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Grounding Human Rights

Two Christian Models

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In this paper I explore two Christian models for grounding human rights. In section one I briefly explain the context for my exploration, including my motivation for this project. Section two looks at the first model, which grounds human rights in the idea that human beings are created in the image of God. Section three looks at the second model, which grounds human rights in the anticipation of an eschatological community. The final section revisits the two models from new perspectives, illustrating other options and choices that are involved in the project of grounding human rights.

1. Principled Pluralism

My exploration of human rights will be done in a context I call here “principled pluralism.” I will first examine what this context involves. I see human-rights-talk as a heuristic device for articulating basic concerns about justice and expressing moral disapproval of practices that unjustly harm human beings. A great pragmatic benefit of human-rights-talk is its proven track record of influencing public opinion and motivating determined, coordinated activism despite very deep theoretical disagreements surrounding issues of normativity, human nature, and metaphysics. A pluralism of worldviews is an inescapable feature of the world today. One reason for the success of human-rights-talk under the conditions of pluralism is that it does not

depend for its persuasiveness on deep agreement as to what exactly grounds those human rights. So, for example, people of faith and unbelievers who do not agree as to *why* human beings possess rights can join together in common cause when they see those rights violated.

In taking this pragmatic attitude towards human-rights-talk, my position can be contrasted with the rights theorist who sees human rights as somehow inscribed into the very firmament of moral reality. I see the chief virtue of human-rights-talk as its effectiveness, not its literal representation of moral truths. At this point, however, my position may seem pluralistic but hardly principled. Why, one may ask, is it important to think about ‘grounding’ human rights at all, if the final justification for human-rights-talk is pragmatic? One answer to this question is that the various grounding models that can be given from human rights can influence what we mean by human rights and what sort of activities can count as a human rights violation. Perhaps the following example will make my point more clear. Consider the United Nations’ Universal Declaration of Human Rights.¹ Technically, every member nation has agreed to uphold this declaration as a treaty obligation. Of course, we all know that these obligations are not enforced, and that some of the most egregious abusers of human rights give lip-service to this document. But suppose for the sake of argument that the United States is a nation that seriously aspires to follow the dictates of international law and uphold its obligations. It is perhaps too easy to point out that current U.S. policy in the “war on terror” regularly violates Articles 5, 6, 8, 9, 10, and 11 (as well as, probably, others). As much as this should worry us, my current concern is actually rather different. Consider, for example, Article 23: “Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.” Or Article 25: “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.” Perhaps even more surprising is Article 24: “Everyone has the right to rest and leisure,

including reasonable limitation of working hours and periodic holidays with pay.” I suspect that most Americans would be quite surprised to learn that we are obligated to respect *these* rights.

Part of the reason for the surprise and consternation these rights produce is that many Americans think about rights fundamentally in *negative* terms: I can respect another person’s rights simply by doing nothing (by refraining from harming that person). But if a fellow citizen has a right to a basic level of housing, medical care, and the like, then in some circumstances I can only respect that right by actually doing something (typically by means of public assistance financed through taxes). Those rights are *positive* rights. For the moment, I don’t wish to enter into the longstanding debate between those who insist that rights should only be negative and those who think that positive rights can also be legitimate. My point now is just this: how one thinks about grounding human rights can greatly influence what one takes human rights to be.

This sort of consideration had lead me to the view that we should reflect upon what grounds our human-rights-talk, with a critical eye towards advantages and disadvantages to the various approaches. I don’t expect that this reflection would lead to a strong consensus. However, it could help us better understand the issues involved. My presentation of specifically *Christian* grounding models should be understood in this light. I don’t mean to suggest an imperialistic thesis that human-rights-talk ultimately make sense only from a Christian perspective and that all other attempts to ground human rights are flawed. I present *Christian* grounding models because I believe that Christians who enter public debates or even mass action should do so reflectively, and that Christianity has significant resources for thinking about this issue. (Some of these resources may be shared with various other traditions; some may not.) Also, the very fact that I’m presenting two Christian models for grounding human rights should suggest that there is not a single Christian view here. Indeed, within the Christian community I think we can find a pluralism of views much like the pluralism between faiths. Once again, however, a recognition of this pluralism does not render the grounding of human rights irrelevant.

There might be a different sort of objection to this project. Some might believe that the idea of human rights requires no grounding at all. So Robert Nozick *begins* his libertarian manifesto with the bold assertion that “Individuals have rights, and there are things no person or group may do to them (without violating their rights)” (Nozick ix). By this approach, our thinking about justice, politics, and the proper rule of law must *begin* with the notion of human rights. Rights themselves are the grounds; there is no need to look for grounds beneath the grounds. Human rights are in some epistemic sense “properly basic.” Without taking the time to construct a refutation, I will simply report that I find this view remarkably unconvincing. I don’t see how we can responsibly claim that our thinking about justice can just *begin* with a fully developed understanding of such rights. Indeed, my thumbnail criticism of Nozick’s book is that the most objectionable conclusions he draws simply follow from the questionable assumptions he builds into his idea of rights without an adequate grounding account. In similar fashion, the Jeffersonian claim from the Declaration of Independence² that certain truths about rights are “self-evident” is wonderfully stirring rhetoric (as Jefferson well knew) but dreadfully inadequate philosophy (as I think Jefferson knew as well). It may well be true that the unalienable rights of human beings include life, liberty and the pursuit of happiness, but it is anything but self-evident. Rather it requires a whole complex context of historical, social, and intellectual formation to see these issues in the light that Jefferson intended. (My use of Jefferson here may be somewhat unfair. After all, in the very sentence to which I refer, Jefferson suggests a kind of “grounding” for his rights, namely that they are “endowed” by the creator. Jefferson is unclear as to whether the self-evidence refers simply to the rights he mentions or to his grounding account. My point, however, is to highlight an approach to rights that is not uncommon even today.)

Now two brief points of clarification: First, when I talk about “grounding” human rights, I mean articulating a larger or deeper context of principles (grounds) in which human rights could be better understood. I do not mean (as the language might otherwise suggest) the project of constructing an argument that is meant to persuade someone not already convinced of the appropriateness of human-rights-talk. (My more limited sense of grounding may well be useful

for the more ambitious project of constructing such an argument. I do think that it is important to engage skeptics of human-rights-talk seriously. But that is not my present task.) Secondly, when I talk about a “model” for grounding human rights, I have in mind a broad classification which could include many distinct ways of grounding human rights. I believe there is some benefit in stepping back to look at the issue with this broad perspective, but, of course, it will not be fully adequate. The devil, as they say, is in the details, and my reflections here can at best serve as prolegomena for many more detailed analyses of more concrete proposals.

2. Created in the Image of God

The first model for grounding human rights that I will examine here may strike some as being so obvious as to require little articulation. Indeed, it may be so deeply embedded that even suggesting an alternative model sounds paradoxical. In what follows, I will attempt to trace a line of thought in the tradition of this model that strikes me as typical. This is a view that is more frequently presupposed than articulated or defended. In aiming for a version of this view that is more or less representative, I am not necessarily providing the strongest possible formulation. Please note that this is not for the purpose of setting up a straw-man argument. Later, I will revisit the idea with suggestions which (in my view) make the model more promising. As I trace this line of thought, also note that I am not attempting to mold this into a deductive argument. At each stage, there are alternate paths that could be taken, some of which may be interesting and insightful. For now, however, I only have space to mention a very few of these.

One way to approach the model is as follows: Every human being is created in the image of God. As a bearer of God’s image, each individual is entitled to moral respect. By this way of thinking, a violation of human rights is at a more basic level an insult to God’s dignity. For a slightly different twist, one might claim that violations of human rights demean the holiness of God’s image in the *perpetrator* and thus call for a response.

At least one critical question can already be raised. The idea that human beings are created in the image of God is a rather curious doctrine. While the church has always maintained *that* humans are created in God's image, it has never insisted on any particular way to understand *what that means*. What is the image of God in us? Some would argue that this refers to the capacity of humans to be creative (after all, in the Biblical passages preceding Genesis 1:27, God is presented primarily as Creator).³ Others have identified the image of God with the human capacity for abstract reasoning, or love, or moral judgment. Sometimes it is identified with non-biblical ideas such as the possession of an immaterial soul or an adequate idea of God in our minds. Perhaps a conglomeration of suggestions already mentioned is plausible. The list could continue.

Do we need to settle this issue (what "the image of God" means) for this first model to work? If so, that would be unfortunate, because consensus on the meaning of this doctrine is unlikely. But perhaps it is unnecessary for the project of grounding human rights. The basic idea would be this: the mere fact *that* an individual is created in the image of God is a sufficient reason to treat that person with the respect that human rights require (no matter what it actually means to be created in the image of God).

I must report some philosophical discomfort with this approach: drawing such substantial and practical implications from an idea without being able to say (even in a general sense) what the idea means. Nevertheless, in this particular case, there may be some plausibility in doing just that. The prominence of the idea, given in the first chapter of Genesis, suggests that being created in the image of God is a significant fact about human beings. Regardless of what it actually comes down to, it strongly suggests God's special interest and concern for human beings. And this alone (according to the line of thinking I am now tracing) should be sufficient to ground a robust understanding of human rights.

Let us take a moment to quickly assess this grounding model as it has been articulated so far. Any worthwhile understanding of human rights should be genuinely cosmopolitan. This implies, first of all, that these rights must apply equally to all human beings. The image of God

grounding model scores well for this requirement: *all* human beings are understood to be created in the image of God -- *not* believers more than unbelievers, men more than women, religious leaders more than laity, or the privileged more than the destitute. While Christians arguably do at times exhibit biases in their concern for human rights, the image of God grounding model clearly does not justify such biased concern.

But a cosmopolitan theory of human rights should also suggest a kind of *community* I share with all other human beings. (To be cosmopolitan, after all, is to be a *citizen* of the world -- to share in a universal *polis*.) Does the image of God grounding model for human rights support this kind of community? As this model has been articulated so far, its adequacy on this point is not clear.

Allow me to approach this issue from a new direction. The image of God grounding model that we have been examining has an *individualistic* character. The human individual is understood as being created in the image of God. Views of human rights that valorize individuals tend also to stress negative rights while either neglecting or rejecting altogether positive rights (such as rights to education, employment, housing, etc., stated in the U.N. Universal Declaration of Human Rights mentioned above). Notice, however, that I am not claiming that the image of God grounding model *implies* that positive rights are to be rejected. While a correlation between the two views would not be surprising, one can imagine a person consistently wishing to extend positive rights to individuals *because* those individuals are created in the image of God and deserve our respect. Nevertheless, as we are frequently reminded by those with libertarian political leanings, the enforcement of positive rights (stigmatized as “entitlements”) always involves restricting the freedom (including property rights through taxation) of individuals (who are created in the image of God). In other words, libertarians would argue that in order to protect negative rights absolutely, we must reject positive rights altogether. This sort of thinking could underlie the general correlation I would expect between individualistic grounding models for human rights and the reduction of any rights to negative rights.

Is a tendency towards individualism a benefit or disadvantage for a human rights grounding model? There are differences of opinion on this question. It may be clear from my comments above that I would see it as a disadvantage. However, my view may be out of sync with the most common American views, which tend to be extremely individualistic. (Hence the surprise and consternation many Americans feel when they actually read the UN Universal Declaration of Human Rights.) Backing up a bit, many who would expect that an understanding of human rights must be individualistic would reject my standard stated above that an adequate understanding of human rights must be linked to a cosmopolitan community. This is an important but difficult issue, which I cannot hope to settle here. For now, I will simply write that I am persuaded by Marx's analysis when he argues that an individualistic understanding of rights, while universal in form tends to legitimize just those social structures of competitive egoism that contribute to the oppression of the least advantaged within a society (Marx and Engels 41–43).⁴ In any case, while I recognize that many will not be persuaded that there is a need to find a more community-oriented model for grounding human rights, this is precisely my motivation for suggesting the second model to be examined in this paper.

3. Anticipation of an Eschatological Community

Now we move onto less familiar territory. Unlike the prior section where I examined a model that seems to be often presupposed if only rarely articulated, the current section aims to begin to articulate a model that could provide an alternative to common ways of thinking about human rights. As I have mentioned, the motivation for this model is an attempt to work out a way to ground human rights from a Christian perspective which gives due weight to the importance of community in understanding human rights. This does not mean, however, that I am aiming for a model that marginalizes the interests of individuals. It is not my position that the community can arbitrarily make use of individuals or dictate to individuals the rights that they

may enjoy. Rather, I believe that human beings can only flourish in the context of a community. People are best off when this is a community structured by justice. Thus we do not help individuals by a concept of human rights that enshrines individual liberty at the cost of reducing human community to the self-interested interactions of isolated monads. Rather, I think that while human rights are intended to protect individuals, they are best understood as embedded in communities which also impose responsibilities upon their members.

Be that as it may, let us examine the second model. The cosmopolitan nature of Christianity is best understood as an outcome of the universal invitation of the gospel message. Nobody is excluded from the invitation because of gender, social status, or ethnic / national background. The goal of this invitation is for the members of a divided humanity to be united in Christ: “There is 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” (Gal 3:28 NRSV). Of course, the new community, the Kingdom of God, is not truly universal (by most Christian accounts): new distinctions are made (between “sheep” and “goats,” etc.). But let us focus on that moment between invitation and consummation. Here we see a hope that all will respond to the vision of God’s kingdom. The second model uses this moment of universal hope to ground human rights.

Here is one way the model could be worked out: I owe every other human being the respect that constitutes human rights because they have been invited into the Kingdom of God, and my primary calling is to serve and support this kingdom. By this model, defending human rights is an act of hope, an anticipation of an eschatological community.

What would be the effect of this model on the issue that I have mentioned throughout this paper: whether or not positive rights are allowed in addition to negative rights? As with the first model, the second model does not dictate a single answer for this issue. At least to the very general degree that I have worked out the second model so far, one can imagine a person who accepts this model either holding that human rights include both positive and negative rights, or holding that human rights must only be negative rights. However, unlike the first model, the second model does not (as far as I can see) bias the issue towards the view that only negative

rights are to be granted. (I suspect that there is a bias in the opposite direction: towards granting both positive and negative rights. However, it would take much more detailed analysis to defend that judgment.)

Let us examine some other concerns that might be raised about this model. First of all, consider the requirement that human rights be universal. As we already saw, the image of God grounding model for human rights scores well with that concern. There is a basic and straightforward sense that *all* human beings are created in the image of God, thus any rights that are grounded in being created in God's image will necessarily apply to all human beings. The anticipation of an eschatological community model, however, may be vulnerable to some serious concerns on this score. Note that this model was deliberately constructed to pass this test. We should not ground human rights immediately in the community of God's kingdom, for example. We don't want to suggest that Christians have a greater claim to human rights than non-Christians. It is crucial for the very notion of human rights that they extend to all human beings. This is why this model is based upon the *invitation*, which is universal, rather than the actual kingdom. Still, while the model does sidestep the direct charge that it does not apply to all human beings, I don't think that we can entirely dismiss the worry that it could foster unequal application of human rights norms in practice. So, for example, if I am making choices that concern the human rights of a hardened criminal -- or, let's say, a terrorist -- supposing I have no realistic expectation that this person will ever respond to God's invitation to a peaceable kingdom -- and perhaps, like Jonah, I secretly hope this person will reject God's offer of mercy -- in that situation, won't I be tempted to convince myself that respect for human rights need not apply in this case? Of course, no matter what model for grounding human rights, the temptation will be there. But perhaps the model of anticipating an eschatological community provides fewer resources for resisting that temptation than other models.

Another concern comes from the opposite side, so to speak. Some may worry that this model for grounding human rights may reveal a bias toward universalism (that God's kingdom will ultimately include everyone), which most Christians reject for theological and Biblical

reasons. This is not the place for a sustained discussion of the various kinds of universalism that have been defended. In response to this concern, I will simply say this: while there may be reasons that a Christian universalist would find this second model particularly attractive, this does not imply that this model lends any particular support to universalism, as long as we are careful (as stated above) to keep the invitation distinct from the community itself.

4. Variations and Complications

So far, I have briefly explained two Christian models for grounding human rights claims. Even in this brief space, I have tried to illustrate how each model has strengths and weaknesses (keeping in mind that not everyone will agree as to what is a strength or weakness). I have also tried to illustrate how the model we use will have an impact upon what we understand human rights to be (whether or not there can be positive rights). Consider now the context of “principled pluralism” with which I opened this paper. Ultimately, I don’t think we have to settle upon a single model for grounding human rights to defiantly defend against all competitors. If working through these models assists individuals in clarifying their own views and recognizing the consequences of various commitments, then the exercise is worthwhile. And I firmly believe that as Christians, we should think through this issue from specifically Christian perspectives, always keeping in mind the fact that any adequate understanding of human rights must be universal in application.

To re-situate this discussion in the context of principled pluralism, it may help now to show that the models which I have articulated are quite flexible. So for example, while differences between the models have already been mentioned, we can also construe the models as overlapping significantly. Recall that the first model grounds human rights in the fact that human beings are created in the image of God while the second model sees the universal scope of human rights as a reflection of the Kingdom of God’s universal invitation. But what if these

two notions were brought together? Perhaps the universal invitation is itself simply based upon the fact that everyone is created in the image of God. Or perhaps being created in God's image just means that one is created with the purpose of joining God's kingdom.

Clearly both of these suggestions are quite speculative. I'm not suggesting that there is any simple way to bring these two models permanently together. Even if one is inclined to find such a deep unity between the two models, there still may be reasons to emphasize one model more than the other. My point is simply to illustrate the flexibility that these models have.

I will close this paper with another suggestion. One feature of the first model is that it emphasizes the fact that it is the *individual* human being that is created in the image of God and consequently grounds human rights. (Some may see this as a strength of the model; I tend to see it as a weakness.) But why should we see the image of God as fundamentally subsisting in the individual? I articulated the model in those terms because that seems to be the most common way American Christians today think about being created in the image of God. Might there be other ways to consider this theological issue?

In my discussion of the doctrine of the image of God above, I suggested with some reservation that the model be worked out without specific reference to what it means to be created in God's image, but merely from the fact that human beings are created in God's image. Perhaps now it is time to try to say just a bit about what it means to be created in God's image. I recognize that Christians can legitimately disagree about this, so whatever I say could be rejected by some. But given the context of principled pluralism, this is not necessarily fatal.

Christians believe that God is a Trinity. The one God exists in three persons. The three persons of the Trinity form, we might say, an ideal community. Now human beings do not exist as trinities, but perhaps part of what it means to be created in the image of God is that human persons, like the Divine persons, are never fully separable. Perhaps the image of God is more manifest in human communities than human individuals because God himself is a community. Consider again the Biblical passage: "So God created humankind [Adam] in his image, in the image of God he created them [him]; male and female he created them" (Gen. 1:27; bracketed

terms are more literal translations of the Hebrew supplied by NRSV footnotes). While this passage is not necessarily Trinitarian, the last phrase (“male and female he created them”) suggests that the image of God is found in something other than the isolated individual. (Indeed, in one sense it refers to the entire community of human beings living at that moment.)

I don’t claim that these reflections are decisive. Many other ways of understanding what the image of God might mean are quite plausible. Rather, I hope these reflections suggest new ways to think about how being created in God’s image can call us to authentic communities, including the cosmopolitan community that sustains concern for human rights.

Notes

¹ This document is available online at <<http://www.un.org/Overview/rights.html>>.

² This document is available online at
<<http://www.yale.edu/lawweb/avalon/declare.htm>>.

³ Mystery writer Dorothy Sayers famously defends this view (Sayers).

⁴ Marx is often taken to be rejecting here the very notion of rights, but it is clear from the way he begins his analysis that he is challenging just that understanding of rights that separates us into isolated monads rather than those rights exercised “as a member of a community” (Marx and Engels 41).

Works Cited

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Sayers, Dorothy L. The Mind of the Maker. London: Methuen & Co., 1941.