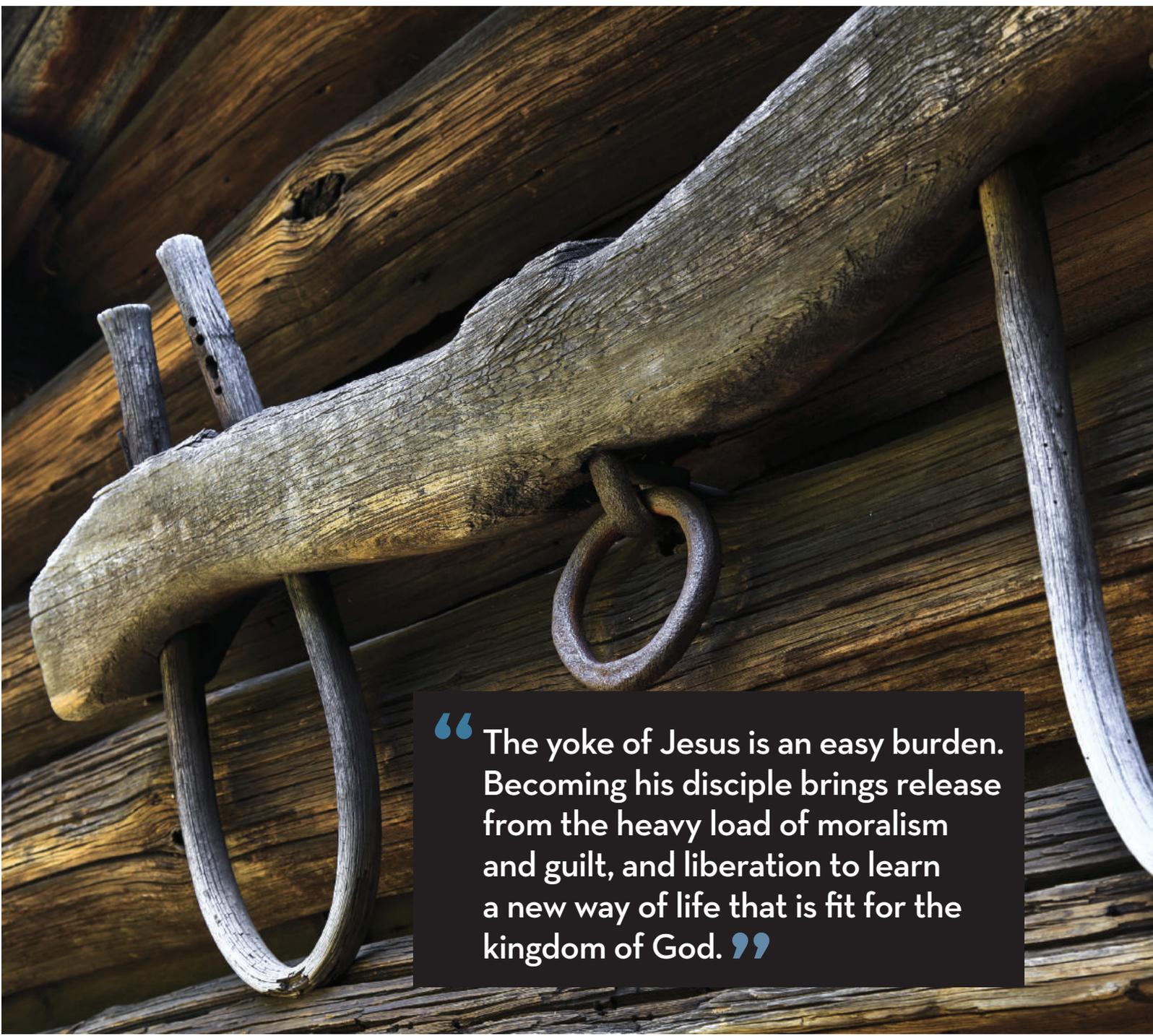


VINE JOURNAL

APRIL 2016

ISSUE 3

A close-up photograph of a wooden yoke, a traditional agricultural tool used for pulling a plow or cart. The yoke is made of thick, weathered wood and features a metal ring for attachment. It is resting on a wooden surface, possibly a table or a workbench. The background is a blurred wooden wall.

“ The yoke of Jesus is an easy burden. Becoming his disciple brings release from the heavy load of moralism and guilt, and liberation to learn a new way of life that is fit for the kingdom of God. ”

Anyone who follows me must lay down his rights

SAMUEL FRENEY

Nearly every contested ethical dilemma or cause in our world is framed in terms of ‘rights’—whether the right to choose, or the right to die, or the right to marry. But how should we approach the subject of ‘rights’ as Christians?

Rights in conflict

I’ve been noticing how public appeals to ‘rights’ and ‘justice’ are becoming more common. In fact, there seems to be few ways of speaking that are more persuasive than bringing up language of rights, justice, or fairness. The thought that somehow I might end up denying something to someone else—something inherent to their very person—is a powerful way of making a claim to a situation or relationship.¹

*All the great social protest movements of the twentieth century in the West employed the language of rights. They employed other language as well; but the language of rights was prominent in their vocabulary because, in general, it proved the most powerful.*²

This language is not only persuasive, however, but increasingly pervasive. Respect for human rights is “the language of the international community”—despite wide variation in actual observance.³ This tendency very often results in one set of rights being played off against another in public ethical discourse. In this essay I want to investigate the way we as a community use the language of ‘rights’, especially in tricky situations where rights come into conflict. We’ll look at some of the arguments by Christians for and against this way of pursuing ethical discussions, and what a Christian response might end up looking like.

So, on to some of the ways that rights come into conflict. In the abortion debate, for example, the woman’s right to self-determination regarding reproduction is placed in opposition to the right of the

1 Readers of *The Briefing* may remember an article on ‘rights’ by George Athas back in 2013: ‘What’s wrong with rights?’, *The Briefing*, no. 407, 2013, pp. 22–27. That article planted the seeds of this essay for me, although I end up approaching the question in a bit of a different way to Athas.

2 N Wolterstorff, *Justice: Rights and Wrongs*, Princeton University Press, Princeton, 2008, pp. 2–3.

3 ED Reed, *The Ethics of Human Rights*, Baylor University Press, Waco, 2007, p. 23.

unborn foetus to life.⁴ The gun control debate is framed on both sides with an appeal to rights, notwithstanding the dubious legal support for such claims.⁵ This framing of moral and political questions is not limited to the US: Australia recently set itself to revoke government welfare for those who exercised their ‘right’ not to vaccinate their children, and introduce legislation allowing childcare centres the ‘right’ to refuse service to those who had done so.⁶

When rights claims are explicitly in conflict, is there a hierarchy we can use to adjudicate?

What is interesting about these examples is that they have a very similar form to the popular expression of the right being claimed. Regardless of their general political/religious/social position, however, very few people would hold to them all consistently.⁷ On the one hand there is a common thread of the right to liberty: reproductive rights, the right to bear arms, and the right to choose vaccinations are all individual rights that claim freedom to determine one’s own path (often based on protecting oneself and/or family from an external threat to safety or livelihood). The opposite side in each of these cases defends the rights of a third party, generally powerless children, for a public good. Despite these superficial similarities, however, it is rare to find

someone who supports a woman’s right to abort and also the right to bear arms.

Firstly, we need to note that the legal and political debate about rights in general is exceedingly complex, and is only more so in the details of particular situations. Some rights are ‘inalienable’: that is, they are so important that they cannot be denied or limited under any circumstances, even in emergencies.⁸ Others can be restricted to achieve overriding objectives such as public order, national security, public health, the rights of others, and so on, but only for very powerful reasons.⁹ In situations where rights claims are explicitly in conflict, is there some sort of hierarchy that we can draw up to adjudicate between them? This is exactly what takes place in some cases, but is problematic in others.

Regarding the abortion debate, the conversation is often about the validity of the rights being claimed. The 1948 Universal Declaration of Human Rights was not initially proposed as a legal instrument, but has since then gained acceptance and enforceability through a series of other conventions and documents.¹⁰ There is little consensus on either side, however, about whether abortion is good for women or whether the foetus has moral value.¹¹ The legal decisions in the US have tended to found the right to abortion on the general right to privacy, and the right to personal liberty, although religious freedom has also been sought as a ground by which the government is forbidden from endorsing

4 R Cook & R Pretorius, ‘Duties to implement reproductive rights: the case of adolescents’, in L Dennerstein & M Baltes (eds), *Women’s Rights and Bioethics*, UNESCO, Paris, 2000, p. 175; CR Kaczor, *The Ethics of Abortion: Women’s Rights, Human Life, and the Question of Justice*, Routledge, New York, 2011, pp. 93, 103.
 5 DG Savage, *The Supreme Court and Individual Rights*, CQ Press, Washington, 2009, p. 254.
 6 See, for example, D Robertson, ‘Vaccination is a community responsibility to keep all our children safe’, *Sydney Morning Herald*, 13 April 2015.
 7 I am again indebted to Athas for pointing out the common ground of the first two of these three examples in ‘What’s wrong with rights?’.

8 RJ Cook, BM Dickens & MF Fathalla, *Reproductive Health and Human Rights*, Oxford University Press, New York, 2003, p. 157.
 9 PS Wenz, *Abortion Rights as Religious Freedom*, Temple University Press, Philadelphia, 1992; Cook, Dickens & Fathalla, p. 157.
 10 Cook & Pretorius, p. 176.
 11 Kaczor, p. 9.

any religious belief.¹² The religious belief in question here is the personhood of a foetus, before any kind of performance of human characteristics is possible.¹³

The argument being made for abortion is that the human genetic code is a necessary but not sufficient condition for personhood. Personhood itself must be determined on other grounds.¹⁴ To simply assert that personhood begins at conception is a religious argument, which therefore cannot be enforced. The rights of the woman override any presumed rights of the foetus, as the latter is not (yet) a person.

The pro-life side declares that a foetus is indeed a person in its essence, and its right to life trumps any exercise of liberty of the mother.¹⁵ Both sides, therefore, are claiming a hierarchy of rights to further their case. The problem here is that the language of rights has become *the* way to talk about and (hopefully) resolve the issue, removing other ways of approaching the discussion:

*Once one has allowed that rights language is determinative and more basic than all other language then it seems one has very little resource to challenge the logic of those who claim the right to abortion as the kind of freedom good societies ought to provide.*¹⁶

The gun control issue, on the other hand, is commonly phrased as being concerned with legally granted rights, although experts tend to agree that this is a misunderstanding of the

legal provision.¹⁷ The National Rifle Association, for example, “relies heavily on an individualist view of the Second Amendment” in its campaigns for the purpose of arguing that any effort to restrict access to firearms by citizens is an infringement on the Constitution.¹⁸ This is a commonly accepted view of the legal protections of the Bill of Rights, despite the fact that the Supreme Court has repeatedly turned down appeals that cited the Second Amendment to challenge convictions on gun possession charges.¹⁹ The opposition to ‘gun rights’ both question the right itself, and claim a separate set of rights that they argue supersede the personal liberty to own firearms. Stark, for example, argues that the “right to bear arms” is not “fundamental”, so it does not have overriding importance;²⁰ Wheeler bolsters this position by asserting that the right to not be violently assaulted *does* qualify as a fundamental human right.²¹ Here again we have a hierarchy being asserted (fundamental right vs. non-fundamental).

Now to how a Christian worldview may or may not apply. Today’s human rights legislation functions in the absence of any theistic authority, and as we have seen is often hopelessly confused and at odds with itself.²² An ethical framework based on human rights appears to be incapable of resolving tensions between different

12 Wenz, p. 248.

13 Kaczor, pp. 93, 103.

14 Wenz, p. 172.

15 For a summary, see M Hill, *The How and Why of Love*, Matthias Media, Kingsford, 2002, p. 215.

16 S Hauerwas, ‘On the right to be tribal’, *Christian Scholars Review*, vol. 16, no. 3, 1987, p. 239.

17 Note here that this discussion is of a slightly different order to the preceding: it is about *legally granted rights*. One does not have the right to bear arms because of one’s humanity; it is only available to citizens of the United States of America. This right is (arguably) granted by the Constitution, not creation.

18 RJ Spitzer, *The Right to Bear Arms*, ABC-CLIO, Santa Barbara, 2001, p. 73.

19 Savage, p. 254.

20 CA Stark, ‘Fundamental Rights and the Right to Bear Arms’, *Criminal Justice Ethics*, vol. 20, 2001, p. 25.

21 SC Wheeler III, ‘Gun Violence and Fundamental Rights’, *Criminal Justice Ethics*, vol. 20, 2001, p. 19.

22 Reed, p. 3.

sides that claim their position in terms of fundamental rights. What hope do we have of reconciliation between the parties in these discussions? What can Christians say about the rights being claimed?

In this essay I am concerned less in teasing out detailed ethical positions on particular issues (abortion, gun control, vaccination), preferring to use them as a foil for a broader examination of the language of rights itself. Does the New Testament give us grounds for adjudicating between rights claims, or even of making appeal to rights in moral reasoning in the first place? Do we have grounds for offering reconciliation in such a conflict? We will first consider the arguments of two ethicists in particular on the place of rights in Christian moral reasoning, then how the concept weaves through the New Testament. We will then be in a position to say something about how we might approach these charged arguments where rights are in conflict, and, hopefully, say and do something distinctively Christian in response.

Wolterstorff vs. Hauerwas

In order to begin adjudicating whether one set of rights can be placed over another set—if indeed that is something we ought to do—we must carefully consider what a proper framework of rights may be, and if it is right for a Christian to hold to it. Stanley Hauerwas and Nicholas Wolterstorff are two scholars who have written extensively on this subject. Because they come down on opposite sides of whether rights are the best (or even a good) way of pursuing justice, they are useful conversation partners in assessing a rights framework from a Christian perspective.

Wolterstorff sees rights as a critically important moral category, because they enable us to identify wrong and therefore to pursue justice. If we were to lose the language of rights “we would no longer have available to us the language for calling attention to the moral significance of how we and others have been done unto, the language for calling attention to the fact that someone has been wronged”.²³ Drawing on his own Christian background, he takes it as a given that justice is something for which Christians ought to strive, for although Scripture does not explicitly account for its importance it speaks often and emphatically about the need for justice.²⁴ Wolterstorff’s primary thesis is that justice is grounded on inherent rights—other ways of speaking about moral obligations and relationships do not exhaust the ways that we ought to seek justice.²⁵

He’s not unaware of challenges to this, of course. Some of the opposition comes from those who argue from the basis of how social dynamics tend to function. As he puts this objection: “rights-talk expresses and encourages one of the most pervasive and malignant diseases of modern society: possessive individualism”.²⁶ Countering this, Wolterstorff sets up his definition of rights as those goods to which individuals or groups have a claim, in the context of a relationship to another.

In other words, you have the right to be treated a certain way, based on the relationships you have with others. Rights

23 N Wolterstorff, *Journey Toward Justice: Personal Encounters in the Global South*, Baker, Grand Rapids, 2013, p. 54.

24 *Ibid.*, pp. 69–70.

25 Wolterstorff, *Justice*, p. 4.

26 *Ibid.*, p. 3. See also the discussion in O O’Donovan, *The Desire of the Nations: Rediscovering the Roots of Political Theology*, Cambridge University Press, Cambridge, 1996, p. 248.

are “normative social relationships”.²⁷

Rights, he says, “have sociality built into them”.²⁸ They are claims to goods in one’s life—that is not to say I have a right to *anything* good, but that a right is a good to which I have a legitimate moral claim.²⁹ And these claims are inherently social, because enjoying what you have a right to, or being deprived of what you have a right to, are social engagements.³⁰

‘Rights’ that are in the category of ‘human rights’ are most easily seen in these terms, although Wolterstorff helpfully shows that this is true of other rights too.³¹ Certain rights are situational or relational, not universal. If I am mugged, I have a right that my possessions be returned, and my attacker face the legal consequences. No-one else has that right in the same way I do. The reason I have that particular set of rights is due to the circumstances and relationships in which I have been placed. This is of a slightly different order to my right to life, or indeed my right to not be physically assaulted in the first place. That right is true of everyone, because of our common humanity.

So rights are those claims a person has *in relation to others*. Because it’s necessarily social, Wolterstorff argues this works against the claim that rights-talk tends towards individualism. This isn’t a given, however. In fact, because of the relational opposition set up (she has a claim against him), the individual character of rights may well be emphasized. Seeing this as a danger, and seeking for a consistent

and solid ground for rights, Wolterstorff argues that they are *best* grounded in the worth of a human being as one who is made in the image of God.³² Jesus, for example, suggests that humans have greater worth than birds; Wolterstorff takes the reason for this to be the image-bearing of God.³³

These different rights (situational or universal) are ultimately treated in the same way, for the same reason: we accord to human beings great respect, because we recognize the worth inherent in being human.³⁴ If we are to do what we all do relatively intuitively—judge that someone has been treated disrespectfully—he argues that we recognize three things: (1) human beings have non-instrumental worth, and by implication they have moral rights; (2) some of our actions have relevance as to whether or not we treat others as being of a certain worth; and (3) those actions may or may not actually fit the worth of the other.³⁵ In other words, we recognize the inherent worth of others, which provides a ready argument for how we should justly treat them: they have rights, as do we. Furthermore, the worth of others is best seen when we consider them as bearing the image of God, co-creations of the Almighty.

Certain rights are situational or relational, not universal.

27 Wolterstorff, *Justice*, p. 263.

28 Wolterstorff, *Journey Toward Justice*, p. 44.

29 N Wolterstorff, ‘Christianity and Social Justice’, *Christian Scholars Review*, vol. 16, no. 3, 1987, p. 212; Wolterstorff, *Justice*, p. 5.

30 Wolterstorff, *Justice*, p. 286.

31 *Ibid.*, pp. 137–39, 313–16.

32 What exactly it is that constitutes “the image of God” has long been a contested issue. Is it our created purpose, the authority conferred over creation, our rationality, our relationships, or something else entirely? For our purposes here this is a sideline issue: we share the image of God (whatever it happens to be) and thus our rights are grounded in the worth that is common to all humanity. It may be relevant in considering the rights of humans in relation to animals; for a discussion on this see S Hauerwas and J Berkman, ‘The chief end of all flesh’, *Theology Today*, vol. 49, no. 2, 1992, p. 199.

33 Wolterstorff, *Justice*, p. 131.

34 *Ibid.*, p. 296.

35 *Ibid.*

Stanley Hauerwas does not disagree that image-bearers of God have inherent worth. He does, however, take issue with the assumptions that ‘justice’ is something that Christians should spend energy pursuing, and that rights are a self-evidently good way of grounding moral action: “It is my contention that the current emphasis on justice and rights as the primary norms guiding the social witness of Christians is in fact a mistake”.³⁶

Part of the problem, as he sees it, is that ‘justice’ is both vague and variously defined—that is, it is a term that is applied to all manner of circumstances, from personal relationships to natural disasters, and the accounts of justice in these various situations rest on a host of political and cultural presuppositions.³⁷ As Forrester puts it:

*It is not really true that “nobody knows what justice is”. The problem is that there are too many different conceptions of what justice is, and many of them are only too clearly ideological weapons.*³⁸

When Christians build their ethic around language of ‘rights’ and ‘justice’, therefore, they are importing philosophical categories that are incompatible with the biblical story.³⁹

“Inalienable rights”, says Hauerwas, are founded on “the false presumption of Enlightenment individualism” and are opposed to a proper theological understanding of what it is to be a

creature, subject to the designs of the Creator.⁴⁰ That is, we are not our own. We don’t believe we have the right to do whatever we want with our bodies—as members of the church we belong to one another.⁴¹ There are no absolutely private acts, nor inalienable rights.⁴² Adopting the language of rights (when they are not framed in terms of duties and goods) has a necessary individualizing tendency, because of the assumptions built into such language.⁴³ He recognizes Wolterstorff’s objection to atomistic rights and the attempt to place them in a social context, but argues that because of our cultural, political, and moral context they cannot help but be captured by individualism: “Contemporary political theory has tended to concentrate on the language of rights, not because we have a vision of the good community, but because we do not”.⁴⁴

So the church, far from being the kind of community that he argues it ought to be, capitulates to the legal-philosophical language of the prevailing culture. Even with theistic presuppositions, Christians pursuing justice on the basis of rights in the public sphere end up with “the contemporary equivalent of a natural law ethic”, arguing that there is some sort of universal ethic in abstraction from the

36 S Hauerwas, *After Christendom? How the Church Is to Behave If Freedom, Justice, and a Christian Nation Are Bad Ideas*, Abingdon Press, Nashville, 2011, p. 46.

37 *Ibid.*, p. 47.

38 DB Forrester, ‘Political justice and Christian theology’, *Studies in Christian Ethics*, vol. 3, no. 1, 1990, p. 12. Hauerwas cites this article approvingly in *After Christendom*, p. 175.

39 Hauerwas, ‘On the right to be tribal’, p. 240.

40 S Hauerwas, ‘Abortion, theologically understood’ in J Berkman & M Cartwright (eds), *The Hauerwas Reader*, Duke University Press, Durham, 2001, p. 608.

41 S Hauerwas & R Bondi, ‘Memory, community and the reasons for living’, *Journal of the American Academy of Religion*, vol. 44, no. 3, 1976, p. 447.

42 Hauerwas, ‘Abortion’, p. 609. He quotes a Jewish colleague approvingly: “Any religion that does not tell you what to do with your genitals and pots and pans cannot be interesting”.

43 Hauerwas, ‘On the right to be tribal’, p. 240.

44 *Ibid.*, p. 238.

community of the church.⁴⁵ Because the state has the power to act on issues of perceived injustice, Christians place their confidence in it, not the church.⁴⁶ This step also moves Christians' ethical action away from the gospel message.

In summary, Wolterstorff argues that the worth of another is grounded in the image of God, and that recognition of this worth entails respecting the rights the other has, ensuring we act justly in our relationships. Hauerwas thinks this project tends necessarily towards individualism, the loss of the centrality of the church in Christian life and witness, and that "the first thing as Christians we have to hold before any society is not justice but God".⁴⁷ Both of these constructions are worth bearing in mind as we turn now to select New Testament passages, for while the language of rights and justice is not alien to the New Testament, neither is setting aside those rights in order to pursue a different set of goods in community.

Rights in the New Testament

The two different classes of rights—those that result from circumstances or relationships, and those that are inherent to all humanity—are useful when considering the ways that the concept of rights and justice are evident in the New Testament; we find both.

Considering circumstantial claim-

rights, we have examples such as Paul's word to married couples, that they give to each other their "conjugal rights" (1 Cor 7:3).⁴⁸ In the case of my marriage, for example, my wife has certain rights to my body that no-one else has, because she is in this particular relationship to me. Paul speaks to both the Corinthian and Thessalonian churches of the right he could have insisted on among them to support his ministry (1 Cor 9:12; 2 Thess 3:9). This too is a relationally-bound right: it is not available to anyone without distinction, but only to those who perform a certain role in the context of a particular relationship. Paul's language to Philemon regarding Onesimus, although it does not contain the specific vocabulary of rights, is nevertheless replete with this relationally-bound concept of specific claims. Paul suggests his own relational authority but does not stand on it: "though I am bold enough in Christ to command you to do what is required, yet for love's sake prefer to appeal to you" (Phlm 8-9). He also refers to what Philemon could reasonably demand of Onesimus given their personal history: "If he has wronged you at all, or owes you anything, charge that to my account" (Phlm 18). In each of these situations, the New Testament allows that the category of claim-rights in particular situations can be valid.

So too for more general or universal rights. First Corinthians 8-10 is an example of rights that are not restricted to a particular relationship. Anyone has the right to eat, for food will not make us acceptable to God (1 Cor 8:8). Paul talks

45 S Hauerwas, 'On keeping theological ethics theological' in J Berkman & M Cartwright (eds), *The Hauerwas Reader*, Duke University Press, Durham, 2001, p. 71; S Hauerwas, 'A Christian critique of Christian America', in J Berkman & M Cartwright (eds), *The Hauerwas Reader*, Duke University Press, Durham, 2001, p. 471.

46 Hauerwas, *After Christendom*, p. 68.

47 Ibid.

48 Interestingly, while the ESV has 'conjugal rights', the NIV has 'marital duty'. Although a considerable amount of debate on rights language is bound up with whether rights always have concomitant duties, in this case there is clear relational reciprocity. See Wolterstorff, *Justice*, pp. 264-84.

about “this right of yours” (1 Cor 8:9; cf. 1 Cor 9:4), which is not contingent on a particular relationship or state of affairs. Anyone is free to claim this right.

We can go further in affirming the category of rights from the New Testament in tracing out the worth of humanity in God’s sight. Our redeemed humanity is foundational to the worth we accord to one another: the rights we claim for ourselves and others are founded on our identity in Christ. We can begin sketching this picture with the egalitarian nature of the gospel—not that we are without any difference, but that we have an equal dignity in the redemption of humanity by the cross. Despite having all been dead in our sins, God raised us up with Christ (Eph 2:1-6). And this is not an exclusive gift to Israel: those who are Gentiles by birth, formerly excluded from the covenants of promise, without God and hope in the world, have now been

Our redeemed humanity is foundational to the worth we accord to one another.

made one with Israel (Eph 2:11-12, 14, 19). We begin to see here the astounding dignity afforded to us by God—citizens and family members who are given every blessing in Christ, the one who is himself the very image of God (Eph 1:3; Col 1:15). This gift and worth is not based on status or race, on personal history or family ties. There is no distinction, for all fall short and are justified in Christ by faith (Rom 3:22). Our new identity in Christ is founded on our *common and redeemed* image of God, so that in Christ there is no Jew or Gentile, slave or free, male or female (Gal 3:28). We have been given the right to become children of God (John 1:12) not because of gender, ethnicity, status, or circumstances, but through receiving and believing in the Word of God, the incarnate Christ.

This brings to a head the story of justice that has woven its way through the history of God’s people. The prophets’ incessant demands on Israel to show justice to the downtrodden, to show mercy to the widows and orphans, to show kindness to the alien and stranger—these were not simply because they reflected God’s love for humanity, and not simply because they were the right thing for them to do under the law (although both are true). Justice for the oppressed was an act of remembering God’s salvation of Israel, for they were once in the same position in Egypt (Deut 10:18-20). The dignity of humanity in God’s sight and the justice that ought to be observed by God’s people is therefore because God considers his people worth saving, shown nowhere more clearly than in the sacrifice of Christ for us (Rom 5:8; 1 John 4:9-10).

This brief sketch demonstrates that we can reasonably talk about the worth of another human being, and the respect that we therefore ought to accord to them, on the basis of the dignity of their created-ness. Wolterstorff’s formulation is correct at this point: whatever rights we accord to another, it is because of the worth they have as image-bearers of God. Yet his construal is not quite full enough as far as the scriptural witness goes, for the redemption and vindication of humanity is in the true image of God, the Lord Jesus Christ. This doesn’t preclude those outside the church from having dignity and worth—the *telos* of humanity is redemption, vindication, and transformation in the death and resurrection of the Son of God.⁴⁹ True moral knowledge is therefore “in Christ”—that is, understanding the end for which we were created—but ignorance

49 O O’Donovan, *Resurrection and Moral Order*, 2nd edn, Apollos, Leicester, 1994, p. 56.

of that good goal does not make the objective reality of the created order and God's plan in Christ any less true (cf. *all things* on heaven and earth are being brought together in Christ, Eph 1:9-10).⁵⁰

We are not done, however, with our examination of rights in the New Testament. For while these types of rights are *recognized*, they are not always *applied* in the way they are in modern discourse. When it comes to rights that we actually have (as opposed to rights that we ought to have but are denied), the picture is striking. Almost every instance of claim-rights surveyed above results in the waiving of those rights, at least for a time.

Paul does not insist on his right to be provided with help, but freely proclaims the gospel so they might hear and have a model to imitate (1 Cor 9:12, 15, 18; 2 Thess 3:9). Although he is a free man, Paul makes himself a slave to all in order to win as many as possible (1 Cor 9:19). Far from insisting on his rights, he disregards them entirely. Rather than making use of his right to assert his authority over Philemon, Paul prefers to appeal on the basis of love (Phlm 8-9). He recognizes the right of the Corinthians to eat, but warns that the free exercise of that right ought not be a stumbling block for those of weak conscience, and to waive that right if this is a danger (1 Cor 8:9, 10:24, 32). Philippians 2 is a useful summary of this line of thought: if we do indeed have unity in Christ, then even the rights we ourselves have because of our humanity and identity in Christ can be set aside. We ought to consider others as more important than ourselves, for Christ did not consider his equality with God something to be grasped, but became a servant, obedient even to death

on a cross (Phil 2:3, 6-8). Although there are valid rights we can claim, we ought to seek not our own good, but the good of others (1 Cor 10:24). The consistent pattern in the New Testament is one of setting aside valid rights for the good of another.

There are times, of course, where Paul *does* stand on his rights. In Acts he appeals to his status as a Roman citizen, ultimately appealing to Caesar to determine if he had done anything deserving of death (cf. Acts 21:39, 22:25, 23:27, 25:11). Setting aside his rights in this instance would not have been a comparable case to the others just considered, as it would not have been an instance of seeking their good over his own. In fact, insisting that they not flog him and kill him enables him to continue to proclaim the gospel to everyone involved—Paul is holding out God in Christ before his society.

This suggests that not only does the New Testament provide grounds for rights-language, but also that there are times when it is appropriate to make use of rights and argue for them in the face of hostility. Grounding human dignity and respect for others in the way we have sketched here means that the language of human rights is at least based on a valid foundation—the New Testament witness does not destroy rights as a moral category. We have room, in other words, for recognizing the legitimate claims of image-bearers of God in certain situations to rights that are being denied. The civil rights movement in the US, for example, was not about a *conflict* of rights, as our examples earlier are. It was an entirely legitimate claim on the part of African-Americans to the right to be treated as human beings, with the same respect as white Americans:

⁵⁰ Ibid., p. 85.

Some of the Southern slave owners of the nineteenth century appear to have believed that their slaves had few if any rights; it was quite okay to deal with them entirely in terms of expediency. Many of the Nazis thought of the Jews the same way. Stalin seems to have thought of most Russians this way.⁵¹

That is, the oppressors in the situations above tended to de-humanize their opponents, denying them the dignity and worth they ought to have given. Now, whether or not those rights have properly been recognized, or whether legal recognition of rights was the best path to follow is not the issue; the salvation history of the Scriptures, focused on the redemptive work of Christ in fulfilling the goal of our creation, gives us ground for declaring that recognizing another's dignity and worth is *right*.

In many situations, however, the pattern of the New Testament suggests we might best lay down our rights for the good of the other. The instructions to married couples in 1 Corinthians 7 has principled reasons for *both* laying down and standing on one's marital rights. It may be appropriate to waive the right each partner has to the other's body for the sake of their godliness—i.e. that they might devote themselves to prayer. Yet this is a temporary measure, and again for the sake of godliness they should not forsake the rights of the other, so that they will not burn with lust. In this case both the setting aside of rights and the proper claiming of rights is done for the good of the other and the relationship. Our attitude to rights needs to be a principled one, with the good of the other in light of the gospel of Jesus as the motivating factor.

⁵¹ Wolterstorff, *Justice*, p. 318.

Love in conflict

We find in the New Testament, therefore, warrant both for recognizing and claiming rights, and also for waiving rights we already have. The moral vision of the New Testament is bigger than the claims of rights, for their existence is not the only determinant of action. This means that language of rights, in and of itself, is insufficient for Christian social ethics—we need a more encompassing explanation.

In one sense this is self-evident from the situations where rights clash: a larger framework is required to at the very least adjudicate between conflicting claims, if not to change the grounds of the debate to something more fruitful. In any case, there is no *necessary* reason why evangelical ethics must be expressed in the language of rights—it may well be useful at times, but there is no binding commitment to the language coming from the theology of the New Testament.⁵² Jesus's death and resurrection, however, is the event that provides us with just such a larger framework for evaluating rights claims. For in his sacrifice we not only see the dignity and worth bestowed on humanity by God in redeeming us from sin and shame, but also the example *par excellence* of laying down one's rights for another. The self-giving love of God, evident in Christ, is the pattern of self-giving love for the good of the community. Fairness is not enough: justice as fairness must be placed in a framework of justice as loving generosity, marked by mercy and forgiveness.⁵³ Love is a better foundational principle for justice than individual rights.

⁵² Reed, *Ethics of Human Rights*, p. 40.

⁵³ DB Forrester, *Christian Justice and Public Policy*, Cambridge University Press, Cambridge, 1997, pp. 233–234.

In cases of conflicting rights claims, we may do well to say that the language of rights fails us (in that there are unresolvable conflicts) and that the pattern of love provides a way forward. The case of abortion rights in opposition to the right to life of the unborn is an interesting case to consider here, because the right to life of the foetus is not actually ours to waive. We can, however, lay down other rights for the good of others (such as legal rights, and the right to privacy), and to therefore demonstrate and argue that love for another is a better foundation for the debate, and a better pattern for everyone to follow. What would the situation look like, for example, if Christians throughout the country (and the world!) said to any and every family considering an abortion that they would forgo their own financial advancement and security, and their rights to privacy, and open their homes and lives to these families? That they would sacrificially support the mother in every way they could, and the unborn child before and after birth in whatever situation ended up eventuating? That they would lay down their own 'rights' to live their lives in the manner of their own choosing, and welcome others into their lives because they were radically committed to the good of the other person?

This is short on detail, partly because it is subject to an almost infinite number of circumstantial variations. The pattern of ethical behaviour given for us in the New Testament, however, allows for us to exercise our moral imagination, and to be creative about the ways that we extend

love to the communities around us.⁵⁴ The difference between this conception and the current situation is one of community involvement, and of shifting the conversation away from the adversarial language of rights. Rather than insisting on legal (and political) rights in the public sphere, we would extend love in personal relationships. In particular situations it may well be little different—these are not necessarily mutually exclusive options—but the primacy of love in our moral reasoning ought to be determinative of our action.

What this approach does is shift the discussion from the rights an individual has to the kind of life a community ought to have when it is shaped by mutual love. After the pattern of Jesus, who took the station of a servant in sacrifice, we as the church can demonstrate that there is a better way of seeking justice than only having recourse to rights language. The requirement for this to happen, of course, is that actual communities need to seek to love real live individuals—this takes it from the realm of abstract concepts, or nationwide legal codes, to the particulars of community relationships. In other words, it will be a difficult road for the church to follow, but one that champions the dignity of humanity, demonstrated by the salvation wrought for us in the sacrifice of Jesus. Setting aside our claims to individual rights in order to better love others follows the pattern of the one who died to redeem us, and who was raised to give us lives to live in service of one another. ▣

54 K Cronin, *Rights and Christian Ethics*, Cambridge University Press, Cambridge, 1992, pp. 19, 115.