

Response to Commentators By Nicholas Wolterstorff

Let me begin by thanking Kathryn E. Godfrey, Roy W. Howard, John C. Sawyer, and Gregory Stanton, for their reflective responses to the talk I gave at the recent convocation of the Reformed Institute, “Can Human Rights Survive Secularization?” Initially I thought that I would take up their responses seriatim; but since the same themes occur in several of them, I have decided instead to proceed topically. I trust they will forgive me if I have misunderstood them.

In my talk I took for granted that every human being, just by virtue of being a human being, has a dignity shared with none of the animals, a dignity such that certain ways of treating that human being are impermissible on the ground that they do not befit a creature of such dignity; they would only befit a creature of less worth. I also took that for granted in my book.

Or to be more precise, neither in the talk nor the book did I give an argument for that thesis that all reflective people will find compelling; for I know of no such argument. I did give an argument that those who accept Christian Scripture as authoritative should find compelling.

Given my belief that there is such a dignity, my main project in the talk, and in Chapters 14 through 16 of the book, was to ask what it is about human beings that accounts for their all having that dignity. I argued that Jews, Christians, and Muslims can account for that dignity but that no secular account has been successful, nor is it likely that any ever will be.

I sense that at least three of my respondents are uneasy, to varying degrees, with this line of argument. Stanton asks, “In a secular world, can we justify the universality of human rights without appealing to religious faith?” Wouldn’t it be desirable to show that the person who denies human rights is engaged in contradiction? Godfrey says, “Using the pluralist lens that dominates thinking in the global age, I have to wonder if locating the origin of human rights in scripture begs the question of whether these texts fundamentally and universally establish human rights or whether they are one among many vehicles capable of expressing a powerful meta-narrative that lies beneath the level of language. The Judeo-Christian narrative is indeed powerful – for those of us already fluent in it, but what power does it hold to persuade one who is not?” And Howard says, “We live in a time in which moral narratives are in conflict with one another; some would argue that it is no longer possible to presume what Wolterstorff asserts as universally true. The large story which encompasses all people of all cultures of all time has given way to the local narrative that takes account of the nuances of cultural practices. These stories contest with one another and their worth is proven by the practices that flow from them.”

I interpret all three of these passages as expressing basically the same unease. My grounding of human rights is a parochial grounding – a *religiously* parochial grounding. As such, it has no purchase on those who do not accept the theological premises to which I appeal; and as such, it raises the question whether one can legitimately move from the parochial character of the grounding to the claim that human rights are objective and universal.

Let me employ a bit of philosopher’s jargon at this point. Suppose we distinguish the *ontology* of the situation from the *epistemology* of the situation. I hold it to be a matter of objective reality that every

human being has certain rights just by virtue of being a human being; that's the ontology. But I do not have an argument for that thesis that all mature reflective human beings will find compelling; that's the epistemology. I do have an argument that all mature and reflective Jews, Christians, and perhaps Muslims should find compelling; but I do not have an argument that all mature and reflective human beings in general will find compelling.

This sort of thing happens all the time in philosophy: the philosopher claims something to be true without supposing that he has an argument for its truth that everybody should find compelling. I am well aware of the fact that some philosophers (deconstructionists, for example), and probably a good many laypeople, think that if one can't support some claim with an argument that all mature reflective human beings will find compelling, then one cannot hold that the claim is objectively true. But this is just fallacious. The truth of the matter is one thing. Whether or not we can find universally compelling arguments for that truth is another thing. And be it noted that deconstructionists claim that deconstructionism is the objective truth of the matter even though most philosophers do not find their arguments for that position the least bit compelling.

Given the presence among us of so many who deny objective human rights – Marxists, anarchists, postmodernists, deconstructionists – wouldn't it be desirable to do better? Wouldn't it be desirable to have a universally compelling argument? No doubt it would. Stanton mentions that his former teacher at the University of Chicago, Alan Gewirth, thought that he could show that the person who denies a certain range of fundamental rights is caught in logical incoherence. That would be great if it worked. In my book I argue that it doesn't.

I think we all have to face up to the fact that whereas a theological argument for human rights is available, there is no successful secular argument; and I think all of us who believe there are human rights should have the courage to declare that the absence of an argument for this thesis that everybody finds compelling does not cast doubt on the thesis – does not imply that human rights are matters of parochial social construction.

I don't myself like that this is how it is; I wish there were a universally compelling argument, or if not that, then at least one that I and some secularists could agree on. Godfrey asks, less for herself than for others (as I read her), whether it's really all that important that we have a grounding for human rights. Isn't it more important to get people to act on the conviction that there are human rights than have theorists spend time trying to articulate a basis for such rights? My reply is that action is not insulated from theory – or better, not insulated from conviction. I fear that if lots of people in our society find themselves at a loss to pinpoint anything about the Alzheimer's patient that gives her an inviolable dignity, many will begin treating her as if she doesn't have any such dignity.

Howard picks up on the fact that though I don't like the conclusion, I nonetheless do not find it depressing, since I don't think that Judaism, Christianity, and Islam are about to disappear from the face of the earth. Speaking rather ironically about my confidence, he says that it's as if I was "trying not to end on a down note, that all shall be well because God will make it well. For some unbelievers looking upon the demise of human rights around the world and listening to debates about torture, that hope may seem a bit romantic like the canary in a coal mine. . . I would like for [Wolterstorff's] defense of the inherent worth of humanity to take account of the possibility of competing moral arguments that are not so assured of human dignity nor sanguine about God embedded in the hearts of all."

I repeat myself when I say that I do not know of any such defense. There are no arguments that will persuade the confirmed secularist who doesn't believe in human dignity that he's mistaken about that; there is no way of knocking down all the "competing moral arguments." We have to live with that reality. In truth, we always have lived with it; this is nothing new.

Howard's worries about my position go beyond the shared epistemological worry that I have thus far been discussing. If I interpret him correctly, he doesn't like the whole idea of rights. "To assert my right," he says, is to claim my entitlement. That is not a problem with an abuse of theory, that is the natural outcome of the theory. Wolterstorff defends against the criticism that rights language leads to possessive individualism by claiming the practice is an abuse of the theory. *But if the theory has no consistent connection with the practices that flow naturally from it then what is the point?*"

The history of the West seems to me to show unmistakably that abusive paternalism "flows naturally" from the language of love, charity, and the like. In the days of apartheid, the Afrikaners claimed that they were acting for the good of the eleven or so different peoples that were to be found within the territory of South Africa. They were acting benevolently. They adamantly insisted that the situation be thought of in terms of benevolence, not in terms of justice. And they complained about the ingratitude of the so-called blacks and coloreds.

Each component of our moral culture is susceptible to its own particular sort of abuse; the language of love and charity is especially susceptible to abuse by paternalists. I do not propose discarding it on that account. If we discarded each part of our moral culture that proved susceptible to a particular sort of abuse, we would have no moral culture left.

The language of rights is peculiarly susceptible to abuse by possessive individualists. But rights-language as such has no more to do with possessive individualism than the language of love and charity as such has to do with abusive paternalism. As I noted in my talk, the canon (church) lawyers of the 1100's used the language of natural rights; they were not possessive individualists. And I also noted in my talk, John Chrysostom discussed the issue of poverty in terms of rights; but John was not a possessive individualist.

The language of love, duty, charity, and the like, is for bringing to speech that dimension of the moral order which pertains to what we do; the language of rights is for bringing to speech that dimension of the moral order which pertains to *how we are done unto*. Yes, it is for bringing to speech how I myself am done unto. But since each of us is only one among a multitude, it is much more for bringing to speech how all those others are done unto. The blacks and coloreds in South Africa used the language of rights for bringing to speech how they were done unto by the Afrikaners, and by the whites more generally.

What Howard finds missing in my argument is "any mention of gift, rather than right, as the basis for human worth and moral practice." "The language of rights produces a sense of entitlement. The language of gifts/Giver creates a sense of gratitude for what is given to the One who gives it all. For Christians, the basis of all life is found in the generosity of God who gives all good gifts, including the gift of life itself." Sawyer makes a similar point, albeit in somewhat different terminology. Against the background of the social nature of God and the fact the human family reflects that sociality, we should honor the "social economy of the divine family within our society" by viewing "others as end," being

“willing time and again to go the extra mile – to work hard, endure, even sacrifice – not as an end in itself but as a means to restoring love as equal regard.”

My main response to these points is that I view justice and rights neither as the totality of our moral framework nor as the most basic component thereof. Love is more fundamental than justice – which is why I am currently working on a companion volume to *Justice: Rights and Wrongs* that I call, simply, *Love and Justice*. Howard’s point is correct: none of us has a right to life; life is a gift. And the appropriate response to a gift is gratitude.

But I can’t drop the matter there. Love and rights are typically pitted against each other; I believe that that is profoundly anti-biblical. New Testament agape incorporates justice; it is not pitted against justice. Though agape goes beyond justice, it always does at least what justice demands. And justice is grounded in what respect for worth requires.

Recently I was sent a passage from the “Three Practical Discourses” of the early eighteenth century Pietist theologian, August Hermann Francke. It goes as follows: “Do but observe particularly, that there is not only nothing lovely to be found in man, the object of God’s love; but on the contrary, he is full of everything which may render him odious to the Lord, and bring upon him His just hatred and indignation. . . . yet even while he is in this deplorable state, the love of God begins its work, and calls upon man to return and be saved. Consider therefore, again and again, that the divine Lover is moved to love, not by any worth or dignity which He perceives in him whom He loves, but entirely and purely by the motive of his own inconceivable love and compassion.”

Now compare that to the passage from John Calvin that I quoted at the end of my convocation talk; Calvin is commenting on Genesis 9:6:

Men are indeed unworthy of God’s care, if respect be had only to themselves. But since they bear the image of God engraven on them, God deems himself violated in their person. Thus, although they have nothing of their own by which they obtain the favor of God, God looks upon his own gifts in them, and is thereby excited to love and to care for them. This doctrine. . . is to be carefully observed, that no one can be injurious to his brother without wounding God himself. Were this doctrine deeply fixed in our minds, we should be much more reluctant than we are to inflict injuries.

Francke says that there is nothing in us that moves God to love us. Calvin says that God discerns in us his own image and is thereby “excited” to love and to care for us; our bearing God’s image makes us “worthy” of God’s care. Whether those of us who are Christians believe in human rights depends in good measure on who we think is right on this point of dispute, Francke or Calvin.

If Calvin is right, as I hold he is, then we give thanks to God for having created as creatures of worth. And since my fellow human being has worth, she and God are both wronged if I fail to pay her due respect for that worth. She has a right to such respect. She is entitled to it. It’s because she has been gifted with God’s image and is loved by God that she is entitled to it.