherent or intrinsic dignity or value. Helmut Thielicke coined the term „alien dignity“ to describe how Christians should see the value of each human life.¹³ Contained within this term is a reference to the classical Reformation theology of salvation that used

the term „alien righteousness;“ this term means that Christ’s righteousness is accounted to the believer as a gift that comes from outside the person and is, in a sense, alien to a person’s status as a sinner. In an analogous manner we see the dignity of each person as a gift that comes to each person because of how God sees that person.

History would indicate that one does not necessarily need to be an orthodox Christian to say that human rights come from God, even though the belief in the dignity and value of a person that comes to political expression in the discussion of human rights is rooted in the biblical belief system. The choice of Thomas Aquinas to include his discussion of human rights within his discussion of the natural moral law is an indication of his intuition that the awareness of the value and rights of people is rooted in God given practical reason as well as being rooted in the biblical account of creation. The awareness of the value and rights of humans given in nature is strengthened and renewed by the deeper awareness of the value and rights of humans given by grace in special revelation and redemption. For this reason it is possible for the perception of and concern for human rights to flow out from the believing community into the secular community. Nevertheless, the full explanation of the value and rights of men and women is given only in the biblical account of creation. And if western culture is in a status of metaphysical despair, without an account of human dignity, value, and rights, the

time may be ripe for a theory of human rights firmly rooted in classical Christian thought to flow into the broader stream of western culture.

3 What Rights Do People Truly Have?

The discussion of human rights starts to become much more specific when one begins to ask what rights people really have. The answers one hears about what rights people have seem to be partly dependent on one's theory about the origin of those rights. Thus, writers who think that rights come from the State or from Society will be inclined to think people have whatever rights the State or Society provides, which tends to lead to very short, limited lists of human rights. And writers who claim that rights come from the self tend to write as if we have as many rights as we want, which tends to lead to wildly exaggerated lists of supposed rights, that may resemble a child's Christmas wish list. These opposing tendencies may make particular human rights claims sound arbitrary and therefore not worthy of serious consideration.

As an example of this problem one can look at the United Nations „Universal Declaration of Human Rights.“ Parts of this document seem to be worthy of serious consideration. Article 4 claims, „No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.“ One can seriously hope that people of

good will say „of course.“ But article 25 claims, „Everyone has the right to a standard of living adequate for the health and well being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.“ Statements like article 25 may easily discredit most claims to violations of human rights, for suddenly it sounds like there is a moral equivalency between a government not providing very high unemployment benefits and a government selling people (or allowing people to be sold) into slavery. Article 25 sounds like a wish list for a comfortable society that arises out of the assumption that we have as many rights as we want because rights come from the self. It bears repeating that such arbitrary claims to unlimited rights can easily discredit the entire effort to seriously consider human rights.

A good way to begin considering what rights people have is to go back to the view of the person in classical Christian natural law theory, in which classical human rights theory is rooted. Thomas Aquinas and the other classical Christian ethicists saw the person as naturally living with a number of moral obligations which are rooted in the requirements of practical reason and every day life. From this one can easily conclude that people have rights to do the things they are morally obligated to do. Our rights correspond to our moral duties.

Specifically, people feel a moral obligation to speak, worship, assemble, work, raise a family, educate their children, and so on, leading to rights to do these things. These matters could be designated our „primary positive rights.“ In order to protect such primary rights, we need to have many specific legal arrangements and principles, matters like fair trials and a principle like „innocent until proven guilty.“ These could be called procedural rights that protect primary and basic rights. And the term „basic rights“ could be used to designate those things that are presupposed in our moral obligations, things like rights to life, liberty, and the pursuit of happiness. Obviously, basic rights must be protected in order to allow people to exercise their primary positive rights.

Some further illustrations may be in order. In the realm of work, the result of this type of human rights theory would be the following: Obviously a wise government will follow well considered economic policies that promote the availability of good jobs, but there is no basic injustice, no violation of human rights, unless government interferes with a person’s moral obligation to work. In the realm of education: Obviously a stable government and healthy economy require a well educated population, so the government has a legitimate interest in both elementary and higher education. But individuals, families, and local communities feel strong obligations to speak their mind, practice their religion, and educate their children in light of their own convic-

tions and beliefs. Thus, there is a violation of human rights if any government carries out its proper obligations in a manner that prevents individuals and families from carrying out their moral obligations.

Observations

This general approach to human rights theory is clearly rooted in Christian ethics, however it is a set of ideas that could probably be appropriated by people who may not share those Christian beliefs. It is possible that this way of talking about human rights could cross over from the Christian community into our wider political culture and provide additional clarity about one of the fundamental problems of politics.

Annotations

Anmerkungen

¹ Much of the content of this article was first presented as a special lecture at the European Humanities University in Minsk, Belarus in 1996. This article is written in honor of my brave colleagues from EHU who have struggled to gain protection for basic rights in the face of grave personal danger. It was my privilege to serve with them as a Visiting Professor, sponsored by the International Institute for Christian Studies, 1994–96.

² Quotation from Alia Hogben in „Moslimvrouwen en Canada vrezen shariarechtbank“ by Marjon Bolwijn in de Volkskrant, June 15, 2005, p. 4.

³ Some of this history is told by Max L. Stackhouse in *Creeeds, Society, and Human Rights: A Study in Three Cultures* (Grand Rapids: Eerdmans, 1984), especially chapters two and three. A concern to protect human rights within secular society should probably be seen as a result of God's common or civilizing grace, which must be clearly distinguished from God's saving or special grace in Christ. As has often been mentioned by theologians studying God's common grace, there is some type of cooperation between common grace and special grace, since there is a unity within the eternal plan of God. Such common, civilizing grace has allowed many moral beliefs and theories to arise within the Christian community and then find further reception and application in wider circles of political culture. See especially J. Douma, *Algemene Genade: Uiteenzetting, vergelijking en beoordeling van de opvattingen van A. Kuyper, K. Schilder en Joh. Calvijn over 'algemene genade,'* (Goes: Oosterbaan & Le Cointre B. V., 1981).

⁴ For more on how the theology and philosophy of law synthesized by Thomas can be appropriated within Protestant ethics see Thomas K. Johnson, *Natural Law Ethics: An Evangelical Proposal* (Bonn: Verlag fuer Kultur und Wissenschaft, 2005).

⁵ Thomas Aquinas, *Summa Theologica*, question 96, article 4. The translation used here is that of Manuel Velasquez (Copyright 1983), an excerpt

of which appears in *Ethics: Theory and Practice*, edited by Manuel Velasquez and Cynthia Rostankowski (Prentice Hall, 1985), pp. 41–54. The quotation is from pages 52 and 53. The choice Thomas made to locate his discussion of human rights within his discussion of the natural moral law indicates that he saw human rights as an organic part of natural law philosophy.

⁶ Helmut Thielicke, *Theological Ethics, Vol 2: Politics*, edited and translated by William H. I Lazareth (Grand Rapids: Eerdmans, 1979), pp. 230, 231.

⁷ As quoted in David A. Noebel, *Understanding the Times* (Summit Press, 1991), p. 512.

⁸ As quoted in Noebel, p. 533.

⁹ Paul Kurtz, *Forbidden Fruit* (Buffalo: Prometheus Books, 1988), p. 196. Quoted in Noebel, p. 510.

¹⁰ See Michael Tooley, „In Defense of Abortion and Infanticide,“ in *Applying Ethics*, edited by Jeffrey Olen & Vincent Barry, (Wordsworth, 1992), pp. 176–185.

¹¹ The classical representative of this point of view is Thomas Hobbes, *Leviathan* (1651). In his philosophy human rights arise from the self and are transferred to the Sovereign, showing that individualism and collectivism are not truly polar opposites, as is usually claimed.

¹² Good examples would be the political philosophy of John Locke and Thomas Jefferson, which led to the American Declaration of Independence.

¹³ Helmut Thielicke, *Politics*, pp. 305 and 393; also elsewhere throughout his works.

The Author

Über den Autor



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